



PRELIMINARY STATEMENT

A well-organised election day in a process marked by the exclusion of candidates and the null vote

Guatemala City, 27 June 2023

This preliminary statement of the EU Election Observation Mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including tabulation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date and will later publish a final report, including full analysis and recommendations for future improvements of electoral processes.

Summary

The 2023 general and PARLACEN elections have taken place in a context of a serious deterioration of the rule of law and the independence of the judiciary, together with severe restrictions on freedoms of expression and of the press. Controversial decisions by the Supreme Electoral Tribunal (TSE), the judiciary and the Constitutional Court (CC) led to unprecedented numbers of excluded candidates and lists, limiting the fundamental right to stand of some contestants, and are considered to have reduced genuine competition. Despite the context, voters showed their strong commitment to democracy and civic values by turning out to the polling stations to express their will in a well-organised election day.

With more than 98 per cent of the presidential vote counted, the null vote was the first choice in the presidential race. Sandra Torres (National Union of Hope – UNE) and Bernardo Arevalo (*Semilla*), will dispute the run-off, scheduled for 20 August. A record number of 28 parties and coalitions, and 22 presidential tickets contested the elections. The large number of candidates seeking re-election with a different organisation contributed to a fragmented party system and revealed the lack of solid ties of candidates to parties.

The legal framework provides the basis for holding democratic elections, but its arbitrary implementation contributed to a widespread distrust in the independence and impartiality of the TSE and the judiciary. Provisions on the non-registration of potential candidates who engage in campaigning outside the established period curtailed freedom of speech, narrowing the space for political debate.

Three presidential tickets, including a candidacy that was leading the polls, were disqualified due to allegations of administrative and legal infringements. In total, 12 per cent of the candidates were excluded, almost twice as much as in the 2019 elections, including the entire Citizen Prosperity (PC) party lists and the majority of PODER candidates. In addition, unclear deadlines for challenging the nomination of candidates and delayed court decisions undermined the principles of timely and effective remedy and equal treatment under the law.

The TSE's credibility was marred by reports of political bias and corruption published by international media as well as by organisations and parties across the political spectrum. Most parties and candidates mentioned that the lack of separation of powers and the gradual removal of checks and balances have led to the political capture of institutions and the use of the judiciary for political and electoral purposes.

Some TSE decisions demonstrated improvisation and a lack of authority in the preparation of the elections, with key initiatives that might have benefited the process were dropped following rejection by political parties. Positively, TSE staff, members of the departmental (JED) and municipal electoral boards (JEM) showed commitment despite difficult working conditions and the late disbursement of

funds at municipal level. A 36 per cent increase in the number of voting centres in rural areas improved polling opportunities for voters living far from the municipal capitals.

The voter register comprised 9,361,068 entries, almost 15 per cent more than in the 2019 election. Inclusion in the voter register requires the active application of the citizen, with 21 per cent unregistered among the voting age population, according to official data.

EU observers reported abuse of incumbency in a manner that benefitted *Vamos* in 17 out of the 22 departments throughout the campaign, unbalancing the level playing field. Distribution of food, money and gifts was assessed in 23 per cent of the observed campaign activities. EU observers also reported threats to candidates and election officials in several departments.

Restrictions to freedoms of expression and of the press limited voters' right to receive information. The persecution, indictment and sentencing of critical journalists constituted an intimidating environment for the media. This resulted in self-censorship and limited journalists' access to information and their freedom to report during the electoral period. Media coverage of candidates' activities was pluralistic, often accommodating and lacking criticism.

Apart from a general campaign spending cap, the TSE set no limit to campaign spending for online paid advertisement, leaving room for unequal opportunities for parties to promote themselves on social media. Malicious actors distorted the information ecosystem by disseminating misleading opinion polls and elements of coordinated inauthentic behaviour, including on election day. Despite identifying more than 150 cases of suspected violations to the regulatory framework for paid campaign online, the TSE established no sanctions, which questioned the effectiveness of the mechanism in place to ensure a level playing field among contenders.

Lack of gender parity and alternation provisions in the lists resulted in only 23 per cent female candidates, often occupying the lowest positions on the lists. There were only four women among the 44 presidential and vice-presidential candidates, one of whom reached the run-off. Although indigenous peoples account for 44 per cent of the population, there are no provisions to actively promote their political participation. Political representation of indigenous population is scarce. Positively, the TSE developed a protocol for transgender voters.

Election day was largely calm and generally well organised by the TSE. However, some episodes of violence broke out in several departments and the capital, with elections cancelled in one municipality. Opening, polling and counting procedures were positively assessed by EU observers in the 599 visited polling stations. The system for the transmission of preliminary election results (TREP) ran smoothly and positively contributed to build confidence in the elections.

The European Union Election Observation Mission (EU EOM) has been present in Guatemala since 11 May 2023 following an invitation from the Supreme Electoral Tribunal (TSE). The Mission is led by Chief Observer Jordi Cañas, member of the European Parliament (MEP) from Spain. In total, the EU EOM deployed 126 observers from all EU Member States, Norway and Canada to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Guatemala. A delegation of the European Parliament, headed by MEP Leopoldo López Gil, also joined the mission and fully endorses this statement. On Election Day, observers visited 599 polling stations across all 22 departments of Guatemala to observe voting and counting. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation endorsed at the United Nations in October 2005.

Preliminary Findings

POLITICAL CONTEXT

The current electoral process to elect a president and a vice president, the 160 members of the Congress, mayors, municipal councils and 20 members to the Central American Parliament (PARLACEN) was described as the most questioned and tense in 38 years of democratic governments. The unprecedented

number of null votes in the presidential race could be indicative of voters' disillusion with the political offers and the distrust in the TSE and the judiciary for their decisions on the registration of candidates.

A record number of 22 presidential tickets and 28 political parties contested the elections.¹ The choice of genuine alternatives to voters was significantly reduced by the disqualification of some critical political options with good electoral chances. Presidential candidates Sandra Torres, Zury Ríos (*Valor-Unionista*) and Manuel Conde (*Vamos*) worked closely together in Congress to support the administration of President Alejandro Giammattei (*Vamos*) during the current legislative period. Bernardo Arévalo (*Semilla*) appeared to have captured voting intentions and political support during the last days of the campaign as a candidate not linked to the government and allies in Congress.

78 per cent of deputies sought re-election, the majority of them with a different party than in 2019. This added to the confusion and uncertainty of voters and revealed the lack of solid ties of candidates to political parties, which are used essentially as electoral vehicles. A total of 144 out of 340 mayors that were elected for other parties sought re-election with *Vamos*, as they received advantages and financial support from the Government and were expected to secure votes for all *Vamos* candidates in return.

The main concern expressed by candidates was the lack of separation of powers, which led to the political capture of democratic institutions, including the TSE, and the judicial system for political and electoral purposes. EU EOM interlocutors reported recurrent allegations of corruption practices influencing the registration of candidates. Some political and electoral actors were subject to intimidation, including death threats, but they did not report most of these incidents in fear of reprisal or due to lack of trust in an effective remedy. Questionable legal actions eroded the rule of law and forced an increasing number of judges and journalists into exile in fear of persecution.

LEGAL FRAMEWORK

The Guatemalan legal framework provides the basis for holding democratic elections, but the arbitrary implementation of the law by the TSE, the judiciary and the Constitutional Court (CC) has led to significant limitations to the right to stand, the availability of timely and effective remedy for persons whose rights have been violated, and to serious restrictions on freedom of expression and access to information. These deficiencies have contributed to a widespread distrust in the independence and impartiality of the TSE and the judiciary.

The 2016 electoral reform introduced several significant improvements. It allowed Guatemalans living abroad to vote in presidential elections (in practice this only applied to voters in the United States), shortened the campaign period and provided for equal dissemination of campaign spots in the media. Nonetheless, the reform also introduced sanctions that are disproportionate to the severity of the offence, such as those on early campaigning, which can lead to non-registration. Months before the beginning of the election campaign, the TSE warned two potential candidates that their public activities could be labelled as early campaigning.² The EU EOM considers that warnings on early campaigning aimed to silence critical political voices, undermining freedom of expression and the right to stand for election.

ELECTORAL ADMINISTRATION

The TSE's credibility was marred by reports in the media of political bias and corruption, as well as by organisations and parties from the whole political spectrum, which compromised the integrity of the process.

An estimated 90 per cent of the members of the temporary departmental electoral boards (JED) and 80 per cent of the municipal electoral boards (JEM) lacked previous electoral experience. This unusually high replacement rate combined with a controversial implementation of the selection criteria of the new

¹ 41 per cent of parties were created after the 2019 elections.

² Article 94 bis, of the Election and Political Parties Law. [TSE Citizen's Registry reports 07/2021, 02/2022 and 03/2022.](#)

members generated mistrust amongst stakeholders. The EU observers noted contrasting levels of preparation for the elections among the different JEDs and JEMs, whose members showed commitment difficult working conditions.

The TSE established 24,427 polling stations in the country and increased the number of voting centres in rural areas by 36 per cent compared to the 2019 elections. This provided more opportunities for the exercise of the right to vote in remote locations, aiming to reduce traditional practices of voter transportation by parties. Out-of-country voters in the US voted in 158 polling stations in 17 locations.

The TSE engaged in an open policy and organised regular meetings with political parties. However, key TSE initiatives that might have benefited the process, namely on the transmission and aggregation of official results, were dropped following rejection by political parties. Decisions and agreements were not always published in a timely manner on the TSE website or social networks. EU observers reported that stakeholder meetings were conducted periodically at departmental and municipal levels. Funds for most JEMs were only allocated at the end of May, delaying the setting up of their offices.

Printing of over 50 million ballot papers represented a challenge for the TSE after the original planning had to be modified several times because of parties' request to include names of the congressional candidates and uncertainties as to the final list of parties and candidates (*see section Candidate Registration*). Low salaries, lack of trust in the election authorities and fear of electoral violence made it difficult for the JEMs to identify and appoint polling staff. Training of polling station members was assessed to be good or very good in two-thirds of the sessions that EU observers attended. The TSE demonstrated improvisation and a lack of expertise in its preparation of the official results management system, that was to be used by the JEMs and JEDs to transmit results after the completion of the counting procedures at the polling stations and to solve arithmetical inconsistencies in the protocols.

ELECTION TECHNOLOGY

The system for transmission and announcement of preliminary election results (TREP) aimed to provide transparency and increase public trust in the preliminary results process. Despite initial concerns, the TREP achieved its purpose (*see section Polling, Counting and Transmission of Results*). This was the first time the TSE outsourced the implementation of the TREP, which faced the challenges of a late tendering process questioned by political parties and other stakeholders. In addition, the project implementation agreements limited TSE's capacity to have real ownership of the system, despite being accountable for its performance. Nevertheless, in spite of the tight schedule TREP preparations were completed on time, including the deployment of the equipment and the training of the technical staff throughout the country.

The TSE conducted two large-scale results transmission mock exercises, raising confidence in the efficiency and reliability of the system. During the second exercise, results protocols were scanned and data entered, simulating all 3,482 voting centres in the country and in the United States. Political organisations and other stakeholders were regularly invited by the TSE to discuss the system, contributing to build trust in it.

VOTER REGISTRATION

The voter register comprised 9,361,068 voters, an increase of 14.9 per cent compared to the 2019 elections. This is equivalent to 79 per cent of the total voting age population.³ Women comprised 54.1 per cent of the registered voters and citizens between 18 and 25 years old accounted for 15.5 per cent of the voters. Registration to vote is not automatic. The voter register includes only 90,708 out-of-country voters in the USA, where an estimated 2.8 million Guatemalans live.⁴ While political parties received a copy of the voter list, there was no period of public display to allow for potential corrections after the

³ Source: Guatemalan Ministry of Foreign Affairs.

⁴ Source: Facts on Hispanics of Guatemalan origin in the United States. Pew Research Centre.

closing of the register on 25 March 2023, which is not in line with good international electoral practice. Under-registration affected young citizens in particular. Of the 4.03 million citizens between 18 and 25 who hold an ID card, only 1.45 million registered to vote, accounting for only 35 per cent of this age segment.

Some 40,000 members of Army and the Police have no voting rights, which is not in line with international and regional commitments. In addition, 94,250 citizens who turned 18 between the closing of the register and election day did not have the chance to register.⁵ Moreover, more than 10,000 pre-trial detainees were not provided with the opportunity to vote. Seeking to prevent changes of municipality with the aim to influence local election results, around 191,000 voters who changed their municipality of residence the year prior to the elections had to cast their votes in their previous municipalities. Finally, the TSE decision allowing voting with an expired ID card was a positive step towards enhancing voting opportunities. According to the Civil Registry (RENAP), around 6.6 per cent of the citizens hold an expired ID.

REGISTRATION OF CANDIDATES

The registration process of some candidates was subject to an arbitrary interpretation of the law by the TSE, the Supreme Court (CSJ) and the CC. This resulted in the disqualification of three presidential candidates: Carlos Pineda when he was leading the polls, Roberto Arzú (*Podemos*) and Jordán Rodas, from People's Liberation Movement, MLP.

The subjective criteria of "capacity, suitability and integrity" established in the Constitution and applied as a basic principle of candidate eligibility give the TSE and the judiciary broad discretionary power to adjudicate and reject candidacies, not always following the fundamental right to be elected as a guiding principle for their decisions.⁶ Based on these powers, the TSE disqualified several candidates for merely being charged with an offence, in violation of their presumption of innocence, while it registered other candidates with similar charges. On the contrary, the TSE interpreted the legislation on candidate registration in line with the right to stand by registering candidates with constitutional prohibitions. This was the case of Zury Ríos, affected by article 186.c of the Constitution, who was registered by the TSE before the CC finally confirmed her eligibility⁷.

Around 12 per cent of the applications for candidacy were rejected, almost twice as much as in the 2019 elections (6.9 per cent), including the entire PC party list and the majority of PODER lists. The EU EOM noted that the inconsistencies, ambiguities and gaps in the legal framework were applied to adjudicate or reject candidacies for political reasons. The EU EOM considers that the eligibility criteria lacked clarity and objectivity, and were applied inconsistently. The restrictions imposed on candidates based on grounds other than a final court judgment in criminal proceedings are unreasonable and do not meet Guatemala's commitments on political participation.

The law allows for challenges to candidacies at any stage of the election process by means of a writ of constitutional protection (*amparo constitucional*). Certain parties misused this legal mechanism for political purposes, obstructing the registration of rival party candidates critical of the Government and undermining legal certainty and credibility of the process. This prompted heavy litigation, with 285 annulment petitions filed with the TSE and 111 annulment appeals filed with the CSJ and the CC. The TSE generally respected the deadlines for adjudicating complaints, but the CSJ and the CC were prone to significant delays, with decisions being taken very close to election day. On 14 June, the CSJ ordered the reinstatement of the presidential ticket and of 375 candidates of the *Poder* party. The decision was challenged by the TSE before the CC, who sustained the appeal on 20 June, only five days before the elections. Late decisions on candidate registration are incompatible with the electoral timeframe and go

⁵ Source: RENAP

⁶ Article 113, Constitution of Guatemala.

⁷ *Cabal vs Zury Ríos*. Constitutional Court File 2065-2023 of 18 May 2023.

against the principle of providing timely and effective remedy, enshrined in the international and regional instruments ratified by Guatemala.

CAMPAIGN ENVIRONMENT

The campaign period started on 27 March and finished 36 hours before election day. *Cabal*, UNE, *Valor* and *Vamos* were observed to dominate the election campaign. Despite a generally calm environment as reported by EU observers, at least eight candidates were killed. EU observers also reported threats to candidates, as well as political and security tensions in several departments.⁸ Candidates had no limitations to campaign, enjoying equal rights to freedoms of assembly and movement.

An abuse of incumbency was evident throughout the campaign. The use of government programmes in a manner that benefitted *Vamos* was either observed or reported in 17 departments.⁹ The EU EOM observed 141 campaign events and reported distribution of food, money and party-themed gifts by ten parties, in particular by *Valor-Unionista* and *Vamos*, in 23 per cent of them, often targeting the most vulnerable communities. These practices are forbidden. Compliance was not enforced by the TSE.

Campaign messages lacked programmatic proposals. EU observers reported that *Valor-Unionista* mobilised the largest share of female and the smallest share of indigenous people, while the *Semilla* party rallies were attended by the largest share of youth.

Contenders at all levels campaigned extensively online, using both organic and paid content. Social media were used to publicly attack opponents with personal reciprocal accusations and to question the legitimacy of the elections. A smear campaign targeting especially Edmond Mulet intensified in the last weeks. Anonymous fake accounts were widely used to attack candidates and the TSE on multiple platforms with a clear intention to discredit competitors and undermine public trust.

State budget allocations for the 2023 public funding scheme for political parties fell short of the established amount. The TSE did not disburse available party and campaign funds proportionally among political parties to allow for genuine competition. This resulted in CREO, UNE, URNG-*Maíz* and *Vamos* not receiving any public funding in 2023, limiting the ability of smaller parties to campaign in contrast to the larger parties that received significant private funding and were less dependent on public financing.

MEDIA

The elections took place in a context of severe restrictions to freedoms of expression and of the press, and their consequent limitation on voters' right to receive information. The persecution and criminalisation of journalists based on arbitrary interpretations of the law by the Office of the National Attorney (MP) constitute an intimidating environment for the media that resulted in self-censorship, as reported by EU observers in 12 out of the 22 departments, and limited journalist's access to information and freedom to report during the electoral period. EU observers also reported direct threats to journalists in the departments of Escuintla and Sololá, and in Guatemala City.

The closure of the newspaper *elPeriódico* on 15 May, consequential to the financial hounding of the publication, the sentencing, indictment and the systematic persecution of nine of its journalists and columnists, seven of whom have gone into exile, represent a serious restriction to press freedom and a limitation of the range of information available for voters.

Media in general provided a pluralistic coverage of the electoral process and campaign activities. Main candidates and, to a lesser extent, minor ones had access to local and national newspapers, radio and TV

⁸ Seven cases of assassination and six cases of armed attacks.

⁹ A total of Q 340 million (EUR 40 million) extra public funds were allocated to the Senior Citizens Programme in April 2023 and announced to beneficiaries by President Giammattei in events across the country during the campaign period. In addition, social canteens, social vouchers, Temporary Programme of Integral Development for former combatants and municipal programmes were reported to be used for electoral purposes in 16 departments.

stations to present their proposals through forums and interviews. However, the coverage was mainly accommodating and often lacked criticism.

EU EOM's media monitoring findings show that four presidential contenders (Conde, Mulet, Ríos and Torres) received 56 per cent of the electoral coverage devoted to all presidential candidates on TV, whereas on radio and newspapers minor candidates were more visible.¹⁰ The tone of the coverage was mainly neutral for all presidential candidates, with Ríos and Conde benefiting from 21.3 and 15.7 per cent, respectively, of TV coverage in a positive tone. Remarkably, President Giammattei received 3.5 and four per cent of airtime on TV and radio, respectively, devoted to coverage of inaugurations and implementation of government programmes during the campaign period. This resulted in Giammattei receiving more coverage on TV than 12 presidential candidates, and more coverage on radio than seven presidential candidates. The campaign silence period was respected by the media outlets monitored.

Since the start of its media monitoring on 1 March, the TSE detected more than 230 violations of legal provisions on dissemination of parties' propaganda in the media, most of them in social media (*see Social Media section*). However, the TSE only had capacity to monitor 38 out of the 250 legacy media that broadcast and published parties' campaign spots and advertisements.

DIGITAL COMMUNICATION AND SOCIAL MEDIA

Facebook and TikTok were the prevalent online platforms for campaigning, with many perceiving Twitter as less effective to reach the electorate and more subject to manipulative operations by malicious actors linked to the "netcenters" system.¹¹ Content originally published on TikTok often migrated to other platforms, making it the most powerful digital campaign tool. Instagram proved to be an important source of campaign-related information, widely used by influencers and civil society organisations to promote live content with candidates on Facebook, TikTok, YouTube, Twitter and Instagram. WhatsApp was used by party members to disseminate campaign messages via national, regional and municipal groups, as well as to organise and mobilise around common issues and to discredit the election process. The EU EOM noticed scarce consideration for data protection matters by parties.

Narratives alluding to a lack of impartiality of the TSE magistrates, possible irregularities in the vote counting, as well as the alleged unreliability of the technological solution in place for the transmission of preliminary results were widely observed. These narratives contributed to create a climate of uncertainty and discontent around the elections, reinforcing a widespread perception of an organised nationwide fraud.

The EU EOM noticed that malicious actors used different techniques to distort the information ecosystem, including misleading opinion polls and elements of coordinated inauthentic behaviour. Dissemination of smear campaigns through paid content using recently created Facebook pages misrepresenting media sources were also observed. Despite sponsoring posts to discredit contestants' credibility through personal attacks, the anonymous nature of these pages weakened the voters' ability to discern their sources of political information to make a fully informed decision free from manipulative influence.

Apart from a general campaign spending cap applicable for all parties, the TSE set no limit to campaign spending for online paid advertisement, leaving room for unequal opportunities for parties to promote themselves on social media. Despite a requirement for parties to use only an official Facebook page

¹⁰ The EU EOM monitored electoral coverage by 13 national media outlets from 25 May until 25 June. Monitored media included Canal 3, Canal 7, Guatevisión, Canal Antigua, TV Azteca Guatemala, radio stations Emisoras Unidas, Radio Sonora, Radio Punto and Radio Nuevo Mundo and the newspapers Nuestro Diario, Prensa Libre, Publinews and Soy502.

¹¹ The so called "netcenters" can be defined as anonymous groups that create multiple fake accounts on social networks to push trending topics and drive the public opinion on online platforms. These accounts do not necessarily represent a physical person, nor a real opinion of the population.

registered at the TSE to purchase campaign ads and a prohibition to use personal pages, the EU EOM observed that 26 parties disseminated paid ads through Facebook pages, and 47 candidates used personal pages at least once, with Edmond Mulet being the presidential candidate spending the most by far through his personal Facebook page. The legal prohibition for anonymous propaganda was not respected. The EU EOM observed multiple violations of the election silence online by parties and opaque Facebook pages. Despite identifying more than 150 cases of suspected violations, most of them on possible infringements of the regulatory framework for paid campaign online, no sanction was established by the TSE during the campaign, which questions the effectiveness of the mechanism in place to ensure a level playing field.

PARTICIPATION OF WOMEN AND UNDERREPRESENTED GROUPS

Women

Only 9,488 candidates (22.9 per cent) registered for the general elections were women, often occupying the lowest positions on the lists. Among the 44 presidential and vice-presidential candidates, there were only four women, one of whom reached the run-off. There are no provisions for gender parity and alternation in the candidate lists. In addition, most political parties do not have internal quotas to guarantee political participation of women. UN Women and various Guatemalan women's organisations have unsuccessfully advocated for the introduction of mandatory gender quotas for elected positions. Only 20 per cent of the deputies of the current Congress are women, which according to the Inter-Parliamentary Union puts Guatemala on the 119th position out of 185 states.

Underrepresented groups

Although indigenous peoples account for 44 per cent of the population, there are no provisions to actively promote their political participation. Election materials in some of the 23 indigenous languages and Garifuna were only published few days before the elections. Political representation is scarce, and only one among the 44 presidential tickets candidates was indigenous: Amilcar Pop (UNRG-*Maíz/Winaq*).

The TSE cooperated with organisations of persons with disabilities to enhance their participation of persons with disabilities. Measures included the reduction of physical barriers in voting centres and the availability of braille ballots at the polling stations. Information and awareness training sessions were provided to polling staff, including on the use of Guatemalan sign language.

Exclusion and intolerance towards the LGBTIQ community prevail in Guatemala. According to CSOs, 17 members of the community have been killed in the first five months of 2023. Only Willingness, Opportunity and Solidarity (VOS) includes sexual diversity issues in its party platform. Positively, the TSE in cooperation with trans organisations developed a protocol on how to deal with transgender voters on election day.

CIVIL SOCIETY AND CITIZEN OBSERVATION

The TSE accredited around 12,000 national observers from nearly 30 organisations, almost twice the number (6,350) of observers deployed in 2019. The largest domestic observer groups in the 2023 elections included the Office of the Ombudsperson (PDH) with 3,750 observers, the association Let's Walk (*Caminemos*) with 2,500 observers, the University of San Carlos with over 2,150 observers, the Global Alliance of Young Politicians (AGLOJOVEN) with 2,000 observers, the MOE-GT with 1,600 observers, and the Coordinating Committee of Agricultural, Commercial, Industrial and Finance Associations (CACIF), Guatemala's largest business association with 260 observers. The MOE-GT, supported by the National Democratic Institute (NDI), conducted a quick count based on a sample of 1,200 polling results of the presidential election (five per cent of the polling stations) covering all departments and the out-of-country voting. The MOE-GT did not publish the quick count, as it corresponded to the results of the TREP. *GuateVerifica*, *Mirador Electoral* and the MOE GT, among

others, engaged in long term observation activities and published specific reports and press releases during the campaign period.

There were around 500 accredited international election observers on election day, comprising among others the Organisation of the American States (OAS), the US Embassy Diplomatic Election Watch, the Interamerican Union of Electoral Management Bodies (UNIORE), the Disinformation Observatory from the Complutense University of Madrid (Spain), the Association of Electoral Magistrates of the Americas, and the Association of World Election Bodies (AWEB).

POLLING, COUNTING AND TRANSMISSION OF RESULTS

Election day was largely calm and generally well organised by the TSE. Some episodes of unrest broke out in several departments and the capital. In one municipality, elections were cancelled due to attacks to polling station members and burning of ballot papers. The EU UOM was reported that duly accredited journalists were denied access to voting centres to cover voting and counting procedures in Cobán, Guatemala, Huehuetenango, Sololá and in the United States (Virginia). The EU EOM observed a coordinated effort to spread the call for a null vote on TikTok through fake accounts, as well as false opinion polls through opaque Facebook pages.

The EU EOM observed the opening in 56 polling stations and assessed procedures as good or very good in all observations. Voting procedures were observed in 497 polling stations, two-thirds located in urban areas and the remaining in a rural environment. In 97 per cent of them, the overall assessment was positive, although the design of the polling booths did not properly ensure the secrecy of the vote. EU EOM observers reported five cases of suspected vote buying.

In about a third of the visited polling stations, EU EOM observers noted polling staff never verified the voter's finger for ink marks and never showed blank ballot papers to party representatives prior to hand them over to the voters, potentially undermining the integrity of the process. Positively, EU EOM observers reported only one case of a voter being denied the right to vote without a legitimate reason and only in four cases, observers noted voters being allowed to vote without their ID card. Instances of campaigning in the vicinity of the voting centres were observed in 10 cases. In the visited polling stations, women represented 66 per cent of staff and 55 per cent of the chairpersons. In all observed polling stations, the EU observers reported at least one party agent. Cabal, *Valor-Unionista*, *Vamos* and UNE were the main political entities represented.

The EU EOM assessed counting positively in 42 of the 46 polling stations where it was observed, either very good (25 cases) or good (17 cases). However, in 11 cases observers assessed that the polling staff experienced difficulties to fill all the result protocols with one polling station ending the process at 2:30 am. Four observations assessed the overall process bad. In the 12 cases where voters were queuing at the closing, they were all given the right to vote and the counting started in all stations observed at 6 pm or once the last voter cast his ballot

The TREP system was available online from the closing of the polling at 18:00 hours and the first results protocols appeared immediately after in the TSE's public results web portal. EU observers reported the transmission operations from the voting centres ran smoothly. Publication rate was slow but constant, and no performance or availability issues of the central system was observed. Overall, the TREP positively contributed to the build confidence in the preliminary results, , although efficiency of the transmission process suffered due to the time needed by the polling stations to complete the counting process.

An electronic version of this Preliminary Statement is available on the Mission website

www.moeueguatemala2023.eu

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