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Elections in Guatemala

2019 Presidential Election Runoff

Frequently Asked Questions

Americas

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:
These FAQs reflect decisions made by the Guatemalan elections authorities as of August 5, 2019, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

On Sunday, August 11, 2019, Guatemala will hold a second-round presidential election. Polls will be open from 7:00 a.m. to 6:00 p.m.¹ This election follows the first-round presidential election held on Sunday, June 16, 2019, concurrently with the country's legislative, local and Central American Parliament elections. Additional information about Guatemala's June 16 electoral process can be found in the International Foundation for Electoral Systems' Frequently Asked Questions on [Elections in Guatemala: 2019 General Elections](#).

These two Election Days mark the country's ninth electoral cycle since the 1985 Constitution restored democracy.

Additionally, based on the major 2016 reforms to Guatemala's Electoral and Political Parties Law (LEPP), a repeat presidential election may be required if the number of null votes is more than half of all votes counted. If the nullified election is for the offices of the president and vice president, then the repeated election will be scheduled for a Sunday in October.

Who are citizens voting for on Election Day?

During these elections, citizens registered to vote in Guatemala will go to the polls to elect their president and vice president from the two top candidates of the first round. The leaders will serve four-year terms, from 2020-24.

Voters in five municipalities will also vote for deputies to the Congress of the Republic, deputies to the Central American Parliament, mayors and municipal councils. The Supreme Electoral Tribunal decided to repeat the June 16 elections in these locations due to high levels of insecurity and unrest experienced on Election Day, which impeded citizens' free and fair expression of their right to vote. These five municipalities are Iztapa, Escuintla Department; Tajumulco, San Marcos Department; Esquipulas Palo Gordo, San Marcos Department; San Antonio Ilotenango, Quiché Department; and San Jorge, Zacapa Department.²

The president and vice president are elected on the same ballot by an absolute majority of over 50 percent of the votes. The second round is the outcome of no single candidate being able to obtain an absolute majority during the first round. The current president of Guatemala is not permitted to serve a second term, and a former vice president may run for the presidency only after four years out of the post.

How is Guatemala's political system structured?

Guatemala is a presidential republic with three branches of government: executive, legislative and judicial, as established in Article 141 of the 1985 Constitution. The executive branch consists of the president of the Republic of Guatemala, the vice president of the Republic of Guatemala and the

¹ <https://www.tse.org.gt/index.php/comunicacion/noticias/149-tse-inaugura-jornada-de-actualizacion-de-datos-y-de-empadronamiento-en-centro-comercial-de-la-zona-11>

² <https://www.publinews.gt/gt/noticias/2019/07/11/tse-repetiran-elecciones-cinco-municipios.html>

ministers from their respective departments. The president leads the government, state and multiparty system.

The Congress of the Republic exercises legislative power and is a unicameral legislature elected by closed party list proportional representation. Of the 160 seats in the Congress, 128 are elected directly in 23 multimember electoral districts. Each electoral district represents one of Guatemala's 22 departments (administrative divisions), except that the department of Guatemala, which contains the capital city, is divided into two districts. The election of the remaining 32 representatives occurs from a national list through proportional representation. The increase in the number of deputies from 158 to 160 is part of the 2016 reforms to the electoral law.³

The Supreme Court of Justice exercises judicial powers in Guatemala. The Appellate Court, the First Instance Courts, Peace Courts (also known as Minor Courts) and a few other courts that specialize in certain areas of the law. The Supreme Court of Justice is composed of 13 magistrates selected for concurrent periods for five-year terms with the presidential post rotated every year between the magistrates.

To lead the local governments, the governors of the 22 departments are appointed by the president for four-year terms, while the task of governing the 340 municipalities falls under the authority of mayors and councils who are directly elected by the people.

How many presidential candidates ran in the first round?

A total of 19 presidential candidates were on the ballot in the first round, though an additional five candidates were declared ineligible by the Supreme Electoral Tribunal and Constitutional Court in the days leading up to the election. As no single candidate acquired the required absolute majority in the first round on June 16, the top two candidates will face each other in a runoff on August 11. Voter turnout in the first round was 60.3 percent.⁴

Who are the candidates in this second round?

The candidates competing in the second-round presidential election are former first lady Sandra Torres of Hope's National Unity (*Unidad Nacional de la Esperanza*, UNE) party, with running mate Carlos Raúl Morales, and former doctor Alejandro Giammattei of Let's Go for a Different Guatemala (*Vamos por una Guatemala Diferente*) party, with running mate Guillermo Castillo. In the first round, of 4,378,271 valid presidential votes, Torres won 1,112,939 votes (25.6 percent) and Giammattei won 608,083 votes (13.9 percent).⁵

³ <http://pdba.georgetown.edu/ElecSys/Guate/guate.html>

⁴ <https://radiotgw.gob.gt/603-por-ciento-fue-la-participacion-ciudadana-en-elecciones-generales-2019/>

⁵ <http://www.tse.org.gt/index.php/comunicacion/noticias/475-tribunal-supremo-electoral-informa>

Sandra Torres was the first lady of Guatemala from 2008-11. She also made it to the second round in the 2015 presidential election, when she lost in the runoff to Jimmy Morales. Torres is running for the center-left UNE, a party that she founded. She would be the first female president of Guatemala.⁶

Alejandro Giammattei is a doctor, politician and former director of the Guatemalan penitentiary system. He also ran in Guatemala's presidential elections in 2007, 2011 and 2015, each time under a different political party. This year, Giammattei represents the right-wing party Vamos.

What is the election management body? What are its powers?

The Supreme Electoral Tribunal (TSE) is the election management body of Guatemala. Established in 1982, the TSE is an autonomous body independent of any other government authority. The TSE is directly responsible for regulating all activities related to the exercise of citizens' electoral rights – political parties, the use of political rights and organization and serving as electoral authorities – aiming to promote free and transparent elections in Guatemala. The TSE is also responsible for election dispute resolution. Additionally, as of 1983, the TSE is the entity charged with convening the National Constituent Assembly. The National Assembly wrote and now enforces the Political Constitution of the Republic, which, along with the Electoral and Political Parties Law (LEPP), governs the TSE.⁷

The 2016 reformed LEPP expanded the TSE's oversight powers, including over political and campaign finance and campaigns' use of the media. Since the adoption of the revisions to the LEPP, the TSE has established new specialized units to comply with these new powers, including:

- The Media and Public Opinion Studies Specialized Unit,
- The Political Party Finance Control and Oversight Specialized Unit, and
- The Out-of-Country Voting Specialized Unit.

Five incumbent magistrates and five alternate magistrates make up the TSE. The magistrate selection process involves candidate nominations by the Postulation Commission, followed by approval by a two-thirds majority of the total deputies of the Congress of the Republic. The magistrates serve a term of six years. The current magistrates' term runs from 2014-20.

What priorities for improvement in electoral operations emerged in the first round?

In 2016, the Guatemalan Congress passed a series of reforms to the country's [Electoral and Political Parties Law](#) (LEPP). The reforms empowered the Supreme Electoral Tribunal (TSE) to implement regulations and better monitor campaign financing, track the allocation and use of media for political advertising and implement Guatemala's first out-of-country voting (OCV). In addition to significantly expanding the TSE's oversight powers and responsibilities, the revision mandated changes to

⁶ <https://republica.gt/2019/06/21/quien-es-sandra-torres/>

⁷ <https://www.tse.org.gt/index.php/tse/historia>

fundamental aspects such as the electoral calendar. This year marks the first electoral cycle under these reforms.

Challenges in electoral operations emerged even before Election Day, June 16, as the TSE began its implementation of the LEPP reforms. Some top presidential contenders' candidacies were revoked shortly before the elections, in sometimes controversial decisions. Apathy about the remaining candidates may have led to the lower-than-usual voter turnout in the election.

After voting closed, errors in the transmission of results led to uncertainty and claims of fraud among some candidates and the electorate. The website with live updates of results was not available for a few hours, some tally sheets showed numbers different from those reported digitally and some municipalities appear to have elected mayors who were not running in those elections.⁸ The TSE recounted the tally sheets and the Office of Guatemala's Public Prosecutor issued statements that the problems were due to technical deficiencies rather than fraud.⁹

In the period between the first and second electoral rounds, the TSE has worked on identifying weaknesses in its results transmission and on improving its communication with the Guatemalan electorate in a clearer and more transparent way.

Developing the new OCV system was another challenge for the TSE. Although over 63,000 Guatemalans registered to vote from abroad, only 734 (1.18 percent) cast their ballots on June 16.¹⁰ The low voter turnout is explained in part by the TSE's decision to make polling available only in person in four American cities, while many Guatemalans abroad who had registered via mobile app hoped they would also be able to vote electronically.

What measures are in place to mitigate electoral violence?

More than 2,000 electoral offenses were reported around Election Day on June 16.¹¹ In five municipalities, threats and the risk of violence also led to the postponement of polling; in one municipality (San Jorge, Zacapa) polls did not open on June 16 – an unprecedented situation in Guatemala. In San Jorge, the members of the Municipal Electoral Board resigned their positions before opening the polling station, due to death threats, and thus the election could not be held.¹²

While violence can take place at any point during the electoral cycle, it is commonly related to disagreements among voters about ballot box results and is especially prevalent at the local level. Ahead of the June 16 first-round elections, the Supreme Electoral Tribunal (TSE) conducted a risk assessment and identified 91 municipalities as being at high risk for electoral violence.¹³ After the election, the TSE

⁸ <https://nomada.gt/pais/elecciones-2019/lo-que-sabemos-hasta-ahora-de-los-problemas-con-el-conteo-de-votos/>

⁹ <https://www.prensalibre.com/guatemala/politica/resultados-finales-de-elecciones-se-fundamentan-en-actas-no-en-sistema-informatico/>

¹⁰ <https://www.prensalibre.com/guatemala/politica/cuanto-costaron-los-737-votos-de-los-guatemaltecos-en-ee-uu/>

¹¹ <https://nomada.gt/pais/actualidad/resumen-del-dia-el-peligro-de-hablar-de-fraude-y-que-le-den-horas-extra-a-jimmy/>

¹² <https://www.guatevision.com/noticias/nacional/suspenden-elecciones-en-san-jorge-zacapa-por-amenazas-a-junta-electoral/>

¹³ <https://www.prensalibre.com/guatemala/politica/tse-identifica-91-municipios-en-riesgo-de-conflictividad-electoral/>

reported that 17 municipalities experienced high levels of unrest,¹⁴ of which five municipalities' results were declared invalid by the TSE due to this violence, requiring repeat elections in these municipalities on August 11 to ensure the legitimacy of the vote.¹⁵

For this electoral cycle, in the lead-up to the first round of elections the TSE developed an Agreement for a Transparent, Ethical and Peaceful Electoral Process, comprised of 15 commitments for political parties to promote an electoral process free of conflict and violence. The commitments emphasize peace and tolerance for all candidates and citizens, and 20 of the 28 registered parties signed the document.¹⁶ The TSE also developed similar local-level ethical pacts for 42 of the municipalities at higher risk of electoral violence.

As the highest authority on elections, the TSE is responsible for coordinating electoral security with relevant stakeholders. To that end, and based on its risk assessment and mapping, the TSE established electoral security working groups with the Ministry of Interior, Office of Guatemala's Public Prosecutor, Ministry of Defense, National Police, emergency responders, the electricity sector and other key actors to mitigate and address electoral security issues that may occur on each Election Day and the days following the election. Ahead of Election Day, a Crisis Management Center (CMC) is established at the TSE election headquarters and staffed by representatives of the electoral security working group. The CMC collects data from the local level that allows for a coordinated response to any incidents of violence that may arise during this period and after the elections.

What are the rules for campaign finance?

Private Campaign Finance

The reformed Electoral and Political Parties Law (LEPP) establishes the rules for campaign finance, reducing the ceiling for private campaign finance from 1.00 to 0.50 USD per registered voter. While in 2015 the total limit was approximately 58.2 million GTQ, in 2019 it is nearly 29.7 million GTQ, or 3.8 million USD, for each of the 28 registered political parties.¹⁷ Under the reformed LEPP, political parties must now have accounts in each one of the departments and municipalities where they are present. To verify political parties' financial management practices, the TSE can request financial information from the Comptroller General of Accounts, Fiscal Administration Superintendency and Bank Superintendency.

Public Campaign Finance

According to the LEPP, the state will contribute financing to each political party at the equivalent in GTQ of 2.00 USD for every vote cast in favor for the offices of the president and vice president, or deputies in the National List. To obtain this right, the party must have obtained no less than five percent of the valid votes cast for the offices mentioned above or have at least one seat in these offices.

¹⁴ <https://republica.gt/2019/06/17/elecciones-guatemala-conflictividad-17-municipios/>

¹⁵ <https://www.publinews.gt/gt/noticias/2019/07/11/tse-repetiran-elecciones-cinco-municipios.html>

¹⁶ <https://www.ifes.org/news/guatemalan-political-parties-commit-transparent-ethical-and-peaceful-electoral-process>,
<https://republica.gt/2019/03/11/compromisos-partidos-politicos-campana-tse/>

¹⁷ <https://www.prensalibre.com/guatemala/politica/tse-fija-en-q29-millones-el-techo-de-campana-para-cada-partido-politico/>

Who can vote in these elections?

Registered Guatemalans over the age of 18 are eligible to vote. There are 8,149,793¹⁸ registered voters, including 4,386,509 women and 3,763,284 men. The number increased by 592,920 from the 7,556,873 (4,074,450 women and 3,482,423 men) who were registered in the 2015 elections. The deadline for voter registration in these elections was March 17.

Voters between the ages of 18 and 25 make up 15 percent of the electorate, or 1,200,202 voters. In Guatemala, the police and active-duty members of the armed forces cannot vote and must remain in their facilities on Election Day.¹⁹

How will voters cast their ballots?

Voters will be able to cast their ballots in one of the 2,932 polling centers, which include several special voting stations, such as those available in hospitals. There will be approximately 105,277 poll workers. Voters can find information about the location of their respective voting centers and stations through the TSE's [voter information portal](#), via text messaging or by contacting the TSE's call center. The only documentation that voters are required to have is their personal identification card.²⁰

Will there be out-of-country voting?

For the first time in the country's history, Guatemalans who reside abroad will be able to vote for president and vice president. Article 1 of Decree 26-2016, which reformed the Electoral and Political Parties Law (LEPP), establishes that:

“The Supreme Electoral Tribunal (TSE) with support from the state institutions to which this request was made will conduct the necessary actions to ensure the right. Out-of-country voting will take place on the same date as Election Day in Guatemala and in all cases the TSE will be charged with the enforcement of all rules relative to the implementation of the voting process for all Guatemalan citizens residing out of the country.”

For both the first and second rounds of the 2019 elections, the TSE, through the Out-of-Country Voting Specialized Unit and the Out-of-Country Voting Electoral Board, organized in-person voting for 63,267 registered Guatemalans who reside in the United States in four voting centers, one in each of the following locations:

- Los Angeles, California, with 22,802 registered voters;
- New York, New York, with 15,638 registered voters;
- Silver Spring, Maryland, with 14,310 registered voters; and
- Houston, Texas, with 10,517 registered voters.

¹⁸ <http://www.tse.org.gt/estadisticas/2019/03/Electores.pdf>

¹⁹ <http://www.tse.org.gt/estadisticas/2019/03/Electores.pdf>

²⁰ cajpe.org.pe

Article 21 of the LEPP commits the TSE to spread information through the web and other social media sources promoting out-of-country voting.²¹ In preparation for this electoral cycle, the TSE launched a campaign to inform and register voters, including access to an online form and the mobile application called *Vote for Guate*.²²

How are electoral authorities promoting equal access to the electoral process for persons with disabilities?

The Supreme Electoral Tribunal (TSE) takes various actions to ensure that persons with disabilities have the same opportunities to exercise suffrage as the rest of the population. According to Guatemala's electoral laws, citizens with disabilities have the right to vote with the assistance of a person of their choice.

To ensure equity, the TSE:

- Has braille ballots available for voters with visual impairments;
- Has voting booths that are physically accessible for voters who use a wheelchair; and
- Provides electoral workers with an orientation on how to administer the vote to persons with disabilities and respect their rights.

In March 2019, the TSE developed an Agreement for a Transparent, Ethical and Peaceful Electoral Process, which included commitments by political parties to promote more inclusive elections. One of the commitments in the document states that electoral campaigns must avoid harassment and violence, including in messages and images, toward women, indigenous populations, persons with disabilities, LGBTIQ communities or others.²³ Another commitment establishes that social media and other communications technology not be used to spread disinformation or to propagate hate speech against women, persons with disabilities, indigenous populations or LGBTIQ communities.²⁴

How will votes be counted, tabulated and reported?

The official vote count begins at 6:00 p.m. on Election Day. Votes are counted manually at each of the 21,098 Vote Reception Boards, including 108 in the United States, which each consist of five members, including a president. Poll watchers from political parties along with national and international observers oversee the vote counting process. As part of the process, the political party poll watchers witness, verify and sign the tally sheets submitted to the voting center for official transmission to the Supreme Electoral Tribunal's (TSE) National Preliminary Results Center. The TSE tabulation center will receive the tally sheets transmitted to them via scan technology. The TSE's transmission of preliminary results entity expects to announce the first results beginning at 8:00 p.m. on Election Day.

²¹ <https://www.tse.org.gt/images/LEPP.pdf>

²² <https://www.publinews.gt/gt/noticias/2019/01/22/voto-extranjero-definen-formas-emitir-sufragio.html>

²³ <https://republica.gt/2019/03/11/compromisos-partidos-politicos-campana-tse/>

²⁴ <https://republica.gt/2019/03/11/compromisos-partidos-politicos-campana-tse/>

When will official results be announced?

The Supreme Electoral Tribunal is expected to announce preliminary results beginning at 8:00 p.m. on election night or shortly thereafter. According to Article 245 of the Electoral and Political Parties Law (LEPP), the final official results must be announced within eight days after elections.

Resources

- Frequently Asked Questions on *Elections in Guatemala: 2019 General Elections*: <https://www.ifes.org/faqs/elections-guatemala-2019-general-elections>
- Supreme Electoral Tribunal (TSE) 2019 Election Hub: <https://elecciones2019.tse.org.gt/>
- Preliminary electoral results from the first round: <https://resultados2019.tse.org.gt/201901/#>
- Official results of the first-round presidential election: <http://www.tse.org.gt/index.php/comunicacion/noticias/475-tribunal-supremo-electoral-informa>
- Decree Number 26-2016: <https://www.tse.org.gt/images/descargas/decreto262016.pdf>
- Electoral and Political Parties Law (LEPP): <https://www.tse.org.gt/images/LEPP.pdf>
- TSE Media Unit online resources: <https://sidi.tse.org.gt/uemceo/>
- Virtual electoral library: www.tse.org.gt/biblioteca2/
- Virtual trainings provided by the TSE: http://tse.org.gt/aula_virtual/moodle/
- Visible Elections website, for general information and reporting electoral violations: <https://eleccionesvisibles.gt/>
- Voter information portal: <https://endondevotas.tse.org.gt/>
- Voter registration statistics: <https://www.tse.org.gt/index.php/informacion-electoral/estadisticas-de-empadronamiento>
- Voter registration verification: <http://tse.org.gt/index.php/registro-ciudadano/consulta-empadronamiento>