

National and International Election Observation Manual



Titular Magistrates

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National and International Election Observation Manual

Updated-2023

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Commission for the Revision of the Electoral Observation.

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Presentation

The consolidation of democracy in a country undoubtedly requires the implementation of free, fair, periodical, and transparent electoral processes, which reflect without hesitation the Governments' commitment to respect the popular will of their citizens.

The Electoral Observation Missions are part of the actors that contribute to holding elections with the characteristics mentioned above; In addition to favoring the generation of a climate of security and credibility, increasing the acceptance of the results and helping to mitigate conflicts, as well as strengthening citizen confidence in the electoral process.

Both national and international observers have accompanied the Supreme Electoral Tribunal of Guatemala since the beginning of its administration, favoring the transparency and integrity of the actions of this electoral body. For the Tribunal, adopting the concept of the National Director of the Electoral Observation Mission (or MOE for its acronym in Spanish) of Colombia, the Observation Missions are "the set of actions and activities carried out in person by a group organized by specialized people, foreign or national, who from the systematic, complete and accurate collection of information on an electoral process, prepare impartial, objective and professional analyzes of the information collected to reach a well-founded opinion on the quality of the process and strict compliance with the electoral legislation".

In the process of General Elections and Deputies to the Central American Parliament 2023, the Supreme Electoral Tribunal makes accesible this National and International Electoral Observation Manual to guide the important work of those who participate as electoral observers. It is necessary to highlight that this new edition includes the role of

Independent Observers, to add groups of Guatemalan or foreign citizens who wish to participate as observers but not as a Mission. And that of Observers in a Foreign Country so that the voting processes and procedures of our compatriots who live outside the national territory can also be monitored, analyzed and subject to improvement.

It is expected to be able to count on electoral observers who, with their external, independent, and impartial vision, provide their technical point of view and point out opportunities for improvement through their reports to optimize the actions of this Court and therefore contribute in strengthening the democratic system of the country.

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Background

Guatemala has been a country with a turbulent political life, characterized by several coups d'état that have broken the constitutional order. In addition, the emergence of armed conflicts and the population's fear of fraudulent elections have generated periods of political instability for several decades eventually leading to the signing of peace agreements and greater participation of civil society, as well as the adoption of a new Constitution and an Electoral and Political Parties Law events that have allowed us to be a democratic state today.

Great advances have been made in electoral matters, such as direct voting, the principle of non-reelection, the establishment of suffrage for women in 1945, secret and mandatory suffrage for literate men and women, optional suffrage for illiterate men, and the suppression of public voting in 1956. Universal, secret, and mandatory suffrage for all citizens over 18 years of age, men, and women, and optional suffrage for illiterate men and women, was constitutionally regulated until 1965.

In 1982 there was a crack in the infrastructure of Guatemalan electoral law caused by a military coup that suspended the validity of the Constitution promulgated in 1965. The justification for the coup d'état was widespread public opinion on fraud and the manipulation of the general elections held that same year, that the system did not respond to the popular aspirations, the low citizen participation, the absence of pluralism, and unreliable results in the elections, which served as a basis for the substitution of the previous electoral structures.

In 1983, Decree Law 30-83 was issued for the creation of the Supreme Electoral Tribunal, thus generating the first steps to implement an electoral legal structure that would culminate in a democratic political and

governmental scheme resulting in popular, free, and transparent elections. To this effect, Decree Laws 30-83, 31-83, and 32-83 were issued, which cover the creation of the Supreme Electoral Tribunal, the Registry of Citizens, and the Law of Political Organizations, respectively.

On March 22, 1984, the Supreme Electoral Tribunal issued the Regulations for the Election of the National Constituent Assembly, issuing Decree Law 3-84. Elections were held in July of the same year and the highest percentage of attendance in the last three decades was reached. Likewise, the political party system evolved towards fragmentation without the extreme ideological polarization that characterized them since 1954.

A year later, in 1985, the National Constituent Assembly promulgated the new Political Constitution of the Republic of Guatemala and Decree 1-85, Electoral and Political Parties Law. Under these laws, the Supreme Electoral Tribunal issued Decree Law 47-85 on June 3, 1985, to call general elections, which were held in November of the same year and were qualified as transparent having registered participation of 68 percent of the registered ritizens.

Since those elections, the Supreme Electoral Tribunal has summoned and organized all general elections, which include those of the President and Vice President of the Republic, Deputies to the Congress of the Republic by the national list and electoral district systems, as well as municipal corporations; in addition to elections of Deputies to the Central American Parliament and popular consultations. All of them have had different degrees of complexity; nevertheless, the Guatemalan electoral system has the virtue of relying on the citizens themselves, which has allowed the continuity of the democratic system in the country, quaranteeing transparent elections.

General information of the Supreme Electoral Tribunal

Mission

We are the highest authority in electoral matters, independent, not subject to any state agency, which promotes the exercise of full, equal, and inclusive citizenship and the participation of political organizations, to guarantee the right to elect and be elected. As well as facilitates the optimal functioning of temporary electoral bodies to achieve the consolidation of democracy.

Vision

To be the guiding electoral institution, of constitutional rank, that orients, promotes, and increases citizen participation through a responsible and conscious vote; that strengthens the evolution and development of the democratic system with the full respect and guarantee of the public will in the transparent and inclusive electoral processes while maintaining citizen confidence in electoral justice.

Institutional Principals

Legality: It is the principle that establishes that at all times and in all circumstances, the actions of the Supreme Electoral Tribunal must be in accordance with the normative framework that governs it and that is constituted by the Constitution of the Republic of Guatemala, the Electoral and Political Parties Law, and other laws of an ordinary and regulatory nature must also be observed

Independence: Consists of the freedom to make decisions, which allows the electoral body to act with transparency, security, and firmness, thus quaranteeing the purity of the electoral system.

In the case of Guatemala, the law of constitutional provision, guarantees this independence, by qualifying the Supreme Electoral Tribunal as the highest authority in electoral matters, independent and therefore not subordinated to any State agency.

- Impartiality: It is the conviction of the Supreme Electoral Tribunal to place the interest of society, as well as the values of democracy over any interest of society, as well as the values of democracy over any particular interest. The Tribunal is obliged to have no political preference and to resolve all matters within its competence, based on the law without any other kind of interest than that of administering electoral justice with equity.
- **Objectivity:** Its institutional actions are based on a general or global, coherent, and reasoned recognition of reality, based on the facts presented, without any partial or unilateral visions and opinions.
- **Certainty:** This principle means that the action or actions carried out will be completely truthful, real, and fact-based; that is, the results of the processes will be completely accurate, verifiable, reliable, and trustworthy.
- **Transparency:** Refers to the clarity, control, and accurate communication of electoral processes, which are not altered and free of outside influence, respecting the popular will represented through the votes at the polls, and maintaining the results of these interventions reliable and trustworthy.

Attributes and obligations

According to the Electoral and Political Parties Law (LEPP), the Supreme Electoral Tribunal must comply with the following responsibilities:

"Article 125. Powers and duties. The Supreme Electoral Tribunal has the following powers and duties:

- a) To ensure faithful compliance with the constitution, laws, and provisions that guarantee the right of citizens to organize and participate in politics;
- To reserve the power as the primary institution in charge of issuing the single personal identification document;
- c) To call and organize the electoral processes, defining within the parameters established in this law, the date of the call and the elections; to declare the result and validity of the elections or the partial or total nullity thereof; and to adjudicate the positions of popular election, notifying the citizens of the declaration of their election:
- d) To rule, finally, on the actions of the Registry of Citizens brought before it, by virtue of an appeal or consultation;
- To comply with and enforce compliance with the legal provisions on political organizations and electoral processes, as well as to dictate the provisions intended to enforce such rules, including the power to directly agree upon the measures and sanctions necessary to protect the principles that inform the electoral process;
- f) Resolve by virtue of appealing the registration, sanctions, suspension, and cancellation of political organizations;
- g) To resolve, finally, all matters relating to coalitions or mergers of political parties and civic electoral committees;

- Appoint the members of the Departmental and Municipal Electoral Boards and remove any of their members for justified cause, ensuring their proper functioning;
- i) To ensure the adequate and timely integration of the polling stations;
- j) Investigate and rule on any matter within its competence, which is presented or by virtue of a complaint;
- k) To bring to the attention of the competent authorities any facts constituting a crime or misdemeanor of which it becomes aware, in matters within its competence;
- To request the assistance of the public forces to guarantee the normal development of the electoral processes, which shall be provided immediately and adequately;
- m) Resolve the petitions and consultations submitted for its consideration by citizens or political organizations, related to matters within its competence;
- n) Resolve the appeals that it must hear in accordance with the law;
- o) To examine and qualify electoral documentation;
- Appoint, remove, and sanction the officers and personnel under its charge;
- q) To issue its own rules of procedure and those of the other electoral bodies:
- Prepare and execute its annual budget and comply with the provisions of the Constitution of the Republic;
- s) Compile and publish jurisprudence on electoral matters;
- t) To publish the report of the electoral process and its results within six months after the electoral process has concluded;
- To apply, in accordance with the Law of the Judicial Branch, the legal provisions regarding electoral matters and the registration and operation of political organizations;

- v) Design and implement civic and electoral education and training programs; and,
- w) To resolve definitively all cases within its competence that are not regulated by the present law.
- x) To agree on the imposition of the sanctions regulated in this Law; and.
- y) To order the cancellation of the registration of the political organization for early electoral propaganda. Likewise, to order the cancellation of the registration of legal persons, foundations, associations or other entities without partisan political purposes, which carry out electoral propaganda at any time in favor of any citizen or political organization."

Likewise, concerning its integration, the LEPP mandates the following: "Article 123. The Supreme Electoral Tribunal shall be composed of five Titular Magistrates and five Alternate Magistrates, elected by the Congress of the Republic with the favorable vote of two-thirds of the total number of its members, from a list of forty candidates proposed by the Nominating Commission. They shall serve for six years".



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ORGANIGRAMA ESPECIFICO DEL TRIBUNAL SUPREMO ELECTORAL

Electoral observation



What is Electoral Observation?

Definitions of electoral observation vary, but most of them provide fundamental characteristics for the development of this democratic exercise. The National Democratic Institute -NDI-, in its Manual of Municipal Citizen Nonpartisan Electoral Observation for Long-Term Observers of the 2015 electoral process, citing Valverde and Boneo, indicates that "Electoral observation is the follow-up and registration of an electoral process in a broad geographic area through the integration of a considerable mobilization of citizens in charge of monitoring the quality and development of the process".

According to the "Manual for OAS Electoral Observation Missions", electoral processes, including referendums, must be impartial, free, and transparent. Likewise, they are based on the principle of inclusion, which consists of giving citizens the tools and capacities to exercise their right to vote effectively; they must also be clean processes, in which the will and the results that arise from the manifestation of the population at the ballot box are respected.

According to the International Institute for Democracy and Electoral Assistance (IDEA), international observation "has become a common feature of electoral operations implemented by the international community that is now almost universally accepted as a way of contributing to voter confidence by assessing the relative legitimacy of an electoral process and its results."

In the document "Electoral Observation: Eyes and ears of the citizenry" by Alejandra Barrios, National Director of the Electoral Observation Mission (MOE) in Colombia since 2006, proposes a concept composed of definitions. provided by different organizations that support or carry out this type of exercises, establishing that "electoral observation is the set of actions and activities carried out in person by an organized group of specialized persons, foreign or national, that complete and exact collection of information on an electoral process, elaborate impartial, objective, and professional analysis of the information collected to reach an informed opinion on the quality of the process and the strict compliance with the electoral legislation".

Taking into consideration the previous conceptions, it can be inferred that the objective of the national and international electoral observation for Guatemala is to analyze the electoral processes to strengthen the confidence of the actors and propose measures that improve the democratic quality, this accompaniment can be given from, The latter includes validation of the opening of the different voting centers and verification of the development of Election Day, which includes witnessing the closing of the voting, the scrutiny and citizen participation (youth, women, indigenous peoples, people with disabilities and sexual diversity). If it is observed that something is not working correctly, it should only be reported to the accredited organization they represent, so that it may present a report to the Plenary of Magistrates of the Supreme Electoral Tribunal.

Why are National and International Observation Missions important?

They provide confidence. The presence of observation missions contributes to a climate of security and credibility in the electoral system. It encourages citizen participation and involvement in elections and contributes to the strengthening of democratic practices.

They generate legitimacy. Observation has become an indispensable requirement for international acceptance and recognition, as a "seal" that quarantees the results of election processes.

They provide transparency The deployment and presence of several national and international electoral observation groups contribute to guaranteeing the adequate development of the electoral process, from the opening of the voting centers until the results are known, verifying that the will of the people is respected.

Principles of Electoral Observation

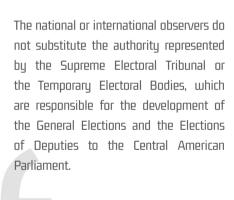
To carry out their work during the electoral process, national or international observers must apply the following principles:

Objectivity. Must have the ability to analyze the events of the electoral process with a comprehensive vision and training, knowing the established rules and procedures.

Neutrality. Must be disinterested, and dispassionate, as well as remain naturally aloof from positions in the electoral process, since the credibility of the observation depends on the balance and moderation of its actions.

Impartiality. Must act putting the interest of the country before particular interests, safeguarding democratic values.

Respect for the laws of the country. It must respect and ensure compliance with the Political Constitution of the Republic of Guatemala, the Electoral and Political Parties Law and its Regulations, as well as Decree number 1-2023 through which the Supreme Electoral Tribunal issued the Call for General Elections and Elections of Deputies to the Central American Parliament, and Agreements Numbers 582-2023, 583-2023, 584-2023 and 585-2023 for Electoral Observation and other provisions of the Supreme Electoral Tribunal, applicable to Electoral Observation.



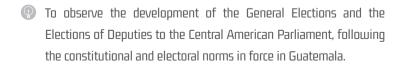
Objectives of the electoral observation missions:



According to the Manual Práctico de Observación Electoral, of the Ministry of Foreign Affairs and Cooperation of Spain, the objectives of the observation missions are:

- The construction and consolidation of democratic systems by elaborating recommendations aimed at improving future electoral processes.
- Reduce the levels of fraud, irregular practices, and intimidation. The presence of an electoral observation mission will have a dissuasive effect on the possible commission of fraud since the actors seek to receive the stamp of internal and international legitimacy that a positive evaluation of EOM grants.
- To reinforce the transparency of the electoral process and thus increase the confidence of the electorate, which perceives the electoral observation mission as an important guarantor of the transparency of the process.
- Promote the acceptance of the results by all electoral stakeholders, and thus defuse the tension and violence that may arise during the post-electoral period, as the EDM is perceived as impartial, independent, rigorous, and professional.

Functions of electoral observation





- Collaborate with governmental and electoral authorities, and with the population in general, to ensure the integrity, impartiality, transparency, and reliability of the electoral process.
- Contribute to creating an atmosphere of public confidence and with its presence give certainty to the process, mainly to the results
- Contribute to the electoral system by preparing and submitting recommendations in the observation report to the Supreme Electoral Tribunal
- If you are a domestic observer, abide by the Code of Conduct for Nonpartisan Citizen Election Observers and Monitors, commemorated on April 3, 2012, at the United Nations, New York; if you are an international observer, abide by the Code of Conduct for International Election Observers, commemorated on October 27, 2005 in the United Nations Secretariat Building. Neur York.
- Comply with the biosecurity norms established by the Supreme Electoral Tribunal.
- Start its functions, from the notification of the accreditation. made, and will officially conclude with the delivery of the report.

Prohibitions for election observers



- Obstructing and/or interfering in the exercise of the functions of the electoral authorities.
- Offending or defaming the electoral institution and authorities.
- Obstructing the processes, officials. political election contestants, or voters; or in any way carrying out a partisan activity that could affect the decisions of the electorate.

- Declare the triumph of any of the party options in the contest.
- To make personal statements or remarks regarding the electoral process.
- To act as members of Departmental, Municipal, or Voting Boards; or as Civic Volunteers, before the Supreme Electoral Tribunal.
- Influence the electorate or survey their voting intentions.
- Intervene in the logistics of the electoral process.
- Sub-accredit.
- Carry firearms.
- Transgress security regulations regarding entry and restrictions at the National Information Center.

Acreditation of electoral observation missions



The accreditation of observers is granted exclusively by the Supreme Electoral Tribunal. The following steps must be followed:

- 1. An organization or group interested in participating in an electoral observation mission must submit a request for authorization to the Plenary of Magistrates or the Magistrate coordinating the Electoral Observation.
- 2. Interested persons must belong to a non-partisan political association, non-governmental organization, non-profit association or group legally constituted to carry out electoral observation. They must present a certificate issued by the legal representative of the entity.

- 3. The association or group authorized to complete an observation mission, must submit online all the information requested on the form available on the website www.observaciontsegt.tse.org.gt and send an email to observaciontsegt@gmail.com, with a list of all members who make up the mission. You must add one form for every observer.
- 4. Subsequently, the corresponding credential will be issued, which must be worn in a visible place at all times, for the performance of observation activities.
- 5. For the delivery of the credentials, one liaison per Electoral Mission shall be appointed before the Protocol Department of the Supreme Electoral Tribunal, which shall be responsible for receiving and distributing them to the appropriate persons.
- 6. The members of the mission shall take the course on electoral observation, in its virtual modality, hosted in the academic offer of the Electoral Institute

Requirements for accreditation of National Observation Mission members

- 1. Submit a copy of the corresponding application approved by the Plenary of Magistrates or Coordinating Magistrate.
- 2. Photocopy of the Personal Identification Document -DPI- of each person.
- 3. Photocopy of proof of having completed the virtual course on electoral observation, from the Electoral Institute.

- 4. Possess Guatemalan citizenship in full capacity of their civil and political rights.
- 5. Not to be a member of the governing bodies of any political organization or be affiliated with any of these entities.
- 6. Not to be a candidate for elected office.
- 7. Send photograph in electronic format with .jpg or .jpeg extension.

Procedure for Accreditation of International Electoral Observation Missions

- 1. To have been invited by the Supreme Electoral Tribunal to participate in an International Mission of Electoral Observation in the process of General Elections and of Deputies to the Central American Parliament 2023.
- 2. When there is no invitation and there is interest from a foreign organization or institution in observing the electoral process, the entity must write to the Plenary of Magistrates of the Supreme Electoral Tribunal, indicating its desire to participate in the observation.
- 3. When the invitation has been issued, the application accepted, and the decision notified, the Plenary of Magistrates instructs to initiate the accreditation process.
- 4. Send electronically to the Supreme Electoral Tribunal, for each observer, the form found on the web page www.observaciontsegt.tse.org.gt the list of the members of said Mission, via e-mail to observaciontsegt@gmail.com.

- 5. Subsequently, the respective credential will be issued, which must be worn in a visible place at all times, for the performance of observation activities.
- 6. For the delivery of the credentials, one liaison per Electoral Mission shall be appointed before the Protocol Department of the Supreme Electoral Tribunal, which shall be responsible for receiving and distributing them to the appropriate persons.

Requirements for accreditation of members of International Observation Missions

- 1. To have the invitation and acceptance of the letter of interest, issued or approved by the Plenary of Magistrates.
- 2. Have a valid passport (and a Visa if necessary), and send a copy of that document.
- 3. Send a photograph in .jpg or .jpeg extension format.

Procedure for the accreditation of independent observers

The accreditation for independent observers, like the previous ones, is granted exclusively by the Supreme Electoral Tribunal. The following steps must be followed:

An authorization request must be sent to the Plenary of Magistrates or the Magistrate coordinating the Electoral Observation for any interested party, organization or group.

- When the application has been accepted and the decision has been notified, the Plenary of Magistrates instructs to initiate the accreditation process.
- Subsequently, you must submit electronically to the Supreme Electoral Tribunal, for each observer a form which can be found on the webpage: www.observaciontsegt.tse.org.gt. If it was a group of people, also send a list of names of the observers who require accreditation, via email to observaciontseqt@gmail.com
- Subsequently, the respective credential will be issued, which must be worn in a visible place at all times, for the performance of observation activities.
- If they are national independent observers, they must take the course on electoral observation, in its virtual modality, hosted in the academic offer of the Electoral Institute.
- For the delivery of the credentials, one liaison per Electoral Mission shall be appointed before the Protocol Department of the Supreme Electoral Tribunal, which shall be responsible for receiving and distributing them to the appropriate persons.

Requirements for the accreditation of independent observers:

If I were a foreign person:

- Submit a copy of the corresponding application approved by the Plenary of Magistrates or Coordinating Magistrate.
- 2. Photocopy of your passport.
- 3. Send photo in electronic format with .jpg or .jpeg extension

If I were a person with Guatemalan citizenship:

- 4. Must produce a copy of the corresponding request approved by the Plenary of Magistrates or Magistrate Coordinator.
- 5. Must present certification of being in full capacity of his civil and political rights.
- 6. Photocopy of the Personal Identification Document -DPI-.
- 7. Submit a photocopy of proof of having completed the Electoral Institute's virtual course on Electoral Observation (optional).
- 8. Not be a member of any governing body of any political organization or be affiliated with any of these entities.
- 9 Not to be a candidate for elected office
- 10. A personal Passport-type photo in .jpg or jpeg.

Procedure for the accreditation of Electoral Observation. Missions abroad.

The accreditation for the members of the Overseas Electoral Observation. Missions, as the previous ones, is granted exclusively by the Supreme Electoral Tribunal. The following steps must be followed:

1. The organization or group interested in participating in an electoral observation mission must submit a request for authorization to the Plenary of Magistrates or the Magistrate coordinating the Electoral Observation

- 2. Interested persons must belong to a non-partisan political association, non-governmental organization, non-profit association, or group legally constituted in the country of origin to carry out electoral observation. They must present a certificate issued by the legal representative of the entity.
- 3. Once the request has been accepted and a notification of approval issued by the Plenary of Magistrates to the interested party, they instruct to begin the accreditation process.
- 4. The association or group authorized as an electoral observation mission abroad must send electronically all the data requested in the form available at www.observaciontsegt.tse.org.gt and an e-mail to the address observaciontsegt@gmail.com, with the list of the members of the Mission. One form must be attached for each observer.
- 5. The members of the mission with Guatemalan citizenship must take the course on electoral observation, in its virtual modality, hosted in the academic offer of the Electoral Institute.
- 6. Subsequently, the corresponding credential will be issued, which must be worn in a visible place at all times, for the performance of observation activities.
- 7. For the delivery of the credentials, one liaison per Electoral Mission shall be appointed before the Specialized Unit for Overseas Voting and the Protocol Department of the Supreme Electoral Tribunal, who shall be responsible for receiving and distributing them to the appropriate persons.

Requirements for accreditation of Overseas Observation Mission members

1. Submit a copy of the corresponding request approved by the Plenary of Magistrates or Coordinating Magistrate.

- 2. Photocopy of the Personal Identification Document -DPI- in the case of Guatemalan citizens or passport in the case of foreign citizens.
- If you are a Guatemalan citizen, you must submit a photocopy of proof of having completed the virtual course of electoral observation, from the Electoral Institute
- 4. Not be a member of any governing body of any political organization or be affiliated with any of these entities.
- Not to be a candidate for elected office.
- 6. Send photo in electronic format with .jpg or .jpeg extension



Observation stages

For the 2023 general and deputy elections to the central american parliament

Electoral observation involves two stages, which are detailed below:

The Stage before the days set for the elections

The Guatemalan electoral process is developed in three phases, the preelection stage is made up of the candidate registration and electoral
campaign phases. Duly accredited observation missions may verify
aspects related to the organization and logistical preparation of the
elections, civic education and the promotion of citizen participation by the
Supreme Electoral Tribunal, the progress in the registration of candidates,

and the development of the electoral campaign of political organizations and their candidates.



2. Election Day Stage

At this stage, the observation missions simultaneously deploy all their members throughout the country's territory to cover as many voting centers as possible to verify the following aspects:

a. Voting

Voting observation involves the following specific aspects:

- 1. The opening of the voting centers at the stipulated time.
- 2. The installation and integration of the voting tables.
- Procedures at the polling stations for voting.
- 4. Government's performance in quaranteeing security conditions and access to voting centers.
- 5. The behavior of the members of the voting tables.
- 6. The existence of acts of voter intimidation at the polling centers.
- 7. The maintenance of general order, inside and outside the polling places.
- 8. Verification of the secrecy of the vote.
- 9. The number of registered voters per table according to the Electoral Roll.
- 10 Voter turnout
- 11. The effectiveness and efficiency of the computer system in the transmission of preliminary results.
- 12. Other aspects deemed pertinent by the observation missions.

b. Counting and transmission of preliminary results

The observation of the vote count and the transmission of preliminary results involves:

- That the members of the Voting Boards follow the procedure in accordance with the regulations in force.
- 2. That the procedure for the qualification of votes is legitimate.
- 3. That the access of the observation missions to the voting centers during the counting process be guaranteed.
- 4. That the scrutiny be carried out in an atmosphere of tranquility and transparency.
- That the transmission of the results tally sheets from the voting centers is carried out efficiently and that the security of the information is guaranteed in accordance with the law.

c. Communication and publication of preliminary results

Observation at this stage includes the following aspects:

Entry of accredited observers, according to the established protocols, to the National Information Center installed by the Supreme Electoral Tribunal, from where the preliminary results of the elections will be communicated and published.

Observation reports

The Observation Missions, both national and international, are urged to prepare and deliver the respective mission reports, including the recommendations to strengthen the institutional capacities of the Supreme Electoral Tribunal of Guatemala.

Annexes





1 de 5 Acuerdo No. 582-2023

Tribunal Supremo Electoral
ACUERDO NÚMERO 582-2023

EL TRIBUNAL SUPREMO ELECTORAL



CONSIDERANDO:

Que el Tribunal Supremo Electoral, es la máxima autoridad en materia electoral, es independiente y por consiguiente no supeditado a organismo alguno del Estado. Su organización, funcionamiento y atribuciones están determinados en la Ley Electoral y de Partidos Políticos, correspondiéndole, convocar y organizar los procesos electorales, velar por el fiel cumplimiento de la Constitución Política de la República de Guatemala, leyes y disposiciones que garanticen el derecho de organización y participación política de los ciudadanos.

CONSIDERANDO:

Que esta máxima autoridad electoral a través del Decreto No. 1-2023 convocó a los ciudadanos de todos los distritos electorales de la República de Guatemala, a Elecciones Generales y al Parlamento Centroamericano 2023 y que es derecho y deber de los ciudadanos velar por la libertad y efectividad del sufragio y la pureza del proceso electoral, es necesario, establecer las disposiciones que regulen y hagan efectiva la participación de los ciudadanos guatemaltecos, en los procesos electorales, como Observadores Nacionales:

POR TANTO:

Este Tribunal, con fundamento en lo considerado y en lo que para el efecto preceptúan los artículos: 136 y 223 de la Constitución Política de la República de Guatemala, 1, 3, 9, 115, 121, 125, 128, 129, 130, 154, 185, 194, 223 y 233 de la Ley Electoral y de Partidos Políticos (Decreto Número 1-85 de la Asamblea Nacional Constituyente y sus reformas):

ACUERDA:

ARTÍCULO 1°.: Es derecho de los ciudadanos guatemaltecos participar como observadores del proceso electoral. Los observadores nacionales debidamente acreditados, podrán participar en las Elecciones Generales y al Parlamento Centroamericano 2023 y de ser necesario, en la segunda elección presidencial:

ARTÍCULO 2º .: Para ser Observador Nacional Electoral, se requiere:

- Presentar copia de la solicitud correspondiente aprobada por el Pleno de Magistrados o Magistrado Coordinador.
- 2. Fotocopia del Documento Personal de Identificación -DPI- de cada persona.
- Fotocopia de constancia de haber realizado el curso virtual sobre observación electoral, del Instituto Electoral.
- 4. Ser ciudadano guatemalteco en el pleno goce de sus derechos civiles y políticos.
- No ser parte de los órganos de dirección de ninguna organización política, ni estar afiliado a alguna de estas entidades.
- 6. No ser candidato (a) a un cargo de elección popular.
- Enviar fotografía en formato electrónico con extensión .jpg o .jpeg.

ARTÍCULO 3º.: La acreditación de observadores y observadoras la otorga exclusivamente el Tribunal Supremo Electoral, para ello se deben seguir los siguientes pasos:

 La organización o grupo interesado en integrar una misión de observación electoral, debe presentar solicitud de autorización al Pleno de Magistrados o al Magistrado coordinador de la Observación Electoral.





2 de 5 Acuerdo No. 582-2023

SECRETARIA GENERAL

Tribunal Supremo Electoral

- 2. Las personas interesadas deben pertenecer a una asociación con fines políticos nomala partidarios, organización no gubernamental, asociación sin fines de lucro o grupo legalmente constituido para efectuar observación electoral. Deberán presentar constancia extendida por el representante legal de la entidad.
- 3. La asociación o grupo autorizado como misión de observación, deberá enviar vía electrónica todos los datos que se solicitan en el formulario disponible en la página correo electrónico la www.observaciontsegt.tse.org.gt un observaciontsegt@gmail.com, con el listado de los miembros que componen esa Misión. Se debe adjuntar un formulario por cada observador (a).
- 4. Posteriormente, se emitirá la credencial correspondiente, la cual se deberá portar en un lugar visible en todo momento, para el desempeño de las actividades de observación.
- 5. Para la entrega de las credenciales, se deberá nombrar un enlace por Misión Electoral ante el Departamento de Protocolo del Tribunal Supremo Electoral, quien será responsable de recibirlas y distribuirlas a quienes corresponda.
- 6. Los miembros de la misión, deberán realizar el curso sobre observación electoral, en su modalidad virtual, alojado en la oferta académica del Instituto Electoral.

ARTÍCULO 4º .: Cualquier asociación con fines políticos no partidarios, organizaciones no gubernamentales, asociaciones sin fines de lucro o grupos de cincuenta o más ciudadanos constituidos para realizar Observación Electoral, deben presentar al Tribunal Supremo Electoral, la solicitud y documentación requerida, para su acreditación respectiva, a partir de la fecha de publicación de este Acuerdo en el Diario de Centro América y hasta el 30 de mayo del año en curso, siendo responsables, ante el Tribunal Supremo Electoral, de la actividad que desarrollen, y a trayés de las mismas, se harán las comunicaciones pertinentes;

ARTÍCULO 5º .: Los ciudadanos acreditados como observadores electorales podrán solicitar al Tribunal Supremo Electoral, a las Juntas Receptoras Departamentales, a las Juntas Electorales Municipales y a las Juntas Receptoras de Votos que corresponda, la información electoral pertinente, para el mejor desarrollo de sus actividades. Dicha información podrá ser proporcionada siempre que existan las posibilidades materiales o técnicas para su entrega, con observancia a lo que establece la Ley de Acceso a la Información Pública, Decreto 57-2008;

ARTÍCULO 6º .: Durante el Proceso Electoral los observadores electorales, podrán dar seguimiento a las etapas de su desarrollo que son las siguientes:

Etapa previa a los días señalados para las elecciones

El proceso electoral guatemalteco se desarrolla en tres fases, la etapa previa a las elecciones está integrada por las fases de inscripción de candidatos y la de campaña electoral. Las misiones de observación debidamente acreditadas, pueden verificar aspectos relacionados con la organización y preparación logística de las Elecciones, la educación cívica y el fomento de la participación ciudadana que el Tribunal Supremo Electoral realice, el avance en la inscripción de candidatos, el desarrollo de la campaña electoral de las organizaciones políticas y sus candidatos.



2. Etapa del día de las Elecciones

En esta etapa, las misiones de observación despliegan simultáneamente la totalidad de sus integrantes en el territorio del país, para cubrir la mayor cantidad de centros de votación, para verificar los siguientes aspectos:

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Tribunal Supremo Electoral

a. La Votación

La observación de la votación implica los siguientes aspectos específicos:

- 1. La apertura de los centros de votación a la hora estipulada.
- La instalación e integración de las mesas de votación.
- 3. Los procedimientos en las Juntas Receptoras para la votación.
- 4. El comportamiento del Gobierno para garantizar las condiciones de seguridad y acceso a los centros de votación.
- 5. El comportamiento de los integrantes de las mesas de votación.
- 6. La existencia de actos de intimidación hacia las y los votantes, en los centros de votación.
- 7. El mantenimiento del orden general, dentro y fuera de los centros de votación.
- 8. La verificación de la secretividad del voto.
- El número de votantes inscritos por mesa de acuerdo con el Padrón Electoral.
- La afluencia de votantes.
- 11. La eficacia y eficiencia del sistema informático en la transmisión de resultados preliminares
- 12. Otros aspectos que estimen pertinentes las misiones de observación.
- b. Escrutinio y transmisión de resultados preliminares

La observación del escrutinio de los votos y la transmisión de los resultados preliminares implica:

- 1. Que los (as) integrantes de las Juntas Receptoras de Votos sigan el procedimiento en apego a la legislación
- 2. Que el procedimiento para la calificación de votos se realice conforme a la ley.
- 3. Que se garantice el acceso de las misiones de observación a los centros de votación durante el proceso de escrutinio.
- 4. Que el escrutinio se efectúe en un ambiente de tranquilidad y transparencia.
- 5. Que la transmisión de actas de resultados, desde los centros de votación, se realice eficientemente y se garantice la seguridad de la información conforme a la ley.
- c. Comunicación y publicación de resultados preliminares

La observación en esta etapa contempla los siguientes aspectos:

Ingreso de observadores acreditados de acuerdo a los protocolos establecidos, al Centro Nacional de Información que instale el Tribunal Supremo Electoral, desde donde se comunicarán y publicarán los resultados preliminares de las elecciones.

ARTICULO 7° .: Los Observadores Electorales Nacionales que hayan sido acreditados tienen las prohibiciones siguientes:

- a) Obstaculizar y/o interferir en el ejercicio de las funciones de las autoridades electorales.
- b) Ofender o difamar a la institución y autoridades electorales.
- c) Obstruir los procesos o a los funcionarios electorales, contendientes políticos o votantes; o de manera alguna llevar a cabo actividad partidaria que pudiera afectar las decisiones del electorado.
- d) Declarar el triunfo de alguna de las opciones partidarias en contienda.
- e) Hacer declaraciones a título personal sobre el Proceso Electoral.
- Actuar como integrantes de Juntas Electorales Departamentales, Municipales o Receptoras de Votos; o como Voluntarios Cívicos, ante el Tribunal Supremo Electoral.
- Influir en el electorado o sondear su intención de voto.
- h) Intervenir en la logística del Proceso Electoral.
- i) Subacreditar.
- Portar armas de fuego. i)

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Tribunal Supremo Electoral

Transgredir la normativa de seguridad, respecto al ingreso y las restricciones en el Centro Nacional de Información.

ARTÍCULO 8º .: Son obligaciones de los Observadores Nacionales:

- a) Respetar la Constitución Política de la República de Guatemala, leyes, reglamentos y normas que rijan en el país, así como las disposiciones emitidas por el Tribunal Supremo Electoral
- b) Respetar la soberanía del Estado de Guatemala, así como las normas internacionales de derechos humanos.
- c) Respetar la autoridad del Tribunal Supremo Electoral.
- d) Observar los principios de objetividad, neutralidad e imparcialidad del proceso de observación electoral.
- e) Respetar y cumplir el Código de Conducta para Ciudadanas y Ciudadanos Observadores y Monitores no Partidarios de Elecciones, conmemorados el 3 de abril de 2012 en la Organización de las Naciones Unidas, Nueva York.
- Formular su solicitud de acreditación ante el Tribunal Supremo Electoral, consignando sus datos de identificación personal y el número de su documento de identificación, así como los que se requieran conforme la organización que representen.
- g) Abstenerse de obstaculizar el desarrollo del proceso electoral, de interferir en las investigaciones de las denuncias presentadas y en los asuntos internos del Tribunal.
- h) Entregar copia al Tribunal Supremo Electoral de los informes o declaraciones escritas que formulen, cumpliendo con mantener la exactitud de la observación electoral.
- No utilizar ni llevar símbolos, colores o enseñas partidistas

ARTÍCULO 9º.: Los Observadores Electorales Nacionales deberán presentar, por conducto de la asociación o grupo responsable, el informe de sus actividades y del desarrollo de la jornada electoral, una vez que ésta haya concluido.

El Tribunal, podrá publicar los informes que resulten de la actividad de los observadores electorales y en ningún caso los informes, juicios, opiniones o conclusiones de los observadores electorales. tendrán efectos jurídicos sobre el proceso electoral y los resultados;

ARTÍCULO 10° .: Los Observadores Electorales Nacionales, que hagan uso indebido de su acreditación, o no se ajusten a las disposiciones establecidas en la Ley Electoral y de Partidos Políticos o al presente Acuerdo, se les cancelará inmediatamente su acreditación y se les inhabilitará para participar como observadores en procesos electorales posteriores;

ARTÍCULO 11º.: La función de los Observadores Electorales Nacionales se limita a las Etapas de Observación, estipuladas en el Manual de Observación Electoral Nacional e Internacional;

ARTÍCULO 12º .: Forma parte del presente Acuerdo el "Manual de Observación Electoral Nacional e Internacional" elaborado por el Tribunal Supremo Electoral;

ARTÍCULO 13º .: El presente Acuerdo entrará en vigor al día siguiente de su publicación en el Diario Oficial;

DADO EN LA SEDE DEL TRIBUNAL SUPREMO ELECTORAL: en la ciudad de Guatemala el día veintiséis de abril de dos mil veintitrés.

COMUNÍQUESE:

Dra. Irma Elizabeth Palencia Orellan Magistrada Presidente

Acuerdo No. 582-2023

Tribunal Supremo Electoral

Dr. Ranulfo Ratael Rojas Cetina Magistrado Vocal Primero

Magistrada Vocal Tercero

MSc. Gabriel Vladimir Aguilera Bolaños Magistrado Vocal Cuarto

Mynor Custodio Eranco Flores Magistrado Vocal Quinto

MSc. Mario Alexander Vetasquez Per SECRETARIA Secretario General

Acuerdo No. 583-2023

Tribunal Supremo Electoral

ACUERDO NÚMERO 583-2023

EL TRIBUNAL SUPREMO ELECTORAL

CONSIDERANDO:

Que el Tribunal Supremo Electoral, es la máxima autoridad en materia electoral, es independiente y por consiguiente no supeditado a organismo alguno del Estado. Su organización, funcionamiento y atribuciones están determinados en la Ley Electoral y de Partidos Políticos, correspondiéndole, convocar y organizar los procesos electorales, velar por el fiel cumplimiento de la Constitución Política de la República de Guatemala, leyes y disposiciones que garanticen el derecho de organización y participación política de los ciudadanos;

CONSIDERANDO:

Que esta máxima autoridad electoral a través del Decreto No. 1-2023 convocó a los ciudadanos de todos los distritos electorales de la República de Guatemala, a Elecciones Generales y al Parlamento Centroamericano 2023 y que la Observación Electoral Internacional garantiza la integridad del proceso electoral a través de actividades preparatorias, de vigilancia y de información, además, promueve la democracia del país, dándole solidez al proceso electoral y confianza a los electores. por lo que deviene necesario emitir las disposiciones que regulen y hagan efectiva la participación de los Observadores Internacionales del proceso electoral y en ese sentido debe emitirse la disposición que corresponde;

POR TANTO:

Con fundamento en lo considerando y en lo que para el efecto preceptúan los artículos: 223 de la Constitución Política de la República de Guatemala; 1, 125, 128, 129, 130, 193, 194 y 223 de la Ley Electoral y de Partidos Políticos (Decreto Número 1-85 de la Asamblea Nacional Constituyente y sus reformas):

ACHERDA:

ARTICULO 1º.: La observación internacional consiste en un conjunto de actividades preparatorias, de vigilancia y de información, desde un organismo o institución extraniera, conocedores de los procesos electorales, cuyo objetivo primordial es contribuir a la generación de confianza del proceso electoral, así como proporcionar credibilidad y transparencia en el mismo y sus resultados, siendo estos últimos el reflejo de la voluntad ciudadana, con el absoluto respeto a la soberanía del Estado y de la independencia del Tribunal Supremo Electoral;

ARTICULO 2º .: Podrán ser observadores internacionales del proceso electoral, las personalidades, los representantes de gobierno, organizaciones extranjeras u organismos internacionales, quienes previa invitación, sean acreditados ante este Tribunal:

ARTICULO 3º .: El Tribunal Supremo Electoral, proporcionará los recursos necesarios posibles, para que los observadores puedan cumplir con su misión. En caso de ser necesario, podrán requerirlos a los organismos del Estado;

ARTICULO 4º .: Los organismos u organizaciones extranjeras, que tengan interés de observar el proceso electoral deben:

1. Haber sido invitadas por el Tribunal Supremo Electoral para participar como Misión Internacional de Observación Electoral en el proceso de Elecciones Generales y de Diputados al Parlamento Centroamericano 2023.

2. Cuando no se tenga invitación y exista interés de un organismo o institución extranjera en la observación del proceso electoral, la entidad deberá dirigirse por escrito al Pfeno de Magistrados del Tribunal Supremo Electoral, indicando el deseo de participar en la











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Tribunal Supremo Electoral

 Cuando la invitación ha sido efectuada, la solicitud aceptada y notificado lo resuello Pleno de Magistrados instruye para que se inicie el proceso de acreditación.



 Posteriormente, se emitirá la credencial respectiva, la cual se deberá portar en un lugar visible en todo momento, para el desempeño de las actividades de observación.

 Para la entrega de las credenciales, se deberá nombrar un enlace por Misión Electoral ante el Departamento de Protocolo del Tribunal Supremo Electoral, quien será responsable de recibirlas y distribuirlas a quienes corresponda.

ARTICULO 5º.: Los requisitos para la acreditación como integrante de Misiones Internacionales de Observación, son los siguientes:

- Contar con la invitación o aceptación de carta de interés, emitida o aprobada por el Pleno de Magistrados.
- 2. Tener pasaporte vigente (visa si es necesario) y enviar copia de ese documento.

3. Enviar fotografía en formato con extensión .jpg o .jpeg.

ARTICULO 6°.: Durante el Proceso Electoral los Observadores Electorales Internacionales, podrán dar seguimiento al desarrollo de las etapas siguientes:

1. Etapa previa a los días señalados para las elecciones

El proceso electoral guatemalteco se desarrolla en tres fases, la etapa previa a las elecciones está integrada por las fases de inscripción de candidatos y la de campaña electoral. Las misiones de observación debidamente acreditadas, pueden verificar aspectos relacionados con la organización y preparación logística de la Elecciones, la educación cívica y el fomento de la participación ciudadana que el Tribunal Supremo Electoral realice, el avance en la inscripción de candidatos, el desarrollo de la campaña electoral de las organizaciones políticas y sus candidatos.

2. Etapa del día de las Elecciones

En esta etapa, las misiones de observación despliegan simultáneamente la totalidad de sus integrantes en el territorio del país, para cubrir la mayor cantidad de centros de votación, para verificar los siguientes aspectos:

a. La Votación

La observación de la votación implica los siguientes aspectos específicos:

- La apertura de los centros de votación a la hora estipulada.
- La instalación e integración de las mesas de votación.
- 3. Los procedimientos en las Juntas Receptoras para la votación.
- El comportamiento del Gobierno para garantizar las condiciones de seguridad y acceso a los centros de votación.
- 5. El comportamiento de los integrantes de las mesas de votación.
- 6. La existencia de actos de intimidación hacia las y los votantes, en los centros de votación
- 7. El mantenimiento del orden general, dentro y fuera de los centros de votación.
- 8. La verificación de la secretividad del voto.
- 9. El número de votantes inscritos por mesa de acuerdo con el Padrón Electoral.
- 10. La afluencia de votantes.
- 11. La eficacia y eficiencia del sistema informático en la transmisión de resúltados





Acuerdo No. 583-2023



ribunal Supremo Electoral

preliminares.

12. Otros aspectos que estimen pertinentes las misiones de observación.

b. Escrutinio y transmisión de resultados preliminares

La observación del escrutinio de los votos y la transmisión de los resultados preliminares implica:

- 1. Oue los (as) integrantes de las Juntas Receptoras de Votos sigan el procedimiento en apego a las normas vigentes.
- 2. Que el procedimiento para la calificación de votos sea legítimo.
- 3. Oue se garantice el acceso de las misiones de observación a los centros de votación durante el proceso de escrutinio.
- 4. Que el escrutinio se efectúe en un ambiente de tranquilidad y transparencia.
- 5. Que la transmisión de actas de resultados, desde los centros de votación, se realice eficientemente y se garantice la seguridad de la información conforme a la lev.
- c) Comunicación y publicación de resultados preliminares

La observación en esta etapa contempla los siguientes aspectos:

Ingreso de observadores acreditados de acuerdo a los protocolos establecidos, al Centro Nacional de Información que instale el Tribunal Supremo Electoral, desde donde se comunicarán y publicarán los resultados preliminares de las elecciones.

ARTICULO 7º .: Son obligaciones de los observadores internacionales:

- 1. Observar el desarrollo de las Elecciones Generales y de Diputados al Parlamento Centroamericano, conforme las normas constitucionales y electorales vigentes en Guatemala.
- 2. Colaborar con las autoridades gubernamentales, electorales, y con la población en general, para asegurar la integridad, imparcialidad, transparencia y confiabilidad del proceso electoral.
- 3. Contribuir para crear una atmósfera de confianza pública y con su presencia dar certeza al proceso, principalmente a los resultados.
- Contribuir con el sistema electoral, mediante la elaboración y entrega de recomendaciones en el informe de observación al Tribunal Supremo Electoral. Cumplir con el Código de Conducta para Observadores Internacionales de Elecciones,
- celebrado en la Organización de las Naciones Unidas, el 27 de octubre de 2005. Cumplir con las normas de bioseguridad que sean establecidas por el Tribunal Supremo
- Electoral
- 7. Iniciar sus funciones, a partir de la notificación de la acreditación realizada y concluirá oficialmente con la entrega del informe.

ARTICULO 8º .: Las Misiones de Observación deberán enviar solicitud y documentación requerida, para su acreditación respectiva, a partir de la fecha de publicación de este Acuerdo en el Diario de Centro América y hasta el 30 de mayo del año en curso, siendo responsables, ante el Tribunal Supremo Electoral, de la actividad que desarrollen los Observadores Internacionales, y a través de las mismas, se harán las comunicaciones pertinentes;

ARTICULO 9° .: Los Observadores Electorales Internacionales, deberán elaborar y hacer entrega de los informes de misión respectivos, incluyendo las recomendaciones que permitan fortalecer las capacidades institucionales del Tribunal Supremo Electoral de Guatemala;













Tribunal Supremo Electoral

ARTICULO 10°.: Los Observadores Electorales Internacionales electorales que hayan sido acreditados tienen las prohibiciones siguientes:

- Obstaculizar y/o interferir en el ejercicio de las funciones de las autoridades electorales.
- Ofender o difamar a la institución y autoridades electorales.
- Obstruir los procesos o a los funcionarios electorales, contendientes políticos o votantes; o de manera alguna llevar a cabo actividad partidaria que pudiera afectar las decisiones del electorado.
- Declarar el triunfo de alguna de las opciones partidarias en contienda.
- 5. Hacer declaraciones a título personal sobre el proceso electoral.
- 6. Actuar como integrantes de Juntas Electorales Departamentales, Municipales o Receptoras de Votos; o como Voluntarios Cívicos, ante el Tribunal Supremo Electoral.
- Influir en el electorado o sondear su intención de voto.
- Intervenir en la logística del proceso electoral.
- Sub acreditar.
- 10. Portar armas de fuego.
- 11. Transgredir la normativa de seguridad, respecto al ingreso y las restricciones en el Centro Nacional de Información.

ARTICULO 11° .: El Tribunal Supremo Electoral, podrá cancelar la acreditación a cualquier observador, que contravenga las presentes disposiciones, notificando por escrito los motivos de la cancelación, al Organismo o Institución al cual pertenece;

ARTICULO 12°.: Forma parte del presente Acuerdo el "Manual de Observación Electoral" elaborado por el Tribunal Supremo Electoral;

ARTICULO 13º .: El presente Acuerdo entrará en vigor al día siguiente de su publicación en el Diario Oficial:

DADO EN LA SEDE DEL TRIBUNAL SUPREMO ELECTORAL: en la ciudad de Guatemala. el día veintiséis de abril de dos mil veintitrés.

COMUNÍQUESE:

a Elizabeth Palencia Orella Agistrada Presidente

Dr. Ranulfo Rafael Rojas Cetina Magistrado Vocal Primero

Magistrada Vocal Tercoro

Aguilera Bolaños Magistrado Vocal Cuarto

MSc. Mynor Custodio Franco Flores Magistrado Vocal Quinto

MSc. Mario Alexander Velasquez Pere Secretario General





1 de 5 Acuerdo No. 584-2023

Tribunal Supremo Electoral ACUERDO NÚMERO 584-2023

EL TRIBUNAL SUPREMO ELECTORAL

CONSIDERANDO:

Que el Tribunal Supremo Electoral, es la máxima autoridad en materia electoral, es independiente y por consiguiente no supeditado a organismo alguno del Estado. Su organización, funcionamiento y atribuciones están determinados en la Ley Electoral y de Partidos Políticos, correspondiéndole, convocar y organizar los procesos electorales, velar por el fiel cumplimiento de la Constitución Política de la República de Guatemala, leyes y disposiciones que garanticen el derecho de organización y participación política de los ciudadanos;

CONSIDERANDO:

Que esta máxima autoridad electoral a través del Decreto No. 1-2023 convocó a los ciudadanos de todos los distritos electorales de la República de Guatemala, a Elecciones Generales y al Parlamento Centroamericano 2023 y que es derecho y deber de los ciudadanos velar por la libertad y efectividad del sufragio y la pureza del proceso electoral, es necesario, establecer las disposiciones que regulen y hagan efectiva la participación de los ciudadanos guatemaltecos, en los procesos electorales, como Observadores Independientes:

POR TANTO:

Este Tribunal, con fundamento en lo considerado y en lo que para el efecto preceptúan los artículos: 136 y 223 de la Constitución Política de la República de Guatemala, 1, 3, 9, 115, 121, 125, 128, 129, 130, 154, 185, 194, 223 y 233 de la Ley Electoral y de Partidos Políticos (Decreto Número 1-85 de la Asamblea Nacional Constituyente y sus reformas);

ACUERDA:

ARTÍCULO 1º .: La observación establece un conjunto de actividades preparatorias, de vigilancia y de información, cuyo objetivo primordial es infundir en la ciudadanía una razonable seguridad de que el proceso electoral se ha efectuado con trasparencia, y el resultado es reflejo de la voluntad ciudadana, con el absoluto respeto a la soberanía del Estado y de la independencia del Tribunal Supremo Electoral.

ARTÍCULO 2º.: Para ser Observador Electoral Independiente, se requiere:

- Si fuera una persona extranjera:
 - 1. Presentar copia de la solicitud correspondiente aprobada por el Pleno de Magistrados o Magistrado Coordinador.
 - Fotocopia de su pasaporte.
 - 3. Enviar fotografía en formato electrónico con extensión .jpg o .jpeg.

Si fuera una persona con ciudadanía guatemalteca:

- Presentar copia de la solicitud correspondiente aprobada por el Pleno de Magistrados o Magistrado Coordinador.
- Deberá presentar certificación de estar en pleno goce de sus derechos civiles y políticos.
- Entregar fotocopia de constancia de haber realizado el curso virtual de Observación Electoral, del Instituto Electoral.
- No ser parte de algún órgano de dirección de ninguna organización política ni estar afiliado a alguna de estas entidades.

No ser candidato (a) a un cargo de elección popular.

Fotocopia del Documento Personal de Identificación -DPI-,

Enviar fotografía en formato electrónico con extensión .jpg o .jpeg.







Tribunal Supremo Electoral

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ARTÍCULO 3º.: La acreditación de observadores (as) independientes la otorga exclusivamente el Tribunal Supremo Electoral, para ellos se deben seguir los siguientes pasos:

- 1. Se debe enviar solicitud de autorización al Pleno de Magistrados o al Magistrado coordinador de la Observación Electoral.
- Cuando la solicitud ha sido aceptada y notificado lo resuelto, el Pleno de Magistrados instruye para que se inicie el proceso de acreditación
- 3. Posteriormente se debe enviar vía electrónica al Tribunal Supremo Electoral, por cada observador (a), el formulario que se encuentra en la página de Internet www.observaciontsegt.tse.org.gt. Si fuera un grupo de personas, también deberán enviar la lista de los nombres de los (as) observadores (as) que requieren la acreditación, vía electrónica al correo observaciontsegt@gmail.com.
- 4. Posteriormente, se emitirá la credencial respectiva, la cual se deberá portar en un lugar visible en todo momento, para el desempeño de las actividades de observación.
- 5. Si son observadores independientes nacionales, deberán realizar el curso sobre observación electoral, en su modalidad virtual, alojado en la oferta académica del Instituto Electoral.
- 6. Para la entrega de las credenciales, se deberá nombrar un enlace por Misión Electoral ante el Departamento de Protocolo del Tribunal Supremo Electoral, quien será responsable de recibirlas y distribuirlas a quienes corresponda.

ARTÍCULO 4º.: Los observadores constituidos para realizar Observación Electoral Independiente. deben presentar al Tribunal Supremo Electoral, la solicitud y documentación requerida, para su acreditación respectiva, a partir de la fecha de publicación de este Acuerdo en el Diario de Centro América y hasta el 30 de mayo del año en curso, siendo responsables, ante el Tribunal Supremo Electoral, de la actividad que desarrollen los Observadores Independientes, y a través de las mismas, se harán las comunicaciones pertinentes;

ARTÍCULO 5º .: Los ciudadanos acreditados como observadores electorales independientes podrán solicitar al Tribunal Supremo Electoral, a las Juntas Receptoras Departamentales, a las Juntas Electorales Municipales y a las Juntas Receptoras de Votos que corresponda, la información electoral pertinente, para el mejor desarrollo de sus actividades. Dicha información podrá ser proporcionada siempre que existan las posibilidades materiales o técnicas para su entrega, con observancia a lo que establece la Ley de Acceso a la Información Pública. Decreto 57-2008:

ARTÍCULO 6º .: Durante el Proceso Electoral los observadores electorales independientes, podrán dar seguimiento a las etapas de su desarrollo que son las siguientes:

1. Etapa previa a los días señalados para las Elecciones

El Proceso Electoral guatemalteco se desarrolla en tres fases, la etapa previa a las elecciones está integrada por las fases de inscripción de candidatos y la de campaña electoral. Las misiones de observación debidamente acreditadas, pueden verificar aspectos relacionados con la organización y preparación logística de la Elecciones, la educación cívica y el fomento de la participación ciudadana que el Tribunal Supremo Electoral realice, el avance en la inscripción de candidatos, el desarrollo de la campaña electoral de las organizaciones políticas y sus candidatos.

2. Etapa del día de las Elecciones

En esta etapa, las misiones de observación despliegan simultáneamente la totalidad de sus integrantes en el territorio del país, para cubrir la mayor cantidad de centros de votación, para verificar los siguientes aspectos:

a. La Votación

La observación de la votación implica los siguientes aspectos específicos:



<u>JE</u>

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- 1. La apertura de los centros de votación a la hora estipulada.
- 2. La instalación e integración de las mesas de votación.
- 3. Los procedimientos en las Juntas Receptoras para la votación.
- El comportamiento del Gobierno para garantizar las condiciones de seguridad y acceso a los centros de votación.
- 5. El comportamiento de los integrantes de las mesas de votación.
- 6. La existencia de actos de intimidación hacia las y los votantes, en los centros de votación.
- 7. El mantenimiento del orden general, dentro y fuera de los centros de votación.
- 8. La verificación de la secretividad del voto.
- 9. El número de votantes inscritos por mesa de acuerdo con el Padrón Electoral.
- 10. La afluencia de votantes.
- 11. La eficacia y eficiencia del sistema informático en la transmisión de resultados preliminares.
- 12. Otros aspectos que estimen pertinentes las misiones de observación.
- b. Escrutinio y transmisión de resultados preliminares

La observación del escrutinio de los votos y la transmisión de los resultados preliminares implica:

- Que los (as) integrantes de las Juntas Receptoras de Votos sigan el procedimiento en apego a las normas vigentes.
- 2. Que el procedimiento para la calificación de votos sea legítimo.
- Que se garantice el acceso de las misiones de observación a los centros de votación durante el proceso de escrutinio.
- 4. Que el escrutinio se efectúe en un ambiente de tranquilidad y transparencia.
- Que la transmisión de actas de resultados, desde los centros de votación, se realice
 eficientemente y se garantice la seguridad de la información conforme a la ley.
- c. Comunicación y publicación de resultados preliminares

La observación en esta etapa contempla los siguientes aspectos:

Ingreso de observadores acreditados de acuerdo a los protocolos establecidos, al Centro Nacional de Información que instale el Tribunal Supremo Electoral, desde donde se comunicarán y publicarán los resultados preliminares de las elecciones.

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ARTÍCULO 7º.: Los Observadores Electorales Independientes que hayan sido acreditados tienen las prohibiciones siguientes:

- 1. Obstaculizar y/o interferir en el ejercicio de las funciones de las autoridades electorales.
- 2. Ofender o difamar a la institución y autoridades electorales.
- Obstruir los procesos o a los funcionarios electorales, contendientes políticos o votantes; o de manera alguna llevar a cabo actividad partidaria que pudiera afectar las decisiones del electorado.
- Declarar el triunfo de alguna de las opciones partidarias en contienda.
- Hacer declaraciones a título personal sobre el Proceso Electoral.
- Actuar como integrantes de Juntas Electorales Departamentales, Municipales o Receptoras de Votos; o como Voluntarios Cívicos, ante el Tribunal Supremo Electoral.
- 7. Influir en el electorado o sondear su intención de voto.
- 8. Intervenir en la logística del Proceso Electoral.
- 9. Sub acreditar.
- 10. Portar armas de fuego.
- Transgredir la normativa de seguridad, respecto al ingreso y las restricciones en el Centro Nacional de Información.

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ARTÍCULO 8°.: Son Obligaciones de los Observadores Electorales Independientes:

- a) Respetar la Constitución Política de la República de Guatemala, leyes, reglamentos normas que rijan en el país, así como las disposiciones emitidas por el Tribunal Supremo Electoral
- Respetar la soberanía del Estado de Guatemala, así como las normas internacionales de derechos humanos.
- c) Respetar la autoridad del Tribunal Supremo Electoral
- d) Observar los principios de objetividad, neutralidad e imparcialidad del proceso de observación electoral.
- e) Si es observador nacional, respetar el Código de Conducta para Ciudadanas y Ciudadanos Observadores y Monitores no Partidarios de Elecciones, conmemorado el 3 de abril de 2012 en la Organización de las Naciones Unidas, Nueva York; si es observador internacional, respetar el Código de Conducta para Observadores Internacionales de Elecciones, conmemorado el 27 de octubre de 2005, en la Organización de las Naciones Unidas, Nueva
- f) Formular su solicitud de acreditación ante el Tribunal Supremo Electoral, consignando sus datos de identificación personal y el número de su documento de identificación, así como los que se requieran conforme la organización que representen;
- g) Abstenerse de obstaculizar el desarrollo del proceso electoral, de interferir en las investigaciones de las denuncias presentadas y en los asuntos internos del Tribunal;
- h) Entregar copia al Tribunal Supremo Electoral de los informes o declaraciones escritas que formulen, cumpliendo con mantener la exactitud de la observación electoral;
- Respetar la cultura y costumbres del país;
- No utilizar ni llevar símbolos, colores o enseñas partidistas

ARTÍCULO 9º .: Las misiones diplomáticas acreditadas en el país, podrán ser invitadas o solicitar su participación para observar el proceso electoral como Observadores Electorales Independientes, a través del jefe de la Misión o bien acreditando representantes oficiales o invitados, según lo permitan las leyes o disposiciones del respectivo país;

ARTÍCULO 10°.: Los Observadores Electorales Independientes, que hagan uso indebido de su acreditación, o no se ajusten a las disposiciones establecidas en la Ley Electoral y de Partidos Políticos o al presente Acuerdo, se les cancelará inmediatamente su acreditación y se les inhabilitará para participar como observadores en procesos electorales posteriores;

ARTÍCULO 11º .: La función de los Observadores Electorales Independientes se limita a las Etapas de Observación, estipuladas en el Manual de Observación Electoral Nacional e Internacional.

ARTÍCULO 12º .: Forma parte del presente Acuerdo el "Manual de Observación Electoral Nacional e Internacional" elaborado por el Tribunal Supremo Electoral;

ARTÍCULO 13° .: El presente Acuerdo entrará en vigor al día siguiente de su publicación en el Diario Oficial:

DADO EN LA SEDE DEL TRIBUNAL SUPREMO ELECTORAL: en la ciudad de Guatemala, el día veintiséis de abril de dos mil veintitrés.

COMUNÍOUESE:

Dra. Irma Elizabeth Palencia Orellana Magistrada Presidente





Dr. Ranulfo Rafay Rojas Cetina
Magistrado Vocal Primero

MSc. Gabriel Vladinir Aguilera Bolaños
Magistrado Vocal Cuarto

MSc. Mario Mexander Velásque as RETARIA S
Secretario General

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ribunal Supremo Electoral

Hera: 09:43

ACUERDO NÚMERO 585-2023

EL TRIBUNAL SUPREMO ELECTORAL



CONSIDERANDO:

Que el Tribunal Supremo Electoral, es la máxima autoridad en materia electoral, es independiente y por consiguiente no supeditado a organismo alguno del Estado. Su organización, funcionamiento y atribuciones están determinados en la Ley Electoral y de Partidos Políticos, correspondiéndole, convocar y organizar los procesos electorales, velar por el fiel cumplimiento de la Constitución Política de la República de Guatemala, leyes y disposiciones que garanticen el derecho de organización y participación política de los ciudadanos;

CONSIDERANDO:

Que esta máxima autoridad electoral a través del Decreto No. 1-2023 convocó a los ciudadanos de todos los distritos electorales de la República de Guatemala, a Elecciones Generales y al Parlamento Centroamericano 2023 y que es derecho y deber de los ciudadanos velar por la libertad y efectividad del sufragio y la pureza del proceso electoral, es necesario, establecer las disposiciones que regulen y hagan efectiva la participación de los ciudadanos guatemaltecos residentes en el extranjero, en los procesos electorales, como Observadores Electorales;

POR TANTO:

Este Tribunal, con fundamento en lo considerado y en lo que para el efecto preceptúan los artículos: 136 y 223 de la Constitución Política de la República de Guatemala, 1, 3, 9, 115, 121, 125, 128, 129, 130, 154, 185, 194, 223 y 233 de la Ley Electoral y de Partidos Políticos (Decreto Número 1-85 de la Asamblea Nacional Constituyente y sus reformas) 2, 3 y 20 del Acuerdo Número 274-2016 del Tribunal Supremo Electoral, Reglamento Voto en el Extraniero:

ACUERDA:

ARTÍCULO 1º .: Es derecho de los ciudadanos guatemaltecos residentes en el extranjero participar como observadores del proceso electoral. Los observadores electorales debidamente acreditados, podrán participar en las Elecciones Generales y al Parlamento Centroamericano 2023 y de ser necesario, en la segunda elección presidencial.

ARTÍCULO 2º .: Para ser Observador Electoral, se requiere:

- 1. Presentar copia de la solicitud correspondiente aprobada por el Pleno de Magistrados o Magistrado Coordinador.
- 2. Fotocopia del Documento Personal de Identificación -DPI- en el caso de ciudadanos guatemaltecos o pasaporte en caso de ciudadanos extranjeros.
- 3. En el caso de ser ciudadano guatemalteco, entregar fotocopia de constancia de haber realizado el curso virtual de observación electoral, del Instituto Electoral.
- 4. No ser parte de algún órgano de dirección de ninguna organización política ni estar afiliado a alguna de estas entidades.
- No ser candidato (a) a un cargo de elección popular.
- 6. Enviar fotografía en formato electrónico con extensión .jpg o .jpeg.

ARTÍCULO 3º .: La acreditación de observadores (as) la otorga exclusivamente el Tribunal Supremo Electoral, para ellos se deben seguir los siguientes pasos:





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 La organización o grupo interesado en integrar una misión de observación electoral, debe enviar solicitud de autorización al Pleno de Magistrados o al Magistrado coordinador de la Observación Electoral.

- 2. Las personas interesadas deben pertenecer a una asociación con fines políticos no partidarios, organización no gubernamental, asociación sin fines de lucro o grupo legalmente constituido en el país de origen, para efectuar observación electoral. Deberán presentar constancia extendida por el representante legal de la entidad.
- Cuando la solicitud ha sido aceptada y notificado lo resuelto, el Pleno de Magistrados instruye para que se inicie el proceso de acreditación.
- 4. La asociación o grupo autorizado como misión de observación electoral en el extranjero, deberá enviar vá electrónica todos los datos que se solicitan en el formulario disponible en la página www.observaciontsegt.tse.org.gt y un correo electrónico a la dirección <a href="https://doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi.org/doi
- Los miembros de la misión, con ciudadanía guatemalteca deberán realizar el curso sobre observación electoral, en su modalidad virtual, alojado en la oferta académica del Instituto Electoral.
- Posteriormente, se emitirá la credencial correspondiente, la cual se deberá portar en un lugar visible en todo momento, para el desempeño de las actividades de observación.
- 7. Para la entrega de las credenciales, se deberá nombrar un enlace por Misión Electoral ante la Unidad Especializada del Voto en el Extranjero y el Departamento de Protocolo del Tribunal Supremo Electoral, quien será responsable de recibirlas y distribuirlas a quienes corresponda.

ARTÍCULO 4º.: Cualquier asociación con fines políticos no partidarios, organizaciones no gubernamentales, asociaciones sin fines de lucro o grupos de veinte o más ciudadanos residentes en el extranjero constituidos para realizar Observación Electoral, deben presentar al Tribunal Supremo Electoral, la solicitud y documentación requerida, para su acreditación respectiva, a partir de la fecha de publicación de este Acuerdo en el Diario de Centro América y hasta el 30 de mayo del año en curso, siendo responsables, ante el Tribunal Supremo Electoral, de la actividad que desarrollen los Observadores, y a través de las mismas, se harán las comunicaciones pertinentes;

ARTÍCULO 5º.: Los ciudadanos residentes en el extranjero acreditados como observadores electorales podrán solicitar al Tribunal Supremo Electoral y a las Juntas Receptoras de Votos que corresponda, la información electoral pertinente, para el mejor desarrollo de sus actividades. Dicha información podrá ser proporcionada siempre que existan las posibilidades materiales o técnicas para su entrega, con observancia a lo que establece la Ley de Acceso a la Información Pública, Decreto 57-2008;

ARTÍCULO 6º.: Durante el Proceso Electoral los observadores electorales, podrán dar seguimiento a las etapas de su desarrollo que son las siguientes:

1. Etapa previa a los días señalados para las Elecciones

El Proceso Electoral guatemalteco se desarrolla en tres fases, la etapa previa a las elecciones está integrada por las fases de inscripción de candidatos y la de campaña electoral. Las misiones de observación debidamente acreditadas, pueden verificar aspectos relacionados con la organización y preparación logística de la Elecciones, la educación civica y el fomento de la participación ciudadana que el Tribunal Supremo Electoral realice, el avance en la inscripción de candidatos, el desarrollo de la campaña electoral de las organizaciones políticas y sus candidatos.

2. Etapa del día de las Elecciones

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En esta etapa, las misiones de observación despliegan simultáneamente la totalidad de sus integrantes en el territorio del país, para cubrir la mayor cantidad de centros de votación, para verificar los siguientes aspectos:

a. La Votación

La observación de la votación implica los siguientes aspectos específicos:

- 1. La apertura de los centros de votación a la hora estipulada.
- 2. La instalación e integración de las mesas de votación.
- 3. Los procedimientos en las Juntas Receptoras para la votación.
- El comportamiento del Gobierno para garantizar las condiciones de seguridad y acceso a los centros de votación.
- 5. El comportamiento de los integrantes de las mesas de votación.
- 6. La existencia de actos de intimidación hacia las y los votantes, en los centros de votación.
- 7. El mantenimiento del orden general, dentro y fuera de los centros de votación.
- 8. La verificación de la secretividad del voto.
- 9. El número de votantes inscritos por mesa de acuerdo con el Padrón Electoral.
- 10. La afluencia de votantes.
- 11. La eficacia y eficiencia del sistema informático en la transmisión de resultados preliminares.
- 12. Otros aspectos que estimen pertinentes las misiones de observación.
- b. Escrutinio y transmisión de resultados preliminares

La observación del escrutinio de los votos y la transmisión de los resultados preliminares implica:

- Que los (as) integrantes de las Juntas Receptoras de Votos sigan el procedimiento en apego a las normas vigentes.
- 2. Que el procedimiento para la calificación de votos sea legítimo.
- Que se garantice el acceso de las misiones de observación a los centros de votación durante el proceso de escrutinio.
- 4. Que el escrutinio se efectúe en un ambiente de tranquilidad y transparencia.
- Que la transmisión de actas de resultados, desde los centros de votación, se realice
 eficientemente y se garantice la seguridad de la información, conforme a la ley.
- c. Comunicación y publicación de resultados preliminares

La observación en esta etapa contempla los siguientes aspectos:

Ingreso de observadores acreditados de acuerdo a los protocolos establecidos, al Centro Nacional de Información que instale el Tribunal Supremo Electoral, desde donde se comunicarán y publicarán los resultados preliminares de las elecciones.

ARTÍCULO 7º.: Los Observadores Electorales que hayan sido acreditados tienen las prohibiciones siguientes:

- a) Obstaculizar y/o interferir en el ejercicio de las funciones de las autoridades electorales.
- b) Ofender o difamar a la institución y autoridades electorales.
- c) Obstruir los procesos o a los funcionarios electorales, contendientes políticos o votantes; o de manera alguna llevar a cabo actividad partidaria que pudiera afectar las decisiones del electorado.
- d) Declarar el triunfo de alguna de las opciones partidarias en contienda.
- e) Hacer declaraciones a título personal sobre el Proceso Electoral.









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- Actuar como integrantes de Juntas Electorales de Voto en el Extranjero; o com Voluntarios Cívicos, ante el Tribunal Supremo Electoral.
- Influir en el electorado o sondear su intención de voto.
- Intervenir en la logística del Proceso Electoral. h)
- (i Sub acreditar
- Portar armas de fuego.
- Transgredir la normativa de seguridad, respecto al ingreso y las restricciones en el Centro Nacional de Información en el extranjero.

ARTÍCULO 8º .: Son Obligaciones de los Observadores Electorales:

- a) Respetar la Constitución Política de la República de Guatemala, leyes, reglamentos y normas que rijan en el país, así como las disposiciones emitidas por el Tribunal Supremo Electoral
- b) Respetar la soberanía del Estado de Guatemala, así como las normas internacionales de derechos humanos.
- c) Respetar la autoridad del Tribunal Supremo Electoral
- d) Observar los principios de objetividad, neutralidad e imparcialidad del proceso de observación electoral
- e) Si es observador acreditado con ciudadanía guatemalteca, respetar y cumplir el Código de conducta para Ciudadanas y Ciudadanos Observadores y Monitores no Partidarios de Elecciones, conmemorado el 3 de abril de 2012 en la Organización de las Naciones Unidas. Nueva York; si es observador internacional, respetar y cumplir el Código de Conducta para Observadores Internacionales de Elecciones, conmemorado el 27 de octubre de 2005, en la Organización de las Naciones Unidas, Nueva York.
- f) Formular su solicitud de acreditación ante el Tribunal Supremo Electoral, consignando sus datos de identificación personal y el número de su documento de identificación, así como los que se requieran conforme la organización que representen.
- Abstenerse de obstaculizar el desarrollo del proceso electoral, de interferir en las investigaciones de las denuncias presentadas y en los asuntos internos del Tribunal.
- h) Entregar copia al Tribunal Supremo Electoral de los informes o declaraciones escritas que formulen, cumpliendo con mantener la exactitud de la observación electoral.
- Respetar la cultura y costumbres del país.
- No utilizar ni llevar símbolos, colores o enseñas partidistas.

ARTÍCULO 9º.: Las Misiones de Observación Electoral en el Extranjero deberán presentar, por conducto de la asociación o grupo responsable, el informe de sus actividades y del desarrollo de la jornada electoral, una vez que ésta haya concluido.

El Tribunal, podrá publicar los informes que resulten de la actividad de los observadores electorales y en ningún caso los informes, juicios, opiniones o conclusiones de los observadores electorales, tendrán efectos jurídicos sobre el Proceso Electoral y los resultados;

ARTÍCULO 10° .: Los Observadores Electorales, que hagan uso indebido de su acreditación, o no se ajusten a las disposiciones establecidas en la Ley Electoral y de Partidos Políticos o al presente Acuerdo, se les cancelará inmediatamente su acreditación y se les inhabilitará para participar como observadores en procesos electorales posteriores;

ARTÍCULO 11º .: La función de los Observadores Electorales se limita a las Etapas de Observación, estipuladas en el Manual de Observación Electoral Nacional e Internacional;

ARTÍCULO 12° .: Forma parte del presente Acuerdo el "Manual de Observación Electoral Nacional e Internacional" elaborado por el Tribunal Supremo Electoral;

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Acuerdo No. 585-2023

Tribunal Supremo Electoral

ARTÍCULO 13°.: El presente Acuerdo entrará en vigor al día siguiente de su publicación en el Diario Oficial;

DADO EN LA SEDE DEL TRIBUNAL SUPREMO ELECTORAL: en la ciudad de Guatemala, el día veintiséis de abril de dos mil veintitrés.

COMUNÍQUESE:

MSc. Gal

Elizabeth Palencia Orel Magistrada Presidente

Dr. Ranulfo Ratael Rojas Cetina Magistrado Vocal Primero

Magistrado Vocal Cuarto

. Mynor Custodio Franco Flores Magistrado Vocal Quinto

Magistrada Ve

MSc. Mario Alexander Vélás Giberraria Secretario General

Aguilera Bolaños

Codes of conduct



The Supreme Electoral Tribunal, in the belief of the importance of creating an atmosphere that allows the conduction of free, fair, and peaceful elections, has considered pertinent



the adoption and application, by the missions that are accredited, of the codes of conduct indicated in the United Nations Organization, so that, as applicable in Guatemala, said premises are respected and this contributes to the respectful, peaceful, and transparent realization of the present electoral process.

Code of conduct for citizens Non-partisan election observers and monitors

Non-partisan election observation and monitoring by citizen organizations are increasingly accepted around the world as a standard practice to support and safeguard electoral integrity, promote public confidence in democratic elections, and mitigate the potential for election-related violence. Governments, including their electoral management bodies, candidates for elected office, and other participants in electoral processes have recognized that nonpartisan election observation and monitoring by citizen organizations is fundamental to exercising the right to participate in governmental and public affairs, which is an internationally recognized human right. Non-partisan election observation and monitoring by citizen organizations are noted by intergovernmental organizations and various intergovernmental charters, declarations, and other instruments as an important aspect of promoting genuine democratic elections.

The purpose of nonpartisan election observation and monitoring is to help ensure the integrity of the electoral process by accurately and

impartially attesting and reporting whether every aspect of the process to be evaluated is conducted openly and transparently and in compliance with the national constitution, electoral laws, and regulations, and treaty obligations or other international commitments relating to democratic elections. Non-partisan election observation and monitoring by citizen organizations also seek to ensure the integrity of the electoral process by calling on all electoral actors (including candidates, political parties, supporters of the various positions in the referenda, electoral officials, other government authorities, mass media, and voters) to respect the electoral laws and rights of all citizens, holding accountable those who violate the law and the electoral rights of any person. Likewise, non-partisan election observation and monitoring by citizen organizations seek to mobilize citizens in the exercise of their rights to participate in public affairs as non-partisan election observers and monitors, and to promote citizen participation in elections and political processes more broadly.

The recognition of rights related to nonpartisan election observation and monitoring implies certain responsibilities. These responsibilities can be outlined in a code of conduct to be adopted, along with a commitment to partisan impartiality, by each observation and monitoring organization. The rights and responsibilities of observers and monitors can also be adopted as an organization's operating principles in a format other than codes of conduct.

The organizations and networks subscribing to the Global Declaration of Principles for Non-Partisan Election Observation and Monitoring Conducted by Organizations Citizens subscribe to and follow the following Code of Conduct in addition to other similar codes of conduct and operating principles of their organization or network. Each agrees to require its participants, including its leaders, staff, trainers, and all observers and monitors to adhere to this Code of Conduct, or a substantially identical one of the organization or network, and to sign a Nonpartisan Election Observation and Monitoring Pledge substantially identical to the one below.

Behavioral standards

To achieve the goals and purposes of nonpartisan election observation and monitoring, each organization and network agrees to:

- 1) Maintain strict political impartiality, remaining politically neutral in all activities concerning the electoral process (including observation, monitoring, voter education, exit polls, and any other activities), refraining from publicly expressing preferences for or against any candidate, political party, movement, or other association seeking public office, or supporters of the various positions in the referenda (including when reporting based on facts relating to violations of election laws, regulations and rights by parties, candidates or groups associated with referenda), and rejecting all favors offered or threats issued by any of the political contestants or their agents;
- 2) To work independently of the government in support of a genuine democratic electoral process, regardless of who wins or loses, and employing best practices, methodologies, and techniques following non-partisan principles suited to national conditions to observe and monitor the various elements of the electoral process throughout the electoral cycle and within the related political context, or to apply best practices, methodologies, and techniques to specific elements of the electoral process;
- 3) Maintain strict adherence to the principle of non-violence, appeal to all involved in the electoral process to do the same, and take any practical action possible to reduce the potential for election-related violence;
- 4] Respect the country's constitution, laws and regulations, and international obligations consistent with the conduct of democratic elections, promote respect for electoral rights, and encourage other stakeholders to do the same;

- 5) Respect the impartial role of election authorities at all levels and at no time interfere illegitimately or inappropriately in the administration of elections, cooperate diligently with impartial election officials, and follow legitimate instructions from them or other appropriate authorities regarding the protection of electoral integrity;
- 6) To help safeguard the rights of voters and potential voters to exercise their electoral choice freely and without discrimination, unreasonable restrictions, interference, or intimidation, including promoting respect for the secret ballot, the right of persons able to register to vote, including women, youth, indigenous people, members of national minorities, persons with disabilities and other traditionally marginalized populations, to receive sufficient and accurate information in languages they understand to make an informed choice among various political candidates and to engage in other aspects of the electoral process;
- 7) To help safeguard, with strict impartiality, the right of political candidates to be elected, without improper discrimination or other unreasonable restrictions on their ability to receive legal recognition or to meet other requirements for inclusion on the ballot, to campaign freely for the support of the electorate, to communicate their political message to the public, or to exercise their rights of association, assembly, and movement, to monitor all elements of the electoral process and to seek effective remedies, as well as their right to personal security;
- 8) Cooperate closely with other election observers and monitors from non-partisan citizen organizations that subscribe to the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations, and cooperate with international election observation missions:

- 9) Impartial, accurate, and timely reporting of all observations and findings, positive and negative, with sufficient documentation of all problems to allow verification of events, and sufficient documentation of the positive aspects of the process to provide a complete and accurate picture of what happened; and
- 10) Provide sufficient and high-quality training for all observers and monitors to enable them to understand this Code of Conduct, sign the accompanying pledge with a full understanding of its meaning, and provide reports that meet the standards of this Code of Conduct.

Commitment to comply with the Code of Observation and non-partisan election monitoring

I, the undersigned, do hereby swear (promise) that:

- 1) I will serve as a non-partisan election observer or monitor in the upcoming election period to observe and/or monitor voter registration, candidate qualification, candidate selection by political parties, campaign activities, press coverage, vote counting, and canvassing, or any other non-partisan monitoring capacity that I agree to perform; I will not conduct any partisan activity that affects the decisions that may be made by the voters in this election and/or referendum, and I will respect the role of impartial election authorities at all levels and will not at any time intervene in a manner contrary to law or inappropriate in the administration of the election and/or referendum;
- 2) I am not a candidate or activist for any candidate, political party, group or movement, or other association seeking public office in the upcoming election; nor am I an activist for or against an upcoming referendum; and I do not intend to become a candidate in this election

or to use a nonpartisan election observation or monitoring organization as a basis for supporting my candidacy in a future election:

- 3) I will maintain strict political impartiality and remain impartial in all activities concerning the electoral process, refraining from publicly expressing any preference for or against any candidate, political party, group, movement, or other association seeking public office or in support of or opposition to a referendum, and rejecting all favors offered or threats issued by any of the electoral contestants or their agents;
- 4) I will work in support of a genuine democratic electoral process, regardless of who wins or loses, putting aside my personal opinions about those who aspire to public office or issues presented in a referendum, to promote a democratic process, except when exercising my right to vote in the secrecy of the polling place;
- 5) I have no conflicts of interest and will avoid conflicts of interest, whether personal, political, economic, or otherwise, that would prevent me from performing my nonpartisan election observation or monitoring activities in an impartial, accurate, and timely manner.
- 6) I will respect and protect the integrity of the nonpartisan election observation/monitoring organization, including, through following this Code of Conduct, any written instructions (such as election observation/monitoring protocols, directives, and guidelines) and any verbal instructions from the organization's leadership.
- 7) I will refrain from making personal comments about my remarks to the media or the public before the election observation/monitoring organization makes a statement unless specifically authorized by the leadership of that organization;

- 8) I will attend all mandatory training sessions on domestic election observation and monitoring; I will strive to be familiar with the election law and regulations, as well as any other relevant laws outlined in the training sessions; I will adhere to all methodologies employed by the organization; and I will perform in all observation and monitoring activities to the best of my abilities.
- 9) I will report impartially, accurately (including positive and negative factors), and as timely as possible on all events, I observe in my capacity as a non-partisan observer or monitor; and
- 10) I hereby affirm that I have carefully read and fully understand the Code of Conduct for Nonpartisan Election Observers and Monitors; I agree to promote its goals and principles and to follow its requirements. I also agree to resign from my role as an election observer or monitor if I develop any conflict of interest that impairs my ability to impartially, accurately, and timely perform my nonpartisan observation or monitoring activities or if I violate the requirements of this Code of Conduct.
 - NOTE: The express acceptance of this Code of

 Conduct will be online, at the time of filling out your
 registration form as an Observer.

Code of Conduct for International Election Observers

International election observation is widely accepted throughout the world. It is carried out by intergovernmental organizations and international non-governmental organizations and associations to make an impartial and accurate assessment of the nature of electoral processes for the benefit of the people of the country in which the elections are held and for the benefit of the international community. Therefore, much

depends on ensuring the integrity of international election observation and all those involved in an international election observation mission, including short-term and long-term observers, members of assessment delegations, specialized observation teams, and mission leaders. All involved must subscribe to and abide but his Code of Conduct.

Respect sovereignty and international human rights standards.

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will constitutes the basis of the authority and legitimacy of government. The rights of citizens to vote and to be elected in genuine and periodic elections are internationally recognized human rights and require the exercise of several fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the laws of the country and the authority of the electoral hodies.

Observers must respect the laws of the host country and the authority of the bodies responsible for administering the electoral process. Observers should follow all lawful instructions issued by the country's governmental, security, and electoral authorities. Observers should also be respectful of election officials and other national authorities. Observers should point out whether laws, regulations, or actions of state or election officials unduly hinder or obstruct the exercise of election-related rights guaranteed by applicable laws, the constitution, or international instruments.

Respect the integrity of the international election observation mission.

Observers should respect and protect the integrity of the international election observation mission. This includes compliance with this Code of Conduct, written instructions (e.g., terms of reference, guidelines, and directives),

and verbal instructions given by the observation mission leadership. Observers should attend all mandatory meetings of the observation mission for training or briefing purposes; familiarize themselves with election laws, regulations, and other relevant rules as determined by the observation mission; and carefully follow the methodologies employed by the observation mission. Observers shall also disclose to the observation mission leadership any conflicts of interest they may have, as well as instances of inappropriate behavior on the part of other observers within the mission that comes to their attention

Maintain strict political impartiality at all times.

Observers should maintain strict political impartiality at all times, including during periods of recreation within the host country. They should not express or demonstrate bias or preference about national authorities, political parties, candidates, or issues raised in referenda, or concerning controversial points raised in the electoral process. Observers should also not engage in any activity that could reasonably be perceived as favoring or giving a partisan advantage to any political contestant in the host country, such as the use or display of partisan symbols, colors, or flags, or the acceptance of anything of value from any political contestant.

Do not obstruct electoral processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results, and processes conducted after election day. Observers may bring irregularities, fraud, or major problems to the attention of elected officials on the spot, unless prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election forms, political party representatives, and other observers inside polling stations and may answer questions about their activities, as long as the observers do not obstruct the election process. When answering questions, observers

should not attempt to guide the electoral process. Observers may ask voters questions and answer their questions, but may not ask them which candidate, party, or referendum option they voted for.

Present proper identification

Observers must display the identification provided by the election observation mission, as well as the identification required by national authorities, and must present it to election officials and other competent national authorities upon request.

Maintain the accuracy of observations and professionalism in concluding.

Observers should ensure that all their observations are accurate. Observations should be complete, noting both positive and negative factors, distinguishing between significant and insignificant factors, and identifying patterns that may have a significant impact on the integrity of the electoral process. Observers' judgments should conform to the highest standards of accuracy of information and fairness of analysis, distinguishing subjective factors from objective evidence. Observers should base all conclusions on factual and verifiable evidence and not conclude prematurely. Observers should also keep a well-documented record of where they made observations, the observations they made, and other relevant information, as determined by the election observation mission, and should provide such documentation to the mission

Refrain from making comments to the public or the media before the mission is stated

Observers should refrain from making personal comments about their observations or findings to the media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the leadership of the observation mission. Observers may explain the nature of the observation mission, its activities, and such

other matters as the observation mission deems appropriate and should refer the media or other interested persons to the persons designated by the observation mission.

Occuperate with other election observers

Observers should be aware of and cooperate with other election observation missions, both international and domestic, as directed by the election observation mission leadership.

Maintain appropriate personal behavior

Observers are expected to maintain appropriate personal conduct and respect for others, including demonstrating sensitivity to host country cultures and customs, exercising appropriate judgment in personal interactions, and demonstrating the highest level of professional behavior at all times, including periods of recreation.

Violations of this Code of Conduct

In case of doubt about a possible violation of this Code of Conduct, the election observation mission shall conduct an investigation. If it is determined that a serious violation has occurred, the observer's accreditation may be withdrawn or the observer may be separated from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Commit to comply with this Code of Conduct.

All persons participating in this election observation mission must read this Code of Conduct and sign a commitment to comply with it.

Commitment to comply with the Code of Conduct For international election observers

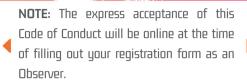
I have read and understand the Code of Conduct for International Election Observers. I hereby pledge that I will comply with the Code of Conduct and that all of my activities as an election observer will be conducted in full compliance with the Code. I have no conflicts of interest, political, economic, or otherwise, that would interfere with my ability to be an impartial election observer and to comply with the Code of Conduct.

I will maintain strict political impartiality at all times. I will make my judgments under the highest standards of accuracy of information and fairness of analysis, distinguishing subjective factors from objective evidence, and I will base all my conclusions on factual and verifiable evidence.

I will not obstruct the electoral process. I will respect national laws and the authority of electoral officials and will maintain a respectful attitude towards electoral and other national authorities. I shall respect and promote the human rights and fundamental freedoms of the people of the country. I will maintain appropriate personal behavior and respect for others, including demonstrating sensitivity to the cultures and customs of the host country, exercising appropriate judgment in personal interactions, and observing the highest level of professional behavior at all times, including periods of recreation.

I will protect the integrity of the international election observation mission and comply with the instructions of the observation mission. I will attend all mandatory meetings of the observation mission for training purposes or to give or receive information and will cooperate in the preparation of its statements and reports, as requested. I will refrain from making personal comments, observations, or conclusions to the media or the public before the election observation mission has made a statement, unless

I have been specifically instructed otherwise by the leadership of the observation mission.





These recommendations include security aspects ranging from prevention, conduct, and actions to be taken into account during a crisis, to guide the role of election observers with minimum measures.

These are general suggestions and should be accommodated or adapted to the requirements of the observing organizations and/or missions. It is not a document that guarantees security or replaces citizen or private security precautions¹.

- Notify your family members, Election Observation Mission colleagues, and friends, and keep them informed periodically of the places you will be visiting or are visiting.
- Carry your cell phone and charger in good condition and write down any phone numbers that may be useful to you.
- Consider carrying water, a flashlight with batteries, a raincoat, or an umbrella.

Document prepared with inputs from the security protocols of the Naleb's Agency and the Observation Mission of the University of San Carlos of Guatemala. Contributions, review, and approval by DOSES, RENOJ, URL, FLACSO, and INCEP, in 2011.

- Wear your vest at all times and carry your accreditation as a member of the Electoral Observation Mission and a personal identification document.
- Do not accept rides in strangers' vehicles.
- If something happens, shout a phrase that calls attention to the people around you, such as FIRE (use voices that alert others to your safety). If you are in a populated area and can run, run in the opposite direction to cars or passers-by; always use caution.
- Previously select the routes for your travel to the designated election observation site. At dusk, avoid walking on poorly lit streets and sidewalks.
- Keep a watchful eye on everything going on around you, so you can pick up on signs of danger and have a chance to get away from the place if needed.
- When waiting to board public transportation, do not stand still in one place, do not allow yourself to be distracted, change position from time to time, and always be aware of your surroundings.
- Avoid crowds as much as possible. If you observe abnormal movements or violence, move away from the site.
- Maintain discretion in the use of jewelry and valuables.
- If you are a victim of a crime, always report it to the Public Prosecutor's Office and always cooperate with the security authorities.

- Before leaving, check that your car is in good condition, as well as its battery, coolant, oil, belts, alternator, hoses, and tires.
- When approaching your vehicle, have the keys ready in your hand and visually check the interior before opening the door. The moments of greatest risk are: when getting into your vehicle, when getting out of it, and when it is stopped, either at a traffic light, in a traffic jam, or by real or imagined damage (if this is the case, contact a family member or friend, indicating exactly where you are).
- Try to drive on main roads that are well-illuminated. If you plan to travel on isolated roads, avoid traveling on them at night.
- If the driver of another vehicle warns you about a problem with your vehicle, for example, a low tire, do not stop but do so at a service station or in a busy area.
- Avoid parking in unauthorized and unpopulated areas.
- Do not keep receipts or other documents in your vehicle with your home or work address on them. Do not leave the keys to such places in the car, and do not leave vehicle documents in the glove compartment or elsewhere.
- Avoid allowing strangers in your vehicle. Be cautious in situations where someone appears to be having car trouble or an accident. In this case, do not stop, but report it on your cell phone.

At the polling place

Upon arrival at the polling place, you should immediately report to the person in charge of the Mission and introduce

- yourself to the authorities of the Supreme Electoral Tribunal and the coordinator, so that they do not question your presence.
- Inform your liaison of the names of the authorities with whom you will be dealing.
- Conduct a tour of the entire polling place to verify access and exits so that in case of emergency, you can get out of danger, either on foot or by vehicle.
- Position yourself in a strategic place to observe the situation around you. Report any abnormal situation immediately.
- If you leave the place where you perform your duties, when you return, identify yourself again.
- In case of an earthquake, fire or natural disaster, follow the guidelines of the corresponding authorities in charge of contingency plans for these cases.
- Oress comfortably.
- If at any time you are questioned by a group of unknown persons, identify yourself and try to explain your role in the observation. If they give you a warning, it is best to leave the polling place or the place where you are and go to a safe place. Contact your liaison and report the situation. Make the corresponding report as to why you had to leave your observation post.
- O not hand over any professional belongings to security forces (cameras, cell phones, tape recorders, etc.). There is no legal reason to do so.
- As a group, tour the place where you will perform your function.

The person in charge of the mission is recommended to have the telephone numbers of the whole group to contact them in case of emergency or to monitor them, as well as those of the other missions; in case of a crisis, they will be able to communicate and group together, and thus strengthen themselves to minimize risks.

National Directory of Departmental Delegations of Citizen Registry of the Supreme Electoral Tribunal



Departament	Name of Delegate	Headquarters address	Teléfono
Guatemala	Winston Carrillo Gómez	1ª. Calle 6-39 zona 2, Guatemala, Guatemala, Guatemala	57634975
Sacatepéquez	Claudia Maribel Gonzalez Ortiz	Colonia Flores del Manchén No. 32, Antigua Guatemala	56985739
Chimaltenango	Wylmar Aníbal Marroquín Antón	2ª. Calle 3-53 Zona 4, Chimaltenango	42791386
El Progreso	Claudia María Barrera Aguirre	El Porvenir" neighborhood, next to Pollo Campero, Guastatoya.	59235301
Escuintla	Edgar Rodolfo Reyes Mazariegos	5ª. Calle 3-28 Zona 1, Escuintla	58148527
Santa Rosa	Verónica Patricia Alvarez Quevedo	4ª. Calle 1-10 Zona 3, Cuilapa	56927674
Sololá	Huber Rolando Godinez Velasquez	8ª. Avenida y 12 calle esquina, Zona 2, Barrio San Bartolo, Sololá	51384384
Totonicapán	Manuel José Lopez Vasquez	4ª. Calle 12- 29 Zona 3, Totonicapán	30892289
Quetzaltenango	Juan Gildardo Herrera Cano	6ª. Calle 16- 34 Zona 1, Quetzaltenango	41888565
Suchitepéquez	Henry Toribio Morales Edelman	1ª. avenida 1-197 Zona O2, Colonia "El Relicario", Mazatenango	57157255

Departament	Name of Delegate	Headquarters address	Teléfono
Retalhuleu	Gabriela Alejandra Estrada Córdova	6ª. Avenida 3-68 Zona 1, Retalhuleu	41888571
San Marcos	Luis Emilio Guillén Ruiz	5ª. Avenida "B" 12-19, Zona 1 Ground Floor of the Volunteer Firemen Building, San Marcos.	59013621
Huehuetenango	Lorena Marisol Rivas	12ª. Avenida "A" 7-21 Zona 1, Colonia Santa Elisa, Huehuetenango	33350368
Quiché	Rolando Augusto Muñoz	3ª. Avenida 10-06, Zona 1, Santa Cruz del Quiché	56307687
Baja Verapaz	Ricardo Adqui López	2ª. Avenida 5-54 Zona 1, Barrio Agua Caliente, Salamá	42106334
Alta Verapaz	Américo Fernando de León Rodas	6ª. Avenida 4-08 Zona 3, Cobán	59796790
Petén	Carlos Humberto Sánchez Góngora	Avenida 10 de noviembre, in front of El Remolino Restaurant, former La Colmena store corner	41252532
Izabal	Baldomera Elizabeth Veliz Cerritos	17 Street between 11 and 12 Avenue, Puerto Barrios	47330623
Zacapa	Lilian Mariela Pérez Morataya	6ª. Calle 10-11 Zona 2, Zacapa	49088429
Chiquimula	Rocío España	4ª. Avenida 4-68 Zona 1, Chiquimula	41420704
Jalapa	Adán Morales Lima	3ª. Avenida 0-14 Zone 6, Chipilapa Neighborhood, Jalapa	59495138

Departament	Name of Delegate	Headquarters address	Teléfono
Jutiapa	Henry Feraldo Morales Aguilar	4ª. Avenida 4-29 Zona 1, Callejón Medrano, Jutiapa	58431144

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TRIBUNAL SUPREMO ELECTORAL GUATEMALA, C.A.



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