### <u>LAW No. 018</u> LAW OF JUNE 16, 2010 ( )

# EVO MORALES AYMA CONSTITUTIONAL PRESIDENT OF THE PLURINATIONAL STATE OF BOLIVIA

Whereas, the Plurinational Legislative Assembly has enacted the following Law:

#### THE PLURINATIONAL LEGISLATIVE ASSEMBLY,

#### **DECREES:**

#### LAW OF THE PLURINATIONAL ELECTORAL BODY

### TITLE I GENERAL PROVISIONS

### CHAPTER I PURPOSE AND BASIS

- Article 1. (PURPOSE). This Law regulates the exercise of the electoral function, jurisdiction, powers, obligations, attributions, organization, operation, services, and regime of responsibilities of the Plurinational Electoral Body, in order to guarantee intercultural democracy in Bolivia.
- **Article 2. (NATURE).** The Plurinational Electoral Body is a public authority of the Plurinational State and has the same constitutional hierarchy as the Legislative, Executive, and Judicial Bodies. It relates to these bodies on the basis of independence, separation, coordination, and cooperation.

#### Article 3. (COMPOSITION).

- **I.** The Plurinational Electoral Body is composed of:
  - 1. The Supreme Electoral Tribunal;
  - 2. The Departmental Electoral Courts;
  - 3. The Electoral Courts;
  - 4. Polling Station Officials; and
  - 5. Electoral Notaries.
- II. The Plurinational Electoral Body shall commence its work in the first week of January of each year, in an official public ceremony and with an accountability report.
- **Article 4. (PRINCIPLES).** The mandatory principles governing the nature, organization, and operation of the Plurinational Electoral Body are:

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- 1. Plurinationality. The Plurinational Electoral Body assumes and promotes the full existence of the indigenous and aboriginal farming nations and peoples and of the intercultural and Afro-Bolivian communities that make up the Plurinational State of Bolivia.
- 2. Interculturality. The Plurinational Electoral Body assumes and promotes the recognition, expression, and coexistence of cultural, institutional, regulatory, and linguistic diversity, as well as the exercise of individual and collective rights guaranteed in the Political Constitution of the State, forming a society based on respect and equality among all, in order to live well. As this principle refers to the respectful integration of cultures, no cultural group prevails over others, favoring integration and coexistence between cultures at all times.
- **3. Intercultural Citizenship.** This is the plurinational political identity that expresses what unites us, without denying the legitimacy of the right to difference and where the right to difference does not deny the commonality of the plurinational political identity.
- 4. Complementarity. The Plurinational Electoral Body assumes and promotes intercultural democracy based on the complementarity of direct and participatory democracy, through referendums, citizen legislative initiatives, recall elections, assemblies, town hall meetings, and prior consultation; representative democracy, through universal suffrage; and community democracy, based on the norms and procedures of the indigenous and aboriginal farming nations and peoples.
- 5. Integrity. The Plurinational Electoral Body embraces and promotes the ethical principles of Bolivia's plural and intercultural society: ama qhilla, ama llulla, ama suwa (don't be lazy, don't be a liar, don't be a thief), suma qamaña (live well), ñandereko (harmonious life), teko kavi (good life), ivi maraei (land without evil), and qhapaj ñan (noble path or life).
- **6. Equivalence.** The Plurinational Electoral Body assumes and promotes gender equity and equal opportunities between women and men for the exercise of their individual and collective rights.
- 7. Participation and Social Control. The Plurinational Electoral Body assumes and promotes the participation of civil society in the formulation of public policies and social control of management as provided for in the Political Constitution of the State and the law, without prejudice to the application of other mechanisms of accountability, oversight, and control.
- **8.** Legality and Regulatory Hierarchy. The Plurinational Electoral Body bases its actions and decisions on the Political Constitution of the State, Laws, and Regulations, respecting the regulatory hierarchy and distribution of powers established in the Political Constitution of the State. In electoral matters, the Political Constitution of the State, the Electoral Regime Law, and this

Law shall take precedence over any other legal or regulatory provision.

- **9. Impartiality.** The Plurinational Electoral Body acts and makes decisions without prejudice, discrimination, or differential treatment that deliberately favors or harms a person or group.
- **10. Autonomy and Independence.** The Plurinational Electoral Body has functional autonomy with respect to other State bodies. It does not receive instructions from any other public authority nor pressure from any de facto power.
- 11. Unity. The Plurinational Electoral Body is a public body of the Plurinational State, and the integrity of its structure is the basis for ensuring the fulfillment of its electoral function.
- **12.** Coordination and Cooperation. The Plurinational Electoral Body coordinates and cooperates with other State bodies and authorities for the proper exercise of its powers and functions, within the framework of the Political Constitution of the State and the law.
- 13. Publicity and Transparency. All acts and decisions of the Plurinational Electoral Body are public and transparent, under penalty of nullity. Any person has the right to unrestricted access to information, except in cases of confidentiality expressly established by law that precisely defines its scope and limits.
- **14.** Efficiency and Effectiveness. The Plurinational Electoral Body bases its decisions and actions on the use of the most appropriate, economical, and timely means to achieve its goals and results.
- 15. Suitability. All public servants of the Plurinational Electoral Body, regardless of rank, are hired based on their professional, technical, or empirical capacity and aptitude for performing electoral functions. Their performance is governed by the values established in the Political Constitution of the State.
- **16. Responsibility.** All public servants of the Plurinational Electoral Body, regardless of rank, are responsible and accountable for their decisions, actions, and the public resources assigned to them.

**Article 5. (ELECTORAL FUNCTION).** The electoral function is exercised exclusively by the Plurinational Electoral Body, throughout the national territory and in electoral offices located abroad, in order to guarantee the full and complementary exercise of direct and participatory democracy, representative democracy, and community democracy.

**Article 6. (ELECTORAL COMPETENCE).** The Plurinational Electoral Body has the following powers:

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- 1. Organization, direction, supervision, administration, execution, and proclamation of the results of electoral processes, referendums, and recalls of mandate carried out in the territory of the Plurinational State and in polling stations located abroad;
- 2. Supervision of prior consultation processes;
- 3. Observation and monitoring of assemblies and councils;
- **4.** Supervision of compliance with the rules and procedures of indigenous and aboriginal farming nations and peoples in the election, appointment, or nomination of their authorities, representatives, and candidates, in the appropriate instances;
- 5. Supervision of compliance with the statutory rules of public service cooperatives for the election of administrative and supervisory authorities;
- **6.** Application of regulations on the recognition, organization, operation, dissolution, and cancellation of political organizations;
  - 7. Regulation and oversight of internal elections of the leadership and candidates of political organizations;
- **8.** Organization, direction, supervision, administration, and/or execution of electoral processes in civil society organizations and public and private universities, as a technical service and when requested;
- 9. Regulation and oversight of the assets, origin, and management of the financial resources of political organizations, and of propaganda expenses in electoral processes, referendums, and recalls;
- **10.** Regulation and oversight of electoral advertising in the media, and the preparation and dissemination of opinion polls with electoral impact;
- 11. Resolution of electoral disputes and disputes involving political organizations;
- **12.** Design, implementation, and coordination of national strategies and plans for strengthening intercultural democracy; and
- 13. Organization and administration of the Civil Registry Service (SERECÍ).

Electoral powers are non-delegable and non-transferable, and are exercised by the corresponding electoral authorities in accordance with the powers established in this Law.

## CHAPTER II ELECTORAL CANDIDATES

**Article 7. (SAFEGUARD).** No court or electoral authority may refuse to administer an electoral process, referendum, or recall election called in accordance with the Electoral Regime Law and this Law; nor shall it administer an electoral process, referendum, or recall election called outside the scope of the Electoral Regime Law and this Law. Failure to comply with this provision shall be considered a very serious offense and shall result in the loss of office and the corresponding responsibilities.

**Article 8.** (PARITY AND ALTERNATION). This consists of the mandatory application of parity and alternation in the election and appointment of all State authorities and representatives; in the internal election of the leadership and candidates of political organizations; and in the election, appointment, and nomination of authorities, candidates, and representatives of indigenous and aboriginal farming nations and peoples through their own rules and procedures.

Article 9. (JOINT RESPONSIBILITY). Joint responsibility for the development and monitoring of electoral processes, referendums, and recalls of mandate corresponds to State bodies, political organizations, indigenous and aboriginal farming nations and peoples, civil society organizations, and the general public, in the manner and terms established in the Electoral Regime Law and this Law.

Article 10. (COLLABORATION). All authorities of the Plurinational State of Bolivia, at the national, departmental, regional, municipal, and indigenous and aboriginal peasant levels, as well as the relevant private entities, have the duty to collaborate in a timely and effective manner with the Plurinational Electoral Body in the fulfillment of its electoral function. This duty of collaboration extends to the Foreign Service in processes of voter registration and voting abroad.

### TITLE II SUPREME ELECTORAL TRIBUNAL

## CHAPTER I COMPOSITION AND FUNCTIONING

#### Article 11. (SUPREME ELECTORAL AUTHORITY).

- I. The Supreme Electoral Tribunal is the highest level and authority of the Plurinational Electoral Body, with jurisdiction and competence throughout the territory of the Plurinational State and in electoral seats located abroad.
- II. The decisions of the Supreme Electoral Tribunal on electoral matters are binding, unappealable, and irrevocable, except in matters that fall within the jurisdiction and competence of the Plurinational Constitutional Tribunal.
- **III.** The Supreme Electoral Tribunal is headquartered in the city of La Paz.

## **Article 12. (COMPOSITION AND TERM OF OFFICE).** The Supreme Electoral Tribunal

is composed of seven (7) members, of whom at least two (2) shall be of indigenous peasant origin. Of the total number of members of the Supreme Electoral Tribunal, at least three (3) shall be women.

The members shall serve for a term of six (6) years, starting from the day they take office, without the right to run for reelection to the same position.

**Article 13. (APPOINTMENT SYSTEM).** The appointment of members of the Supreme Electoral Tribunal is subject to the following system:

- 1. The President of the Plurinational State shall appoint one (1) member.
- 2. The Plurinational Legislative Assembly elects six (6) members by a two-thirds vote of its members present at the appointment session, ensuring gender equality and plurinationality.
- 3. The public call for applications and the assessment of qualifications and merits constitute the basis for appointment by the Plurinational Legislative Assembly.
- 4. Prior to the call for applications, the Plurinational Legislative Assembly shall issue a Regulation on Appointments establishing the criteria, parameters, and procedures for the call for applications, evaluation, and appointment.
- 5. No later than forty-five (45) days prior to the date of appointment, the Plurinational Legislative Assembly shall widely publicize the call for applications at the national level.
- **6.** Candidates for membership of the Supreme Electoral Tribunal shall apply individually and directly.
- 7. The process of appointing members of the Supreme Electoral Tribunal, which is the responsibility of the Plurinational Legislative Assembly, shall be subject to social control, in accordance with the Constitution and the terms established in the Appointment Regulations.
- **8.** For the purposes of verifying the grounds for ineligibility established in paragraphs 2 and 3 of Article 15 of this Law, the Plurinational Legislative Assembly may request a report from the Secretariat of the Chamber of the Supreme Electoral Tribunal or other competent authority. After receiving said report, the Plurinational Legislative Assembly shall issue an opinion on the verification carried out, in accordance with the Regulations on Appointments.
- **9.** Civil society organizations shall have the right to make known in writing their reasons for supporting or rejecting the nominations.

**10.** The Plurinational Legislative Assembly may only appoint persons who have participated in the call for nominations and in the appointment process.

**Article 14. (REQUIREMENTS).** To be eligible for the position of member of the Supreme Electoral Tribunal and to perform the duties thereof, the following requirements must be met:

- 1. Comply with the provisions of Articles 207 and 234 of the Political Constitution of the State. The requirement to speak two official languages, in accordance with its progressive nature established in the Tenth Transitory Provision of the Fundamental Law, shall apply under the conditions determined by the law regulating public service;
- 2. Hold a professional degree with a minimum of five (5) years of experience;
- 3. Not be subject to the prohibitions established in Article 236 of the Political Constitution of the State;
- 4. Not be a member of any political organization;
- 5. Not have been a leader or candidate of any political organization in the five (5) years prior to the date of appointment;
- **6.** Not be subject to the grounds for incompatibility established in Article 239 of the Political Constitution of the State;
- 7. Not be related up to the fourth degree of consanguinity and second degree of affinity to any official of the same court, to the President and Vice President of the Plurinational State, to the Justices of the Supreme Court of Justice, the Plurinational Constitutional Court, the Agro-Environmental Court, and members of the Council of the Magistracy, or to governors or national leaders of political organizations;
- **8.** Expressly and publicly renounce membership in any lodge; and
- 9. Expressly and publicly renounce the position of leader or executive authority of any association, cooperative, institution, or business, social, or civic organization that, due to its nature and interests, could influence the free exercise of their electoral functions.

**Article 15. (GROUNDS FOR INELIGIBILITY).** The following grounds for ineligibility are established for access to and performance of the position of Member of the Supreme Electoral Tribunal:

1. Being subject to the grounds for ineligibility established in Article 238 of the Political Constitution of the State, which apply to these positions as grounds for disqualification.

- 2. Having convened, organized, directed, supervised, administered, or executed any electoral process or referendum, whether national, departmental, regional, or municipal, that has been carried out outside the law.
- **3.** Having impeded, obstructed, resisted, or refused to administer an electoral process or referendum, whether national, departmental, regional, or municipal, that was convened in accordance with the law.

**Article 16. (ASSUMPTION OF OFFICE).** The members of the Supreme Electoral Tribunal shall be sworn into office within a period not exceeding seventy-two (72) hours of their appointment by the President of the Plurinational Legislative Assembly.

#### Article 17. (FUNCTIONING).

- I. The Plenary Chamber is the Highest Executive Authority (MAE) of the Supreme Electoral Tribunal.
- II. The Supreme Electoral Tribunal shall meet in Plenary Session and shall adopt its decisions and resolutions by an absolute majority of the members in office.
- III. The Supreme Electoral Tribunal shall meet when convened by its President, or at the request of the majority of its members in office, in accordance with the provisions of its Internal Regulations.
- IV. The Supreme Electoral Tribunal shall hold its sessions in the city of La Paz or in any other place in the country indicated in the call. Its sessions shall be public, except for those sessions that are declared confidential in accordance with the Internal Regulations.
- V. It is mandatory for members to attend all plenary sessions, participate in voting on decisions, and sign resolutions; their dissenting opinions, duly substantiated, shall be recorded in writing.

### Article 18. (PRESIDENCY AND VICE PRESIDENCY).

- I. The President and Vice President of the Supreme Electoral Tribunal shall be appointed by the Plenary Session by an absolute majority of the members in office. They shall serve for two (2) years, with the right to be re-elected once for the same position.
- II. The Vice President of the Supreme Electoral Tribunal shall serve as interim President in the event of the temporary absence or incapacity of the President.

**Article 19. (POWERS OF THE PRESIDENCY).** The powers of the Presidency of the Supreme Electoral Tribunal are as follows:

1. To act as the legal representative of the Tribunal;

- **2.** To convene and preside over plenary sessions;
- **3.** Comply with and enforce the Political Constitution of the State, the laws and regulations in force in electoral matters, and the resolutions of the Plenary Session;
- **4.** To execute and monitor the decisions and resolutions of the Plenary Chamber;
- 5. To sign, together with the chief administrative officer, the official documents and contracts of the Supreme Electoral Tribunal;
- **6.** Grant powers for judicial purposes, with the authorization of the Plenary Session; and
- 7. Others established in the Regulations of the Supreme Electoral Tribunal.

**Article 20. (TERMINATION OF FUNCTIONS).** The members of the Supreme Electoral Tribunal shall be irremovable throughout the period established for the performance of their functions and shall terminate for any of the following reasons:

- 1. Expiration of the term of office.
- 2. Resignation submitted to the body responsible for their appointment. All resignations are final and take effect upon submission.
- 3. Permanent absolute incapacity, declared in accordance with the law.

**Article 21. (LOSS OF FUNCTIONS).** The members of the Supreme Electoral Tribunal shall lose their functions due to:

- 1. A final conviction for crimes committed in the exercise of their duties, for crimes of corruption, or for crimes that carry an effective prison sentence.
- 2. The commission of any very serious offense established in this Law.

### Article 22. (PERFORMANCE OF ELECTORAL DUTIES).

- I. When there are actions or omissions by a Departmental Electoral Tribunal, or by one or more of its members, that pose a serious and imminent risk to the normal conduct of an electoral process, referendum, or recall election called in accordance with the Political Constitution of the State, the Electoral Regime Law, or this Law, the Supreme Electoral Tribunal, by means of a reasoned decision of the Full Chamber, shall order the following measures:
  - 1. For actions or omissions by one or more members: the suspension and prosecution of the responsible members for very serious misconduct.
  - 2. For actions or omissions by a Departmental Electoral Tribunal or the majority of its members in office: suspension and prosecution for misconduct.

very serious misconduct on the part of the responsible members; and the immediate administrative intervention of the Departmental Electoral Tribunal.

- II. When one or more national, departmental, regional, or municipal authorities call for an election, referendum, or recall election outside the scope of the Political Constitution of the State, the Electoral Regime Law, or this Law, the Supreme Electoral Tribunal shall declare ex officio the nullity of said call and all subsequent acts. The Supreme Electoral Tribunal shall act as the plaintiff against those responsible.
- When a Departmental Electoral Tribunal decides to administer an electoral process, referendum, or recall election that has been declared null and void, the members responsible shall be suspended and prosecuted for serious misconduct, the Departmental Electoral Tribunal shall intervene immediately, and all related resolutions and decisions shall be declared null and void ex officio.
- IV. The Supreme Electoral Tribunal shall assume all the powers corresponding to the Departmental Electoral Tribunal subject to administrative intervention for as long as such action is appropriate, adopting all measures necessary to preserve institutionality and guarantee normality and legality.
- V. The Supreme Electoral Tribunal shall be responsible for any actions or omissions that result in non-compliance with the provisions of this article.

### CHAPTER II OBLIGATIONS AND POWERS

**Article 23. (OBLIGATIONS).** The Supreme Electoral Tribunal has the following obligations:

- 1. To comply with and enforce the Political Constitution of the State, the laws in force, and the regulations;
- 2. To guarantee the exercise of political, individual, and collective rights within the framework of the Political Constitution of the State, the Electoral Regime Law, and this Law;
- **3.** To present, for the purposes of social control, in an official public act, in the first week of January of each year, the report on the work and accountability of the previous administration, as well as the annual work plan for the new administration, on the day and in the manner determined by the Supreme Electoral Tribunal;
- **4.** Ensure the responsible and transparent management of the resources under its administration, guaranteeing full access to information on its administration for the purposes of participation and social control;
- **5.** To safeguard the exercise of intercultural democracy throughout the territory of the Plurinational State;

- **6.** Verify strict compliance with the principle of equivalence in all phases of the electoral process, guaranteeing parity and alternation between men and women in the presentation of national candidates by political organizations, in accordance with the provisions of the Electoral Regime Law;
- 7. Comply with and enforce the System of Responsibilities provided for in this Law;
- **8.** Provide political organizations, civil society organizations, organizations of indigenous and aboriginal farming nations and peoples, and electoral monitoring missions, upon request, with electoral, statistical, and general information material;
- **9.** To inform the Plurinational Legislative Assembly, within a period not exceeding 30 days, of the official results of each electoral process, referendum, or recall election that has been organized, directed, supervised, administered, or executed by the Plurinational Electoral Body;
- 10. Publish the disaggregated results of national elections, referendums, and recalls;
- 11. Resolve all administrative, technical-electoral, and contentious-electoral procedures within its jurisdiction efficiently, effectively, promptly, and with integrity;

#### **12.** Publish on its website:

- a) Results and disaggregated data from each electoral process, referendum, or recall election organized, directed, supervised, administered, or executed by the Plurinational Electoral Body.
- b) Reports on the supervision of compliance with the rules and procedures of indigenous and aboriginal farming nations and peoples.
- c) Results and data from the supervision of compliance with the statutory rules of public service cooperatives for the election of their administrative and supervisory authorities.
- d) Reports on the supervision of prior consultation processes.
- e) Reports on the observation and monitoring of assemblies and town hall meetings.
- f) Results and data from electoral processes of civil society organizations and public or private entities, administered by the Plurinational Electoral Body.
- g) Reports on the monitoring of information, electoral propaganda, and opinion polls with electoral impact disseminated in the media.
- h) Reports and information from the Technical Oversight Unit.

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**Article 24. (ELECTORAL POWERS).** The Supreme Electoral Tribunal has the following electoral powers:

- 1. To organize, direct, supervise, administer, and execute electoral processes at the national, departmental, regional, and municipal levels, with the power to delegate administration and execution to the Departmental Electoral Tribunals.
- 2. To organize, direct, supervise, administer, and execute recalls of mandates at the national, departmental, regional, and municipal levels, with the power to delegate administration and execution to the Departmental Electoral Tribunals.
- **3.** Organize, direct, supervise, administer, and execute national referendums, with the power to delegate administration and execution to the Departmental Electoral Courts.
- **4.** Organize, direct, supervise, administer, and execute national elections, referendums, and recall elections held at polling stations located abroad, in accordance with the provisions of the Electoral Regime Law.
- 5. Organize, direct, supervise, administer, and execute electoral processes for the election of magistrates of the Supreme Court of Justice and the Agro-Environmental Court, members of the Council of the Magistracy, and magistrates of the Plurinational Constitutional Court, with the power to delegate administration and execution to the Departmental Electoral Courts.
- 6. Organize, direct, supervise, administer, and execute electoral processes for the election of representatives of the Plurinational State of Bolivia to elected positions in supranational bodies, with the power to delegate administration and execution to the Departmental Electoral Courts.
- 7. Call for fixed-term electoral processes established in the Political Constitution of the State, setting the date for the elections and approving the corresponding electoral calendar. All other processes shall be called by express law as established in the Electoral Regime Law.
- **8.** Establish regulations for the delimitation of constituencies and the establishment of polling stations and polling places in all electoral processes, referendums, and recalls, based on an electoral geography system.
- **9.** Establish the seats and coding of polling stations and polling places for each electoral process, referendum, and recall election, taking into account population growth and dispersion.
- **10.** Delimit constituencies in national electoral processes, referendums, and recalls.

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- 11. Determine the number and location of polling stations and tables in electoral processes, referendums, and recalls of mandate carried out in electoral seats located abroad, subject to the Regulations issued by the Supreme Electoral Tribunal.
- 12. Carry out the national count and announce the official results of national elections, referendums, and recalls, and disseminate them in the media and on its website.
- 13. To adopt the necessary measures to ensure that all electoral processes, referendums, and recalls are carried out within the framework of the Political Constitution of the State and the law.
- **14.** Approve the design of the banners presented by political organizations and the design of the ballots, and arrange for their printing for national elections, referendums, and recalls.
- 15. Register candidates, arrange for their disqualification, and grant credentials to elected candidates in national electoral processes.
- 16. Verify strict compliance with the criteria of parity and alternation between women and men in all phases of the presentation of lists of candidates by national political organizations.
- 17. Register civil society organizations and organizations of indigenous and aboriginal farming nations and peoples that are authorized to conduct propaganda in national referendums and recall elections.
- 18. Regulate and oversee the campaign expenses of national political organizations participating in electoral processes, referendums, and recalls, in order to ensure documented accountability for the sources of funding and the use of those resources.
- 19. Regulate and oversee the campaign expenses of civil society organizations and organizations of indigenous and aboriginal farming nations and peoples registered to campaign in national referendums, in order to ensure documented accountability for the sources of funding and the use of those resources.
- **20.** In the case of promoting a referendum by citizen initiative in national processes, verify compliance with the minimum percentages of support established by law.

- **21.** Ensure that the questions in national referendums meet the technical criteria of clarity and impartiality prior to their being called by law.
- **22.** Invite and accredit national and international electoral observation missions for electoral processes, referendums, and recalls of mandates at the national, departmental, regional, and municipal levels.
- 23. Withdraw accreditation from national and international electoral observation missions when they fail to comply with or violate the provisions established in the Political Constitution of the State, laws, and regulations.
- **24.** Provide national and international electoral observation missions with the information they require and facilitate their work within the framework of the agreements signed for this purpose.
- 25. Ensure the maintenance of public order on election day and the effective enforcement of political rights in national, departmental, regional, and municipal electoral processes, referendums, and recalls, from the time they are called until the official publication of results.
- **26.** Establish penalties and fines for the failure of jurors to attend polling stations and of voters to vote in national elections, referendums, and recall elections.
- **27.** Publish reports and case law on national elections, referendums, and recall elections.
- **28.** Regulate and supervise the contracting and use of mass media in the dissemination of electoral propaganda in electoral processes, referendums, and recall elections.
- 29. Regulate and oversee the preparation and dissemination of voting intention polls, exit polls, quick counts, and other opinion polls with an electoral impact during electoral processes, referendums, and recalls from the time they are called until the official publication of results.
- **30.** Monitor information, electoral propaganda, and opinion polls with electoral impact disseminated in the mass media nationwide during electoral processes, referendums, and recalls, from the time they are called until the official publication of results.
- **31.** Ensure that electoral propaganda and opinion polls with electoral impact disseminated in national processes comply with current regulations and their rules, establishing penalties for non-compliance.

- **32.** Regulate the free dissemination of electoral propaganda by political organizations in the state media, in processes of national scope.
- **33.** Inform the competent authorities of any violations of the Political Constitution of the State, the law, or electoral regulations by public servants of any state body, in all electoral processes, referendums, and recalls, in order to impose sanctions and determine responsibilities.
- **34.** Report electoral crimes that have come to light in the exercise of their duties to the competent authorities and act as a plaintiff in serious cases.
- **35.** Arrange for the support of law enforcement on voting day in national elections, referendums, and recall elections.
- **36.** Arrange for the support of the Foreign Service for the conduct of electoral processes, referendums, and recalls in polling stations located outside the country.
- **37.** Sign inter-institutional agreements on electoral matters with public and private institutions, both national and international.
- **38.** Accredit electoral observers from the Plurinational Electoral Body in electoral processes carried out by other countries.
- **39.** Resolve, ex officio or at the request of a party, all issues and conflicts that arise between electoral authorities.
- **40.** Organize, direct, supervise, administer, and/or execute electoral processes of civil society organizations of national scope and public or private entities, as a technical service, at the request and with the resources of the interested parties.
- **41.** Assume the powers of the Departmental Electoral Courts when they are unable to exercise them due to a permanent inability to form a quorum, or as a result of administrative intervention.

Article 25. (POWERS OF CIVIL AND ELECTORAL REGISTRATION). The Supreme Electoral Tribunal has the following powers:

- 1. Organization and administration of the Civil Registry Service.
- **2.** Organizing and administering the Electoral Register system.
- **3.** Organizing and administering the civil registry.

**4.** Signing inter-institutional agreements on civil and electoral registration with public and private, national and international institutions.

**Article 26. (JURISDICTIONAL POWERS).** The Supreme Electoral Tribunal has the following jurisdictional powers:

- 1. To hear and decide, without further appeal and via an appeal for annulment, the rulings of the Departmental Electoral Courts handed down in appeals on grounds of nullity of the vote counting and tallying records in electoral processes, referendums, and recalls of mandates at the national, departmental, regional, and municipal levels.
- 2. To hear and decide, without further appeal, on claims for disqualification of candidates in national electoral processes and, via Appeal, on the decisions of the Departmental Electoral Courts on claims for disqualification of candidates in departmental, regional, and municipal electoral processes.
- 3. Hear and decide, without further appeal and via Extraordinary Appeal for Review, cases involving decisions by the Supreme Electoral Tribunal or the Departmental Electoral Tribunals, in accordance with the grounds established by law.
- 4. To hear and decide, without further appeal and via Appeal and/or Nullity Appeal, other disputes concerning electoral processes, referendums, and recalls of mandates at the national, departmental, regional, and municipal levels.
- 5. To hear and decide on electoral disputes, disputes involving political organizations, and disputes concerning civil and electoral registries, as the court of last and final resort.
- **6.** Hear and decide, in a single instance, disputes concerning electoral processes, referendums, and recalls of mandates carried out in polling stations located abroad.
- 7. Hear and decide, in a single instance and without further appeal, disputes of national scope:
  - **a.** Between political organizations and State bodies;
  - **b.** Between different political organizations;
  - **c.** Between members, leaders, and/or candidates of different political organizations; and
  - **d.** Between members, leaders, and candidates of the same political organization.
- 8. To hear and decide, without further appeal, disputes concerning electoral offenses.
  and fulfillment of political, individual, and collective rights in elections, referendums, and recalls of national scope.

- 9. To hear and decide, in a single instance and without further appeal, challenges filed against members of the Tribunal itself, without the intervention of the challenged member. If the number of challenged members prevents the formation of a quorum, the Tribunal shall be composed of Alternate Electoral Members to decide on the challenge.
- 10. To hear and decide, without further appeal, on decisions made in the exercise of oversight of compliance with the rules and procedures of indigenous and aboriginal farming nations and peoples in the election, appointment, or nomination of their authorities, representatives, and candidates.
- 11. To hear and decide, without further appeal, on decisions made in the exercise of oversight of compliance with the statutory rules of public service cooperatives for the election of administrative and supervisory authorities.

## Article 27. (POWERS FOR STRENGTHENING DEMOCRATIC

- ). The Supreme Electoral Tribunal, through the Intercultural Service for Democratic Strengthening (SIFDE), has the following powers:
  - 1. Organize, direct, and administer the Intercultural Service for Democratic Strengthening (SIFDE).
  - 2. Define intercultural policies and strategies for intercultural democratic education of the Plurinational Electoral Body.
  - **3.** Execute, coordinate, and disseminate national strategies and plans for civic education to strengthen intercultural democracy and training in electoral procedures.
  - **4.** Define intercultural policies and strategies for communication and public information for the Plurinational Electoral Body.
  - **5.** Execute and coordinate communication and public information campaigns in electoral processes, referendums, and recalls.
  - **6.** Plan, execute, and coordinate institutional information activities through social media.
  - 7. Manage the Supreme Electoral Tribunal's website.
  - **8.** Define intercultural policies and strategies of the Plurinational Electoral Body for research and analysis regarding intercultural democracy.
  - **9.** Prepare and disseminate electoral statistics and studies and research on intercultural democracy.
  - **10.** Organize, direct, and administer the Documentation Center of the Supreme Electoral Tribunal.

- 11. Define intercultural policies and strategies of the Plurinational Electoral Body for participation and social control.
- **12.** Coordinate and supervise the observation of assemblies and town hall meetings that accompany the Departmental Electoral Tribunals.
- **13.** Define systems and monitor the information disseminated in the national media during electoral processes, referendums, and recalls.
- **14.** Define systems and monitor electoral propaganda disseminated in the national media during electoral processes, referendums, and recalls.
- **15.** Define systems and monitor the preparation and dissemination of opinion polls with an electoral impact during electoral processes, referendums, and recalls.

### Article 28. (POWERS RELATED TO LEGISLATION).

The

Supreme Electoral Tribunal has the following powers related to legislation:

- 1. Submit to the Plurinational Legislative Assembly bills on electoral matters, political organizations, political rights, and electoral and civil registries.
- 2. To submit draft departmental and municipal regulations on the departmental and municipal electoral system to the relevant autonomous bodies.
- 3. Respond to inquiries from the executive or legislative branches regarding bills on electoral matters, political organizations, political rights, and electoral and civil registries.
- **4.** Respond to inquiries from the relevant autonomous bodies regarding draft regulations on electoral, departmental, and municipal matters.

## Article 29. (POWERS POLITICAL

ON

**ORGANIZATIONS** 

- ). The Supreme Electoral Tribunal has the following powers over political organizations:
  - 1. To conduct proceedings and keep records of the recognition, granting, termination, and cancellation of the legal status of national political organizations and the records of their representative and governing bodies, in accordance with the law.
  - 2. Validate and administer the registration of members of national political organizations, periodically verifying the authenticity and updating of

data, and disseminating the information on the membership rolls on its website.

- **3.** Recognize and register the permanent delegates, both regular and alternate, of national political organizations.
- **4.** Regulate and supervise the functioning of national political organizations to ensure that they comply with current regulations and their internal statutes, especially with regard to the election of their leaders and candidates, as well as gender and generational conditions, requirements, or prerequisites.
- 5. To supervise compliance with current regulations and the internal statutes of political organizations in the election of their leaders and candidates.
- **6.** Oversee the assets, origin, and management of the financial resources of national political organizations.
- 7. Oversee compliance with current regulations and rules in the hiring of media by political organizations in electoral processes, referendums, and recalls.

**Article 30. (ADMINISTRATIVE POWERS).** The Supreme Electoral Tribunal, subject to current regulations, has the following administrative powers:

- 1. To administer the human, material, and economic resources of the Supreme Electoral Tribunal.
- 2. Acquire goods and services for the operation of the Supreme Electoral Tribunal.
- **3.** Appoint, promote, and dismiss subordinate staff, exercise disciplinary authority over them, and make all necessary arrangements for the development of their professional careers.
- **4.** Enforce the administrative career system for public servants of the Plurinational Electoral Body and establish its internal regulations.
- 5. Issue internal regulations for the organization and operation of the Supreme Electoral Tribunal and the Departmental Electoral Tribunals; and regulations for the performance of Electoral Judges, Electoral Notaries, and Polling Station Officials, and the implementation of administrative and fiscal control systems.
- **6.** Formulate the consolidated budget proposal for the Plurinational Electoral Body and submit it to the competent authorities for constitutional processing.

- 7. Provide all bodies of the Plurinational Electoral Body with the material and financial resources necessary for the proper performance of their functions.
- **8.** Exercise oversight functions over the performance of all bodies of the Plurinational Electoral Body, reporting to the competent authorities to enforce the responsibility of those public servants who do not have a functional relationship with the Court.
- **9.** Establish the system of remuneration, stipends, and travel allowances, where applicable, for alternate members, electoral judges, electoral notaries, and polling station officials.
- **10.** Organize, update, and maintain the central archive of the Plurinational Electoral Body in accordance with the Regulations.
- 11. Edit, publish, and disseminate the Electoral Gazette.
- **12.** Organize, plan, and coordinate the inter-institutional relations activities of the Plurinational Electoral Body.
- **13.** Establish cooperation and exchange agreements with electoral bodies in other countries.

# TITLE III DEPARTMENTAL ELECTORAL COURTS

# CHAPTER I COMPOSITION AND FUNCTIONING

### Article 31. (DEPARTMENTAL ELECTORAL AUTHORITY).

- I. The Departmental Electoral Tribunals are the highest level and authority of the Plurinational Electoral Body at the departmental level, with jurisdiction and powers in their respective departments, under the guidelines of the Supreme Electoral Tribunal. Their headquarters are located in the capital of the respective department.
- II. The decisions of the Departmental Electoral Courts are binding on all public authorities and individuals within their respective jurisdictions and may be challenged before the Supreme Electoral Court under the conditions and terms established by law.
- III. The Plenary Chamber is the Highest Executive Authority (MAE) of the Departmental Electoral Tribunal.

#### **Article 32. (COMPOSITION).**

I. A Departmental Electoral Tribunal is established for each department.

- II. The Departmental Electoral Courts shall be composed of five (5) members, at least one (1) of whom shall be from an indigenous or aboriginal farming community in the department. At least two (2) of the total number of members of each Court shall be women.
- III. Each Tribunal shall establish its internal organization and functioning, subject to the general institutional guidelines established in the Regulations by the Supreme Electoral Tribunal.

**Article 33. (APPOINTMENT SYSTEM).** The appointment of members of the Departmental Electoral Courts shall be subject to the following system:

- 1. The President of the Plurinational State shall appoint one (1) member to each Departmental Electoral Tribunal.
- 2. The Departmental Assemblies shall select, by a two-thirds (2/3) majority vote of their members present, a shortlist of three candidates for each of the four (4) elected positions, ensuring gender equality and plurinationality.
- 3. The Chamber of Deputies, from among the shortlists submitted by the Departmental Assemblies, shall appoint the Members of the Departmental Electoral Courts by a two-thirds (2/3) majority vote of its members present, ensuring gender equality and plurinationality.
- 4. If the manner in which the shortlists have been drawn up does not allow for compliance with the conditions of gender equality and plurinationality, the Chamber of Deputies shall return the shortlist to the respective Departmental Assembly so that the error can be corrected within five (5) calendar days.
- 5. The public call for applications and the assessment of the qualifications and merits of candidates by the respective Departmental Assemblies for the formation of shortlists of applicants shall constitute the basis for appointment by the Chamber of Deputies.
- 6. Prior to the call for applications, the Chamber of Deputies shall issue regulations establishing the criteria, parameters, and procedures for evaluating and appointing candidates based on their ability and merit, for the purpose of preselecting and forming shortlists of candidates. The Departmental Assemblies shall widely disseminate these regulations in each department.
- 7. The assessment of ability and merit in the Departmental Assemblies is for the sole purpose of forming the shortlists and does not imply a quantitative assessment. The three qualified candidates on each shortlist have an equal chance of being elected, without any distinction, as members of the respective Departmental Electoral Tribunal by the Chamber of Deputies.
- **8.** Candidates for members of the Departmental Electoral Tribunals shall apply individually and directly.

- 9. The different phases of the process of appointing members of the Departmental Electoral Tribunals shall be subject to social control, in accordance with the Constitution and the terms established in the Regulations on Appointments.
- **10.** Civil society organizations shall have the right to make known in writing their reasons for supporting or rejecting the nominations.
- 11. The Chamber of Deputies may only appoint persons who appear on the shortlists and who have participated in the appointment process.

**Article 34. (APPOINTMENT PROCEDURE).** The procedure for appointing members of the Departmental Electoral Courts shall be subject to the following provisions and to the Regulations established by the Chamber of Deputies:

- 1. A maximum of forty-five (45) days prior to the date of referral of the shortlists to the Chamber of of the Departmental Assemblies shall publish in the written press and on radio stations with departmental coverage calls for applications from persons who wish to stand for the position of Member of the Departmental Electoral Tribunal, provided they meet the requirements established in this Law for Members of the Supreme Electoral Tribunal.
- 2. The shortlists shall be drawn up on the basis of the persons who have applied. The Departmental Assemblies may extend the call for applications if the number of applicants is insufficient to draw up the shortlist in compliance with the requirements of gender equality and plurinationality.
- 3. Once the shortlists have been submitted with all their background information, including statements of support or rejection presented by civil society organizations, the Chamber of Deputies shall follow the procedure established in the Regulations.

**Article 35. (ASSUMPTION OF OFFICE).** The members of the Departmental Electoral Tribunals shall be sworn into office within seventy-two (72) hours of their appointment by the President of the Chamber of Deputies.

**Article 36. (COMMON APPLICATION PROVISIONS).** The provisions established in this Law for the Supreme Electoral Tribunal regarding requirements and grounds for ineligibility for access to office, performance of duties, term of office, Presidency and Vice Presidency, functioning, conclusion of duties, loss of mandate, and determination of responsibilities shall apply to the Departmental Electoral Tribunals.

#### CHAPTER II OBLIGATIONS AND POWERS

**Article 37. (OBLIGATIONS).** The Departmental Electoral Courts, under the guidelines of the Supreme Electoral Tribunal, have the following obligations:

- 1. To comply with and enforce the Political Constitution of the State, the laws in force, regulations, resolutions, and guidelines of the Supreme Electoral Tribunal.
- 2. To guarantee the exercise of political, individual, and collective rights within the framework of the Political Constitution of the State, the Electoral Regime Law, and this Law.
- 3. To present, for the purposes of social control, in an official public act, in the first week of January of each year, the report on the work and accountability of the previous administration, as well as the annual work plan for the new administration, on the day and in the manner determined by each Departmental Electoral Tribunal.
- 4. To guarantee the responsible and transparent management of the resources under its administration, ensuring full access to information on its administration for the purposes of participation and social control.
- **5.** To safeguard the exercise of Intercultural Democracy in its departmental jurisdiction.
- 6. Comply with and enforce the System of Responsibilities provided for in this Law.
- 7. Provide electoral, statistical, and general information to political organizations, civil society organizations, organizations of indigenous and aboriginal farming nations and peoples, and electoral monitoring missions, when requested.
- **8.** Provide political organizations with legal status and accredited electoral monitoring missions with certified copies of the vote count records, as well as partial or total tallies.
- 9. Verify, at all stages of the process, strict compliance with the principle of equivalence and the application of the principles of parity and alternation between men and women in the presentation, by political organizations, of candidates for government and representative positions at the departmental, regional, or municipal level, in accordance with the provisions of the law.
- **10.** Submit to the Supreme Electoral Tribunal the official results of all electoral processes, referendums, or recalls that have been administered or executed by the Departmental Electoral Tribunal.
- 11. Publish in the departmental media the disaggregated results of electoral processes, referendums, and recalls of departmental, regional, or municipal mandates.
- **12.** Publish on its website:

- **a.** Results and disaggregated data from each electoral process, referendum, or recall election administered and executed by the Departmental Electoral Tribunal.
- **b.** Reports on the monitoring of compliance with the rules and procedures of indigenous and aboriginal farming nations and peoples.
- **c.** Results and data from monitoring compliance with the statutory rules of public service cooperatives for the election of management and supervisory authorities.
- **d.** Reports on the monitoring of prior consultation processes.
- **e.** Reports on the observation and monitoring of assemblies and town hall meetings.
- **f.** Results and data from electoral processes of civil society organizations and public or private entities, administered by the Departmental Electoral Tribunal in its jurisdiction.
- **g.** Reports on the monitoring of information, electoral propaganda, and opinion polls with electoral impact.

**Article 38. (ELECTORAL POWERS).** The Departmental Electoral Tribunals, under the guidelines of the Supreme Electoral Tribunal, exercise the following electoral powers:

- 1. Administer and execute electoral processes and recalls of mandates at the national, departmental, regional, and municipal levels, under the organization, direction, and supervision of the Supreme Electoral Tribunal.
- 2. Administer and execute national referendums, under the organization, direction, and supervision of the Supreme Electoral Tribunal.
- 3. Administer and execute electoral processes for the election of magistrates of the Supreme Court of Justice and the Agro-Environmental Court, members of the Council of the Magistracy, and magistrates of the Plurinational Constitutional Court, under the organization, direction, and supervision of the Supreme Electoral Court.
- **4.** Administer and execute electoral processes for the election of representatives of the Plurinational State of Bolivia to elected positions in supranational bodies, under the organization, direction, and supervision of the Supreme Electoral Tribunal.
- 5. Organize, direct, supervise, administer, and execute departmental and municipal referendums on matters within the jurisdiction of autonomous entities as established in the Constitution.
- **6.** Establish the calendars for departmental, regional, and municipal referendums.

- 7. Delimit electoral districts in departmental, regional, and municipal processes, subject to the regulations issued by the Supreme Electoral Tribunal.
- **8.** To determine the number and location of polling stations and tables in its department for all electoral processes, referendums, and recalls of mandate carried out in the national territory, subject to the regulations issued by the Supreme Electoral Tribunal.
- **9.** Take the necessary measures to ensure that the electoral processes, referendums, and recalls under its administration are carried out within the framework of the law and that political rights are effectively upheld.
- **10.** Establish the polling places and precincts in their jurisdiction.
- 11. In a public session, carry out the final counts and announce the official results of the electoral processes, referendums, and recalls of mandates at the departmental, regional, and municipal levels, and forward them to the Supreme Electoral Tribunal.
- 12. Conduct, in public session, the departmental tally of results of national elections, referendums, and recalls, and submit them to the Supreme Electoral Tribunal for the national tally of results.
- 13. Publish in newspapers in the respective department and in other media the location of polling stations, specifying the precinct, seat, and single-member and special constituencies.
- 14. Approve the design of the banners presented by political organizations and the ballots, and arrange for their printing for elections, referendums, and recalls of mandates at the departmental, regional, and municipal levels.
- **15.** Deliver electoral materials to the Electoral Notaries for all electoral processes, referendums, and recalls.
- **16.** Issue certificates of exemption for justified impediment or voting in all electoral processes, referendums, and recalls.
- 17. Register candidates, grant credentials to those who are elected in departmental, regional, and municipal electoral processes, and disqualify those who have not met the requirements established in this Law.
- **18.** Register civil society organizations and organizations of indigenous and aboriginal farming nations and peoples that are authorized to campaign in referendums and recalls at the departmental, regional, and municipal levels.

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- 19. In departmental, regional, and municipal processes, verify compliance with the percentages of support established by law when promoting a referendum by citizen initiative.
- **20.** Ensure that the questions in referendums at the departmental, regional, and municipal levels meet the technical criteria of clarity and impartiality prior to their legal announcement.
- **21.** Oversee, in accordance with the regulations of the Supreme Electoral Tribunal, the propaganda expenses of political organizations at the departmental, regional, or municipal level that participate in electoral processes, referendums, and recalls.
- 22. Oversee, in accordance with the regulations of the Supreme Electoral Tribunal, the propaganda expenses of civil society organizations and organizations of indigenous and aboriginal farming nations and peoples registered to engage in propaganda in referendums and recalls of mandates at the departmental, regional, or municipal level.
- 23. Accredit national electoral accompaniment missions and national observers for departmental and municipal referendums.
- 24. Withdraw accreditation from national electoral accompaniment missions and national electoral observers in departmental, regional, and municipal referendums when they fail to comply with or violate the provisions established in the Political Constitution of the State, laws, and regulations.
- 25. Provide national electoral accompaniment missions and national electoral observers with the information they require and facilitate their performance within the framework of the agreements signed for this purpose.
- **26.** Ensure, in the processes under its administration, the maintenance of public order on election day and the effective enforcement of political rights, from the call for elections to the official publication of results.
- **27.** Supervise compliance with statutory regulations in the election of administrative and supervisory authorities of public service cooperatives within its jurisdiction.
- **28.** Ensure that electoral propaganda and opinion polls with electoral impact comply with current regulations and corresponding rules in the processes under its administration.
- 29. Monitor information, electoral propaganda, and opinion polls with electoral impact in electoral processes, referendums, and recalls of mandates at the national, departmental, regional, and municipal levels, disseminated in the department's media.

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- **30.** Ensure compliance with the regulations established by the Supreme Electoral Tribunal for the participation of political organizations in the state media in electoral processes, referendums, and recalls of mandates at the departmental, regional, and municipal levels.
- **31.** Inform the competent authorities of cases of violation of the Political Constitution of the State, the law, or electoral regulations by public authorities and officials, in order to impose sanctions and determine responsibilities.
- **32.** Report electoral crimes that they have become aware of in the exercise of their functions to the competent authorities and act as a plaintiff in serious cases in the proceedings under their administration.
- **33.** Establish penalties and fines for jurors who fail to attend polling stations and for voters who fail to vote in departmental, regional, and municipal referendums.
- **34.** Provide law enforcement support on election day for electoral processes, referendums, and recalls under its administration.
- **35.** Sign inter-institutional agreements on electoral matters with public and private departmental, regional, and municipal institutions.
- **36.** Oversee the functioning and organization of notaries, jurors, and polling stations.
- 37. Organize, direct, supervise, administer, and/or execute electoral processes for civil society organizations and public and private entities at the departmental level, as a technical service, at the request and with the resources of the interested parties, under regulations established by the Supreme Electoral Tribunal.
- **38.** Resolve, ex officio or at the request of a party, all issues and conflicts that arise between electoral authorities under its direction.

**Article 39. (JURISDICTIONAL POWERS).** The Departmental Electoral Tribunals, under the guidelines of the Supreme Electoral Tribunal, exercise the following jurisdictional powers:

- 1. Hear and decide on the nullity of vote counting and tallying records in national, departmental, regional, and municipal electoral processes, through appeals filed with the Electoral Juries of the Polling Stations.
- 2. To hear and decide on requests for the disqualification of candidates in departmental, regional, and municipal electoral processes.

- **3.** Hear and decide, in the second instance, disputes over electoral offenses and the fulfillment of political rights in electoral processes, referendums, and recalls of mandates at the departmental, regional, and municipal levels, through appeals filed against the rulings of the Electoral Judges.
- **4.** Hear and decide, in the second instance, other disputes in electoral processes, referendums, and recalls of mandates at the departmental, regional, and municipal levels, through appeals filed against the rulings of electoral judges.
- 5. Hear and decide, as a court of first instance, disputes at the departmental, regional, and municipal levels:
  - **a.** Between political organizations and state bodies;
  - **b.** Between different political organizations;
  - **c.** Between members, leaders, and candidates of different political organizations; and
  - **d.** Between members, leaders, and candidates of the same political organization.
- 6. To hear and decide, in a single instance and without further appeal, challenges filed against members of the Tribunal itself, without the participation of the challenged member. If the number of challenged members prevents a quorum from being formed, the Tribunal shall be composed of alternate electoral members to decide on the challenge. If a quorum cannot be formed even with the call for substitute Electoral Members, the challenge shall be resolved by the Supreme Electoral Tribunal.

# Article 40. (POWERS FOR STRENGTHENING DEMOCRATIC

**DEMOCRACY).** The Departmental Electoral Courts, in coordination with the Intercultural Service for Democratic Strengthening (SIFDE), with the aim of strengthening intercultural democracy, exercise the following powers:

- 1. Promote and implement citizen education strategies and plans for the strengthening of intercultural democracy and training in electoral procedures.
- 2. Plan and implement communication and public information campaigns on electoral processes, referendums, and recalls under their administration.
- 3. Develop and coordinate institutional information actions through social media.
- **4.** Manage the Departmental Electoral Tribunal's website.

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- **5.** Develop and coordinate actions for education, training, and dissemination of knowledge about electoral processes, referendums, and recalls.
- **6.** Promote, conduct, and disseminate electoral statistics and studies and research on intercultural democracy.
- 7. Organize and administer the Documentation Center of the Departmental Electoral Tribunal.
- **8.** Develop and coordinate actions for social participation and control.
- **9.** Develop actions for the observation of assemblies and town hall meetings.
- 10. Follow up and monitor propaganda in electoral processes, referendums, and recalls of mandates at the departmental, regional, and municipal levels, applying the systems defined by the Supreme Electoral Tribunal.
- 11. Monitor and follow up on the preparation and dissemination of polls with electoral impact, applying the systems defined by the Supreme Electoral Tribunal.

### Article 41. (POWERS RELATED TO LEGISLATION). The

Departmental Electoral Tribunals exercise the following powers related to legislation:

- 1. Submit to the Departmental Assembly departmental bills on the electoral system, at the departmental and municipal levels, in coordination with the Supreme Electoral Tribunal.
- 2. Respond to inquiries from autonomous bodies in the department on draft regulations on the electoral system, at the departmental and municipal levels, in coordination with the Supreme Electoral Tribunal.
- **3.** Assist the Supreme Electoral Tribunal in the formulation of draft laws on electoral matters, political organizations, and electoral and civil registries.
- **4.** Assist the Supreme Electoral Tribunal in responding to inquiries from the Executive Branch, the Plurinational Legislative Branch, and autonomous bodies regarding draft legislation on electoral matters, political organizations, and electoral and civil registries.

## Article 42. (POWERS ON ORGANIZATIONS POLITICAL

**).** The Departmental Electoral Courts, under the guidelines of the Supreme Electoral Court, exercise the following powers over political organizations:

- 1. Conduct proceedings and keep records of the recognition, granting, termination, and cancellation of the legal status of political organizations and alliances at the departmental, regional, and municipal levels, and keep records of their representative and governing bodies.
- 2. Administer the registry of members of political organizations at the departmental and municipal levels, periodically verifying the authenticity and updating of data, as well as publishing the membership rolls on their website.
- **3.** Recognize and register permanent delegates, both regular and alternate, of political organizations at the departmental, regional, and municipal levels.
- 4. Oversee the functioning of political organizations at the departmental, regional, and municipal levels to ensure compliance with current regulations and their internal statutes, especially with regard to the election of their leaders and candidates, as well as gender and generational conditions, requirements, or criteria.
- **5.** Oversee the assets, origin, and management of the financial resources of political organizations at the departmental, regional, and municipal levels.
- 6. Oversee the expenditure on electoral propaganda by political organizations at the departmental, regional, and municipal levels, in order to ensure documented accountability for sources of funding and the use of resources.
- 7. Oversee compliance with current regulations and rules on the contracting of media by political organizations in electoral processes, referendums, and recalls of mandates at the departmental, regional, and municipal levels.

**Article 43. (ADMINISTRATIVE POWERS).** The Departmental Electoral Courts, subject to current regulations and under the guidelines of the Supreme Electoral Court, exercise the following administrative powers:

- 1. Administer the human, material, and financial resources of the Departmental Electoral Tribunal.
- **2.** Acquire goods and services for the operation of the Departmental Electoral Tribunal.
- **3.** Appoint, promote, and dismiss staff, exercise disciplinary authority over them, and take all measures necessary for the development of their careers.

- **4.** Formulate the institution's budget proposal and submit it to the Supreme Electoral Tribunal for approval and the preparation of the consolidated budget of the Plurinational Electoral Body.
- 5. Establish the number and appoint the Electoral Judges in the respective department for each electoral process, referendum, and recall election under its administration.
- **6.** Appoint and dismiss Civil Registry Officers and Notaries and Electoral Notaries in their department, in accordance with the Regulations issued by the Supreme Electoral Tribunal.
- 7. Hold a public session to draw lots for the appointment of Election Officials.
- 8. Convene the Electoral Jurors and lead the Board for the Organization of Polling Station Jurors, training them on the exercise of their functions and the role played by electoral monitoring missions.
- **9.** Consult with the Supreme Electoral Tribunal to ensure proper compliance with electoral functions.
- 10. Organize and maintain the departmental archives of the electoral body in accordance with the regulations issued by the Supreme Electoral Tribunal.

### CHAPTER III SUBSTITUTE ELECTORAL MEMBERS

### Article 44. (ELECTION).

- I. At the time of electing the regular members of the Supreme Electoral Tribunal by a two-thirds majority of those present, the Plurinational Legislative Assembly shall elect six
  - (6) alternate members from among the candidates who have not been elected as regular members and who have received the highest number of votes. The number of votes obtained shall determine the order of succession. In the event of a tie, the matter shall be settled by drawing lots at the same session.
- II. At the time of electing, by a two-thirds majority of those present, the regular members of the Departmental Electoral Tribunals, the Chamber of Deputies shall elect four (4) alternate members from among the candidates who have not been elected as regular members. The second or second in voting of each shortlist shall be appointed as an alternate member. The number of votes obtained in each list of three candidates shall establish the order in which they are called upon. In the event of a tie, the matter shall be settled by drawing lots during the same session.
- **III.** The appointed members and alternate members shall be sworn in at the same ceremony as the regular members.

**Article 45. (REQUIREMENTS AND INELIGIBILITY).** Alternate Electoral Members shall meet the same requirements and be subject to the same grounds for ineligibility established in this Law for regular members.

**Article 46. (RESPONSIBILITY).** Alternate Electoral Members shall be subject to the same regime of responsibilities established in this Law for Regular Members of the Supreme Electoral Tribunal or the Departmental Electoral Tribunals, as the case may be.

#### **Article 47. (SUBSTITUTION REGIME).**

- I. When a quorum cannot be established in the Plenary Chamber due to the temporary or permanent absence, recusal, or excuse of a member or regular member, the President of the Supreme Electoral Tribunal or the Departmental Electoral Tribunals shall summon a member or alternate member in accordance with the correlative order of convocation defined in Article 44 of this Law.
- II. If the impossibility of establishing a quorum is due to the absence of two or more members, the respective Electoral Tribunal shall suspend the plenary sessions until the quorum is reestablished with the participation of the necessary regular members. If within a maximum period of five (5) days a quorum cannot be established with the participation of Regular Members, the President of the respective Electoral Tribunal shall convene the necessary Alternate Members.
- III. When a quorum cannot be established on a permanent basis in the Plenary Chamber of the Supreme Electoral Tribunal for the reasons established for the termination of functions and loss of mandate, the Plurinational Legislative Assembly shall appoint the necessary alternate members as regular members, respecting the correlative order of convocation defined in Article 44 of this Law.
- IV. When a quorum cannot be permanently constituted in the Plenary Chamber of the Departmental Electoral Tribunal for the reasons established for the termination of functions and loss of mandate, the Chamber of Deputies shall appoint the necessary substitute members as regular members, respecting the correlative order of convocation defined in Article 44 of this Law.

#### Article 48. (DUTIES AND REMUNERATION).

- I. The Members or Alternate Members shall be required to attend the plenary meetings of the corresponding Electoral Tribunal, when expressly convened by the latter, receiving a daily allowance for the duration of their term as alternate members, the amount and form of payment of which shall be determined by the Supreme Electoral Tribunal.
- II. Members or Alternate Members may engage in private activities, provided that such activities are not incompatible with the position of Member.
- III. Members or Alternate Members may not be part of the civil service, with the exception of university teaching.

- IV. Members or Alternate Members who participate in the plenary sessions of the Electoral Tribunal shall do so with full rights and duties.
- **Article 49. (CALLING SUBSTITUTE MEMBERS).** When the quorum established in this Law cannot be reached, the President of the respective Electoral Tribunal shall call the corresponding Member or Alternate Member according to the order of the list of Alternates.

For the subsequent call for a substitute, the next person on the list shall be called, so as to ensure the rotating participation of the substitutes.

# TITLE IV ELECTORAL COURTS, JURIES, AND NOTARIES

### CHAPTER I ELECTORAL COURTS

- **Article 50.** (ELECTORAL JUDGES). Electoral Judges are judicial authorities appointed by the Departmental Electoral Tribunal to perform the functions of preserving rights and guarantees in electoral processes, referendums, and recalls.
- Article 51. (METHOD OF APPOINTMENT). The Departmental Electoral Tribunal, under the guidelines of the Supreme Electoral Tribunal established in the Regulations, shall appoint as Electoral Judges in each Department the Judges of the respective judicial district in the number it deems necessary for each electoral process, referendum, and recall election.
- **Article 52.** (INDEPENDENCE). Electoral Judges are independent of each other and equal in hierarchy.
- **Article 53.** (RESPONSIBILITY). Electoral Judges shall be accountable for their acts or omissions before the Departmental Electoral Tribunal that assigned them, without prejudice to criminal or civil liability, which shall be determined by the ordinary courts.
- **Article 54. (POWERS).** Electoral judges shall have the following powers within their jurisdiction:
  - 1. To hear and resolve, in the first instance, disputes concerning electoral processes, referendums, and recalls, with the exception of those relating to the disqualification of candidates and the nullification of vote counting and tallying records.
  - **2.** To punish, in the first instance, electoral offenses in electoral processes, referendums, and recalls.
  - **3.** To oversee the functioning and organization of notaries, juries, and polling stations and to establish penalties for electoral offenses.

- **4.** To order precautionary measures in accordance with the law during the proceedings.
- **5.** Request the support of law enforcement agencies to carry out its functions and resolutions.
- **6.** Others established in the Regulations.

#### CHAPTER II POLLING STATION JURORS

**Article 55. (ELECTION JURORS).** The Election Juror is the citizen who acts as the highest electoral authority at each polling station and is responsible for its organization and operation.

### Article 56. (CONSTITUTION).

- **I.** The polling station officials shall be appointed for each election, referendum, and recall election.
- II. The electoral jury for each polling station shall consist of three
  (3) regular members and three (3) alternate members, who must be registered as voters at the polling station where they perform their duties.
- III. By internal agreement or by drawing lots, a president, a secretary, and a member shall be appointed at each polling station.
- **IV.** The Jury may function with a minimum of three of its members, at least two of whom must be able to read and write.
- V. Serving as a polling station official is mandatory, with a fine imposed for absence on election day.

#### Article 57. (SELECTION).

- I. The selection of jurors for each Polling Station shall be carried out by the Departmental Electoral Courts at least thirty (30) days prior to the election by drawing lots from the list of persons eligible to vote. The mechanism for the drawing of lots shall be established in regulations by the Supreme Electoral Court.
- II. The selection of jurors shall be carried out in a public ceremony, to which delegates from political organizations with legal status and social control bodies shall be invited. The absence of these delegates shall not be grounds for nullification.
- III. The result of the drawing shall be recorded in minutes signed by the president and members of the competent Electoral Tribunal, the director of information technology in charge of the procedure, and the delegates of political organizations and social control bodies.

**Article 58. (APPOINTMENT AND NOTIFICATION).** The appointment of Polling Station Officials shall be carried out by the Departmental Electoral Tribunals, within the period established in the electoral calendar, and shall be notified in writing to the appointed Officials through the Electoral Notaries.

# Article 59. (PUBLICATION OF THE LIST OF POLLING STATION OFFICIALS).

- In addition to the notification mentioned in the preceding article, the Departmental Electoral Courts shall arrange for the publication of the list of appointed jurors in a print media outlet in their department and on the website of the Plurinational Electoral Body. In places where there is no access to these media, the list shall be posted on posters in public places, thus ensuring its wider dissemination.
- II. The list of jurors selected for each polling station shall be communicated to the corresponding Electoral Notaries, who shall be required to display this list in a visible place for the information of the public, preferably in the corresponding polling station.

#### Article 60. (JURORS ABROAD).

- I. Polling station jurors outside the country shall be appointed by public lottery conducted by the Supreme Electoral Tribunal in Bolivia. The lists of appointed Polling Station Jurors shall be published immediately on the Supreme Electoral Tribunal's website and sent, in printed and electronic form, to the Embassies and Consulates via the diplomatic pouch of the Ministry of Foreign Affairs.
- **II.** The Foreign Service shall deliver notification memoranda to the designated persons.
- III. The general provisions relating to polling station officials shall apply in all matters not contrary to this Article.
- Article 61. (CONCLUSION OF DUTIES). Once the counting and tabulation of results at the polling station has been completed, the Polling Station Officials shall deliver to the competent electoral authority the security envelopes, duly sealed and signed by the delegates of the political organizations, the electoral material, and all the documentation required by law and regulations. This act shall conclude their duties.
- Article 62. (RESPONSIBILITY). Polling station officials shall be accountable for their acts or omissions before the electoral judges, without prejudice to any criminal or civil liability, which shall be determined by the ordinary courts.
- **Article 63. (RIGHTS).** Polling station officials shall receive a stipend for the performance of their duties, which shall be determined by the Supreme Electoral Tribunal, taking into account all the activities in which they participate. The day

The day following the election shall be a public holiday in both the public and private sectors.

#### Article 64. (POWERS).

- **I.** The Polling Station Jury has the following powers:
  - 1. To determine, together with the Notary or Electoral Notary, the place and location of the Polling Station within the electoral precinct, which meets the conditions of security and guarantee for the casting of votes in secret and free from any pressure.
  - **2.** To guarantee the speed, transparency, and correctness of the electoral process.
  - **3.** Arrange for the attendance of alternate jurors and call on citizens present in the queue if the number of jurors is not complete.
  - **4.** Ensure compliance with the voting procedure established by law.
  - **5.** Carry out the opening and closing of the polling station, the counting and tallying of votes, and record the corresponding minutes.
  - **6.** Arrange the order of voting for voters according to the preferences of the law.
  - 7. Provide voters with the information they require regarding the voting procedure.
  - **8.** Others established in the Regulations of the Supreme Electoral Tribunal.
- II. The The President of the Polling Station Jury has the following specific powers:
  - 1. Set up the Polling Station, together with the furniture and electoral materials necessary for the voting process, placing posters with the polling station number in a visible place.
  - **2.** Receive the electoral materials from the Electoral Notary of the precinct.
  - **3.** Deliver the security envelope, the electoral material, and all documentation. required by law and regulation from the notary or electoral notary.
  - **4.** Deliver copies of the Vote Counting and Tallying Certificate to the Notary or Electoral Notary and to the delegates of the political organizations in attendance.
  - **5.** Others established in the Regulations of the Supreme Electoral Tribunal.

#### Article 65. (GROUNDS FOR EXCUSE).

- I. Within seven (7) days after the publication of the lists of jurors, those appointed may file their excuses before the Departmental Electoral Courts or representatives of the Supreme Electoral Tribunal abroad, or Electoral Notaries. After this period, they will not be accepted.
- **II.** The following are grounds for excuse:
  - 1. Illness proven by medical certification.
  - **2.** Pregnancy.
  - **3.** Force majeure or unforeseeable circumstances proven by documentation.
  - **4.** Be a duly accredited leader or candidate of political organizations.

# CHAPTER III ELECTORAL NOTARIES

Article 66. (ELECTORAL NOTARIES AND NOTARIES). Electoral Notaries and Notaries are the electoral authorities appointed by the Departmental Electoral Tribunal to perform logistical and operational support functions and to attest to electoral acts in electoral processes, referendums, and recalls in the precincts assigned to them.

**Article 67. (APPOINTMENT).** Electoral Notaries shall be appointed by the Departmental Electoral Tribunals under the guidelines of the Supreme Electoral Tribunal, established in the Regulations.

Electoral Notaries who perform duties in electoral processes, referendums, or recalls abroad shall be appointed by the Supreme Electoral Tribunal.

Notaries and electoral notaries shall perform their duties in the polling stations assigned by the Supreme Electoral Tribunal or the Departmental Electoral Tribunals, as appropriate.

**Article 68.** (**RESPONSIBILITY**). Notaries and Electoral Notaries shall be accountable for their acts or omissions before the Departmental Electoral Tribunal to which they report, without prejudice to criminal or civil liability, which shall be determined by the ordinary courts.

**Article 69. (POWERS).** Notaries and Electoral Notaries shall have the following powers:

1. To provide logistical support to the competent electoral authorities in electoral processes, referendums, and recalls.

- 2. To attest to electoral acts in accordance with the provisions of the Law and the regulations issued by the Supreme Electoral Tribunal.
- **3.** Report to the competent authorities any violations of the law, deficiencies, or irregularities observed in electoral processes, referendums, and recalls.
- **4.** Assist in the organization of polling station juries and support electoral training and information.
- **5.** Deliver the electoral material received from the Departmental Electoral Tribunal to the President of each Polling Station in a timely manner.
- **6.** Collect the security envelopes and electoral materials from the electoral juries and deliver them to the Departmental Electoral Tribunal.
- 7. On election day, respond to complaints from voters who claim that they have been improperly removed from the voter registry.
- **8.** Send the reports and documents required by law to the Departmental Electoral Tribunals.
- 9. Others established in the Regulations.

#### TITLE V SERVICES AND TECHNICAL UNIT

#### CHAPTER I CIVIL REGISTRY SERVICE

#### Article 70. (CREATION OF THE CIVIL REGISTRY SERVICE).

- I. The Civil Registry Service (SERECÍ) is created as a public entity under the authority of the Supreme Electoral Tribunal, for the organization and administration of the registry of natural persons, in terms of names and surnames, marital status, parentage, birth, vital events, and death, as well as the registry of voters, for the exercise of civil and political rights.
- II. All property and assets of the Civil Registry and the Biometric Register shall be transferred to the new entity. Similarly, human resources shall be hired in accordance with the new structure established for the Civil Registry Service.

**Article 71. (FUNCTIONS).** The Civil Registry Service (SERECÍ) shall perform the following functions:

- 1. Establish a biometric registration system for natural persons that guarantees the reliability, authenticity, and timeliness of the data.
- **2.** To register births, marriages, divorces, deaths, acknowledgments, and nationality of natural persons.
- **3.** Issue birth, marriage, and death certificates.
- **4.** Register the domicile of individuals and any changes thereto.
- **5.** Register the naturalization or acquisition of nationality of natural persons.
- **6.** Register the suspension and reinstatement of citizenship.
- 7. Register Bolivian citizens, by birth or naturalization, over the age of 18 in the Electoral Register.
- **8.** Register foreign citizens who have legal residence in Bolivia and who meet the legal requirements for voting in municipal elections.
- **9.** Rectify, change, or supplement the data entered in the Civil Registry through a free administrative procedure.
- 10. Respond to substantiated requests for verification of data in the Civil Registry and the Electoral Register required by the Judiciary or the Public Prosecutor's Office.
- 11. To hear and decide on disputes arising from the inclusion, modification, and updating of data in the Civil and Electoral Registry.
- 12. Update the Electoral Register and prepare the Electoral Roll for each electoral process, referendum, or recall election at the national, departmental, regional, and municipal levels.
- 13. Based on the Voter Register, draw up the list of persons eligible to vote and the list of persons ineligible to vote for each electoral process, referendum, or recall election at the national, departmental, regional, and municipal levels.
- **14.** Hear and resolve complaints from citizens included in the list of persons disqualified from the Electoral Register.
- **15.** Issue administrative resolutions for the implementation and operation of the Civic Registry.
- **16.** Others established in the Law and its corresponding regulations.

**Article 72. (OBLIGATIONS).** The Civic Registry Service (SERECÍ) has the following obligations:

- 1. Unrestricted respect for the right to privacy and identity of individuals and other rights derived from their registration.
- **2.** Guaranteeing the privacy and confidentiality of the data registered for individuals.
- **3.** Ensuring the security and integrity of all registered information.

#### Article 73. (ADMINISTRATIVE PROCEDURE).

- I. The Civil Registry Service (SERECÍ) is responsible for resolving the following matters free of charge and through administrative channels:
  - 1. Correct spelling errors in individuals' first and last names.
  - **2.** Correction and supplementation of data recorded on birth, marriage, and death certificates.
  - 3. Correction or addition of first or last names, when not contentious.
  - 4. Correction of errors in civil registry data regarding sex, date and place of birth, and other information.
  - **5.** Filiation of persons, when not contentious.
  - **6.** Addition of information to the civil registry.
  - 7. Other administrative procedures established by law and its corresponding regulations.
- II. The procedure for the administrative procedures indicated in the previous paragraph shall be established by regulation by the Supreme Electoral Tribunal.

#### Article 74. (REGISTRATION AND UPDATING OF DATA).

- I. The biometric registration of data comprising the Electoral Register is permanent and subject to updating.
- II. The updating of data in the Electoral Register is permanent and has the following objectives:
  - 1. Register natural persons of voting age who are not yet biometrically registered, both in the country and abroad, without restriction on their number and without time limitation.
  - 2. To register changes of address and updates requested by individuals.

**3.** Ensure that there is no more than one valid record for the same person in the database.

#### Article 75. (INFORMATION FROM THE LEGISLATIVE,

**EXECUTIVE, AND JUDICIAL BODIES).** For the purposes of updating the records of the Civil Registry Service, the Legislative, Executive, and Judicial Bodies are required to periodically inform the Supreme Electoral Tribunal of cases of suspension, loss, or reinstatement of nationality and/or citizenship and naturalization.

Article 76. (ELECTORAL REGISTER). The Electoral Register is the Biometric Registration System for all Bolivians of voting age and foreigners who are legally entitled to exercise their right to vote. In addition to biometric information, the Electoral Register includes at least the following data: first and last names, date of birth, sex, level of education, address, type of document, document number, nationality, country, department, province, municipality, indigenous peasant territory, and place of birth, electoral district and zone, and polling place.

#### Article 77. (LIST OF ELIGIBLE AND INELIGIBLE VOTERS).

- I. For each electoral process, referendum, and recall election, the Supreme Electoral Tribunal, through the Civic Registry Service, shall prepare a list of persons eligible to vote and a list of persons ineligible to vote for each polling station.
- II. The lists of eligible and ineligible voters, classified by department, region, province, municipality, indigenous peasant territory, single-member constituency, special constituency, locality, district, zone, precinct, and polling station, as applicable, shall contain at least the following information:
  - 1. Surnames and first names, in alphabetical order.
  - 2. Gender.
  - 3. Personal identity document number.
  - **4.** Photograph.
  - **5.** Polling station and polling station number.
- III. The lists of disqualified persons shall be published at least forty-five (45) days before the voting takes place, so that those concerned have the right to represent their case before the competent authority.
- IV. Persons who have not voted in two consecutive national, departmental, regional, or municipal elections, referendums, or recall elections, or who have not fulfilled their obligation to serve as election officials in one of these processes, shall be disqualified. The mechanisms for qualification and disqualification shall be established by regulation by the Supreme Electoral Tribunal.

**Article 78. (ELECTORAL ADDRESS).** The Supreme Electoral Tribunal shall establish in regulations the characteristics and conditions of the electoral address of natural persons, as well as the requirements and procedures for changing and updating it.

Voters shall be required to notify the competent authority of any changes in their address.

#### Article 79. (ACCESS TO ELECTORAL REGISTER INFORMATION).

- I. The statistical information in the Electoral Register is public. Political organizations may request a digital copy of this information from the Civil Registry Service. The delivery of this information shall be subject to the electoral calendar established by the Supreme Electoral Tribunal. Political organizations are solely responsible for its use.
- II. The Civil Registry Service shall provide demographic and residence data on natural persons to the Council of the Magistracy on an annual basis for the selection of Citizen Judges.
- III. The Civic Registry Service shall provide the requested data on natural persons upon written and substantiated request from the Public Prosecutor's Office, a judge, or a competent court. The requesting authorities shall not use this data for any other purpose.
- IV. Public institutions may request the verification of the identity of natural persons, subject to compliance with the conditions and requirements established by regulation by the Supreme Electoral Tribunal.

Article 80. (REGULATIONS). The principles, structure, organization, operation, powers, and procedures of the Civil Registry Service and other aspects not considered in this Chapter shall be determined by law and corresponding regulations.

# CHAPTER II INTERCULTURAL SERVICE FOR DEMOCRATIC STRENGTHENING

## Article 81. (CREATION OF THE SERVICE INTERCULTURAL OF

**DEMOCRATIC STRENGTHENING).** The Intercultural Service for Democratic Strengthening (SIFDE) is hereby created, under the authority of the Supreme Electoral Tribunal, with the purpose of promoting intercultural democracy in the country.

#### Article 82. (FUNCTIONS).

- **I.** The Intercultural Service for Democratic Strengthening (SIFDE) shall perform the following functions:
  - 1. Design and implement strategies, plans, programs, and projects for civic education in the exercise of direct and participatory democracy, representative democracy, and community democracy, social control, and

civic registration, for the promotion of an intercultural democratic culture in the education system, civil society organizations, political organizations, indigenous and aboriginal farming nations and peoples, the media, and the general public.

- **2.** Planning and implementing training courses for authorities and officials of the Plurinational Electoral Body.
- **3.** Design and implement intercultural research and analysis programs on intercultural democracy.
- **4.** Publish and disseminate editorial series from the Supreme Electoral Tribunal and other democratic training materials.
- **5.** Provide an intercultural public information service on the exercise of intercultural democracy in all its forms.
- **6.** Monitor the media's news and opinion agenda during electoral processes, referendums, and recalls.
- 7. Monitor electoral propaganda and opinion polls with electoral impact in the media.
- **8.** Establish minimum technical criteria for conducting and disseminating electoral polls, exit polls, quick counts, and other opinion studies with an electoral impact.
- 9. Establish inter-institutional cooperation agreements with public and private educational and research centers in the country, civil society institutions related to the field of education and citizen training, and with similar institutes or organizations abroad.
- 10. Others established in the Regulations.
- II. In the performance of its functions, the Intercultural Service for Democratic Strengthening (SIFDE) shall guarantee the use of official languages, taking into account the needs and preferences of the beneficiary population.

**Article 83.** (BUDGET). The Supreme Electoral Tribunal shall allocate an annual budget for the operation of the Intercultural Service for Democratic Strengthening (SIFDE).

**Article 84. (REGULATIONS).** The structure, organization, operation, powers, and procedures of the Intercultural Service for Democratic Strengthening (SIFDE) shall be determined in regulations by the Supreme Electoral Tribunal.

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#### CHAPTER III TECHNICAL AUDIT UNIT

#### Article 85. (CREATION OF THE TECHNICAL AUDIT UNIT).

- I. The Technical Oversight Unit (UTF) is hereby created as part of the Supreme Electoral Tribunal for the regulation and oversight of the assets, origin, and management of the economic resources of political organizations and the financing of electoral propaganda by all organizations participating in electoral processes, referendums, and recalls, for the purposes of transparency and documented accountability, in coordination with the Comptroller General of the State.
- II. The information generated by this Unit is public and will be disseminated periodically by the Supreme Electoral Tribunal.

**Article 86. (REGULATIONS).** The structure, organization, operation, powers, and procedures of the Technical Oversight Unit (UTF) shall be determined in regulations by the Supreme Electoral Tribunal.

#### TITLE VI RESPONSIBILITY REGIME

# CHAPTER I PROCESSING AND SANCTIONS

#### Article 87. (PROSECUTION OF MEMBERS).

- I. The criminal liability of the members of the Supreme Electoral Tribunal, the members of the Departmental Electoral Tribunals, and other electoral authorities for acts or omissions committed in the exercise of their functions shall be subject to ordinary justice.
- II. The disciplinary, administrative, civil, and executive liability of the members of the Supreme Electoral Tribunal shall be determined by the Plenary Chamber of the Supreme Electoral Tribunal, subject to the procedure established in the Electoral Regime Law, by two-thirds of the members in office, and guaranteeing impartiality and due process. The member or members being prosecuted shall not be part of this Plenary Chamber.
- III. The decisions of the Supreme Electoral Tribunal on matters of disciplinary responsibility shall be taken by resolution of the Plenary Chamber adopted by two-thirds (2/3) of the Members in office.
- **IV.** The disciplinary, administrative, civil, and executive responsibility of the members of the Departmental Electoral Tribunals shall be determined by the Plenary Chamber of the Supreme Electoral Tribunal in accordance with the procedure established in the Electoral Regime Law and the Disciplinary Regulations.

V. The disciplinary, administrative, civil, and executive responsibility of other electoral authorities shall be determined in accordance with the Disciplinary Regulations.

#### Article 88. (SANCTIONS). Disciplinary sanctions shall consist of:

- 1. A fine of up to 20 percent of monthly remuneration, in the case of minor offenses.
- 2. Suspension for up to a maximum of thirty (30) days without pay in the case of serious offenses.
- **3.** Loss of position or dismissal in the case of very serious offenses.

#### CHAPTER II OFFENSES

#### **Article 89. (MINOR OFFENSES).** Minor offenses are:

- 1. Absence from work for two consecutive working days or three non-consecutive working days in a month.
- 2. Missing a plenary session without justification.
- 3. Other minor disciplinary offenses established in the Disciplinary Regulations.

#### Article 90. (SERIOUS OFFENSES). The following are serious offenses:

- 1. Failure to respond to and provide timely information requested by political parties, citizen groups, indigenous peoples, or alliances, in accordance with this Law.
- **2.** Failure to respond to and deliver in a timely manner the information requested by civil society organizations for the purposes of social control.
- **3.** Delay in communicating the results of the vote count in their jurisdiction to the Supreme Electoral Tribunal.
- **4.** Failure to resolve appeals filed within its jurisdiction and competence in a timely manner.
- 5. Unjustified absence for more than three consecutive working days or five non-consecutive working days in a month.
- **6.** Repeated failure to comply with the schedules for regular and special sessions of the Full Chamber and for attending to their office.
- 7. Delays in the admission and processing of administrative acts and electoral processes.

- **8.** The commission of a minor offense when the judge has previously been sanctioned for two other minor offenses.
- **9.** Failure to comply with procedural deadlines.
- **10.** Unjustified absence from two consecutive sessions of the Plenary Chamber or three non-consecutive sessions in a month.

#### Article 91. (VERY SERIOUS OFFENSES). The following are very serious offenses:

- 1. Failure to comply with the principles of the Plurinational Electoral Body.
- 2. Actions or omissions contrary to the functions, powers, and obligations established in this Law and in the Electoral Regime, or failure to comply with resolutions issued by the Supreme Electoral Tribunal.
- **3.** Failure to comply with the obligation to verify and guarantee the principles of equality, parity, and alternation between men and women on the lists of candidates at all stages of the electoral process.
- 4. Unjustified absence from the exercise of their functions for five consecutive working days or eight non-consecutive working days during the month.
- 5. The delegation of their jurisdictional functions to subordinate staff or private individuals.
- **6.** The commission of a serious offense, when they have previously been sanctioned for two other serious offenses.
- 7. Deliberately leaving the Plenary Chamber without a quorum or without a duly justified reason.
- **8.** Unexcused absence from three consecutive sessions of the Plenary Chamber or five non-consecutive sessions in a month.
- **9.** Administering an electoral process, referendum, or recall election called outside the scope of the Electoral Regime Law or this Law.
- **10.** Refusing to administer an electoral process, referendum, or recall election called in accordance with the Electoral Regime Law or this Law.
- 11. Adopting party militancy or engaging in proven political activism in the exercise of their duties.
- **12.** Becoming a member of a lodge or assuming leadership in any association, cooperative, institution, or business, social, or civic organization that, due to its nature and interests, could influence the free exercise of their electoral duties.

#### TRANSITIONAL PROVISIONS

First. (IMPLEMENTATION OF THE CIVIC REGISTRATION SERVICE). The Supreme Electoral Tribunal shall adopt all necessary measures for the organization and implementation of the Civic Registration Service (SERECÍ), within a maximum transition period of ninety (90) days, to be counted from the date of the inauguration of the members of the Supreme Electoral Tribunal.

#### Second. (INSTITUTIONAL TRANSITION).

- I. Within the framework of the Political Constitution of the State and the provisions of this Law, the Plurinational Legislative Assembly, by a two-thirds vote of the members present and within a maximum period of fifty-five (55) days from the enactment of this Law, shall elect six (6) members of the Supreme Electoral Tribunal. Of the six members elected, at least three shall be women and at least two shall be of indigenous peasant origin. During the same period, the President of the Plurinational State shall appoint one member of the Supreme Electoral Tribunal.
- II. The process of public announcement and evaluation of the qualifications and merits for the selection of the members of the Supreme Electoral Tribunal by the Plurinational Legislative Assembly shall be carried out within a maximum period of forty-five (45) days from the enactment of this Law.
- III. Within the framework of the Political Constitution of the State and the provisions of this Law, the Chamber of Deputies of the Plurinational Legislative Assembly, by a two-thirds vote of the members present and within a maximum period of fifty-five (55) days from the entry into force of this Law, shall elect the members of the Departmental Electoral Tribunals from the shortlists proposed by the Departmental Assemblies, selected by a two-thirds vote of its members present. Of the total number of members elected to each Departmental Electoral Tribunal, at least half shall be women and at least one shall be of indigenous peasant origin. During the same period, the President of the Plurinational State shall appoint one member to each Departmental Electoral Tribunal.
- IV. The assessment of ability and merit in the Departmental Assemblies is for the sole purpose of drawing up the shortlists and does not imply a quantitative or qualitative assessment. The three qualified candidates on each shortlist shall have an equal chance of being elected, without any distinction, as members of the respective Departmental Electoral Tribunal by the Chamber of Deputies. The list of qualified candidates on each shortlist shall be sent, with all supporting documentation, to the Chamber of Deputies in alphabetical order and in horizontal format, without any quantitative or qualitative data.
- V. The Chamber of Deputies shall approve the Regulations for Appointments.
- VI. The processes of public announcement, assessment of capacity and merits, and the preparation of shortlists for the corresponding departmental members by the Departmental Assemblies for submission to the Chamber of Deputies shall be carried out

within a maximum period of forty-five (45) days from the enactment of this Law.

- VII. As this involves the formation of a new Public Body of the Plurinational State in accordance with the Political Constitution of the State and this Law, the current national and departmental members shall cease to hold office sixty (60) days from the enactment of this Law. If the authorities of the Plurinational Electoral Body are appointed before this deadline, the termination of office shall take effect upon the corresponding inauguration.
- VIII. In the event that any Departmental Assembly fails to send the corresponding shortlists to the Chamber of Deputies within the period established in paragraph VI of this Transitional Provision, the Supreme Electoral Tribunal shall assume full administration of the corresponding Departmental Electoral Tribunal until the process of selection and appointment of departmental members provided for in this Law is carried out.

**Third.** (**RESTRUCTURING PLAN**). The Executive Branch, through the Ministry of Government, shall, within a maximum period of ninety (90) days from the enactment of this Law, draw up a Restructuring Plan for the Personal Identification Service, in order to guarantee, in an efficient and transparent manner, the right to legal identity of all Bolivians.

# Fourth. (INTERINSTITUTIONAL COMMISSION AND REPORT).

- I. Within a maximum period of fifteen (15) days from the inauguration of the members of the Supreme Electoral Tribunal, an Inter-institutional Commission shall be formed, composed of representatives of the Legislative, Executive, Judicial, and Electoral Branches and the Ombudsman's Office. The Commission shall be chaired by the representative of the Legislative Branch, who shall be responsible for convening its constitution.
- II. Within a maximum period of ninety (90) days from the formation of the Interinstitutional Commission, the latter shall submit to the Plurinational Legislative Assembly a documented technical report on the institutional, technical, financial, and administrative conditions for the issuance of a single identity document.

**Fifth. (SOCIAL CONTROL).** All provisions of this Law relating to Social Control shall apply once the law regulating social control has been enacted.

#### FINAL PROVISION

**Sole.** (**REPEALS**). All legal provisions contrary to those established in this Law are repealed, in particular those contained in the Electoral Code, approved by Law No. 1984 of June 25, 1999, with all its reforms and amendments; Law No. 4021 on the Transitional Electoral Regime of April 14, 2009; Law No. 1983 on Political Parties, dated June 25, 1999; Law No. 2771 on Citizen Groups and Indigenous Peoples, dated July 7, 2004; Article 1537 of the Bolivian Civil Code

, Decree Law 12760 of August 8, 1975; and the Civil Registry Law of November 26, 1898, with all its amendments and reforms.

Refer to the Executive Branch for constitutional purposes.

Issued in the Session Hall of the Plurinational Legislative Assembly, on the fifteenth day of June of the year two thousand and ten.

Signed: René Oscar Martínez Callahuanca, Adriana Arias de Flores, Andrés A. Villca Daza, Clementina Garnica Cruz, Pedro Nuny Caity, José Antonio Yucra Paredes.

Therefore, I hereby enact it to be observed and enforced as a law of the Plurinational State of Bolivia.

Government Palace of the city of La Paz, on the sixteenth day of June two thousand and ten.

**SIGNED: EVO MORALES AYMA,** David Choquehuanca Céspedes, Luis Alberto Arce Catacora, Nilda Copa Condori, Carlos Romero Bonifaz.

