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ACCESS TO ELECTORAL RIGHTS

BOLIVIA

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Access to Political Rights

Bolivia

Maria Teresa Zegada¹ and Jean-Michel Lafleur²

1. Introduction: Contemporary context and process of constitutional reform

Since the beginning of the 21st century, Bolivia has gone through a series of political and institutional transformations. First, for over twenty years, Bolivian politics were characterised by a multi-party system in which five major political parties alternated in power. This system, that has been in place in Bolivia since the democratic transition of 1982, found its limit in the early 2000s when multiple social movements began to challenge political elites with a strong anti-neoliberal discourse. Protesters demanded profound institutional reforms that would enable new political elites to emerge.

Second, protesters achieved their goal with the election of Evo Morales as President in January 2006, bringing to power sectors of Bolivian society —mainly social and indigenous movements— that had traditionally been excluded from power.

Third, the adoption of a new Constitution in February 2009 officially transformed the Republic of Bolivia into the Plurinational and Autonomous State of Bolivia, altering significantly the range and content of political rights in the country.

However, electoral reforms are not new. For three decades, political elites have reformed the country's electoral law which underwent its most profound transformations in the 1990s and as a result of the 2004 and 2009 constitutional reforms. More precisely, major contemporary debates on Bolivia's democratic system occurred in two phases. First, during the 1990s lawmakers were mostly concerned with increasing transparency and reliability of electoral processes. A major preoccupation at the time was how to strengthen the role of electoral authorities. This trend is visible in the inter-party agreements that led to the 1994 constitutional reforms and in the adoption of the Electoral Code and the Law of Political Parties in 1999.³

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³ *Código Electoral de 1999* and *Ley de Partidos políticos del 1999*.

The second phase began with the above-mentioned protests led by social movements that in the early 2000s demanded profound structural reforms of the country's democratic system. In a context of social and political crisis characterised by the rejection of traditional parties, new political elites representing these social movements emerged on the Bolivian political scene. Their mobilisation led to the 2004 constitutional reforms which explicitly recognised the role of social movements and indigenous peoples in the constitution and introduced elements of direct democracy into Bolivian politics such as the referendum and the citizen legislative initiative. This process culminated in the work of the constituent assembly between 2007 and 2008 and eventually led to the adoption of the new constitution in 2009 which profoundly reformed electoral rights in Bolivia.

With the 2009 Constitution, the Bolivian state officially defined itself as intercultural. This implies the official recognition of alternative modes of social and political organisation such as the right of 34 indigenous peoples to adopt their own norms, establish their own judicial processes, and enjoy specific representation in Parliament. The explicit recognition of gender equality in terms of political rights is another major innovation of the 2009 constitution.

Another central element in the 2009 constitution is the differentiation between nationality and citizenship. Nationality can be acquired either by birth or naturalisation. Every person born abroad to Bolivian parents, or born in Bolivia to Bolivian or foreign parents (except diplomats), are entitled to Bolivian citizenship. Foreigners who have resided in Bolivia for at least three years (and in some case even two years) can apply for Bolivian citizenship. While full citizenship, including the entire range of passive and active political rights, is only accessible to nationals, as we see below, foreigners may also access political rights under specific rules.

2. The historical evolution of political and electoral rights

Decree No. 3128 of 21 July 1952⁴ marked a turning point in the history of electoral rights in Bolivia, with the adoption of universal suffrage for all citizens who are at least 21 years of age. Until that date, access to voting rights was determined by property qualification criteria which meant that a very limited number of political elites exercised monopolistic control over the country's politics. From then onwards, a series of normative instruments formalised electoral rights over the years such as the Electoral Statute of 1956 and the first electoral law of 1965. Following this trend, electoral rights formally appeared in the constitution in 1961 and were reformed for the first time in 1967.

The constitution defined the exercise of citizenship in Bolivia as the right to participate in government as voter or candidate (Art. 41). It originally limited political rights to male and female citizens who are at least 21 years old (eighteen if they are married) independently of their profession, level of education or wealth (Art. 40 of 1967 Constitution). To exercise passive electoral rights, however, citizens had to be Bolivians by birth, be at least 25 years old to stand for elections to the House (or become ministers) and 35 years old to become a senator or the President of the Republic.

In spite of these reforms, Bolivia's cycle of democratic elections was interrupted in 1964 by a series of military governments until the end of the 1970s. Democracy was formally re-established in 1982 with the full recuperation of political rights for Bolivian citizens. Except for the 1994 reform that lowered the age threshold for exercising voting rights to eighteen, the normative framework of political rights remained essentially the same as the one adopted during the 1950s and 1960s.

The new constitution adopted in 2009, on the contrary, introduced important modifications. It contains almost 100 new articles (between article 13 and 107) that grant constitutional status to various civil, social, political, and cultural rights. As regards political rights in particular, the Constitution particularly insists upon the right of equal participation between men and women and the right of citizens to participate, exercise, and control political power directly or through their representatives. The principle of self-government called 'communitarian democracy' was also introduced. It enables indigenous peoples' and communities to organise their own representative entities following their own modalities. These processes, however, do not replace electoral processes that are governed by electoral legislation (art. 26). The Constitution also put an end to the historical monopoly of political parties in political representation in Bolivia as social movements and indigenous peoples and communities are put on an equal footing as political parties (art. 209).

⁴

Decreto Supremo No. 3128 del 21 de julio de 1952.

Other major constitutional changes include the extension of voting rights in art. 27 to two sectors of the population that were traditionally excluded. First, the introduction of external voting enables Bolivians residing abroad to take part in the election of the President and Vice-President without having to return to Bolivia (art. 27). It was implemented for the first time in 2009. Second, foreigners residing in Bolivia coming from countries with which Bolivia has signed a reciprocity agreement are also invited to participate in municipal elections. Finally, regarding passive electoral rights, the new constitution lowered the age threshold (see below).

Overall, the expansion of political and electoral rights is a historical process that has gone through three major transformations. First, in 1952, a cycle of electoral reforms formalised electoral rights and introduced universal suffrage. Second, the 1990s saw the re-establishment of electoral norms that had been endangered by military governments. Third, the constitutional assembly and the new constitution of 2009 marked another stage of expansion and liberalisation of political and electoral rights in Bolivia to sectors of the population that had been previously neglected.

3. Passive and active electoral rights

The new constitution of 2009 changed the exercise of electoral rights in Bolivia profoundly, but it was only with Electoral Law No. 026 of 30 June 2010, the Law on the Electoral Authority of 2 June 2010, and the Framework Law on Autonomy and Decentralisation No. 31 of 19 July 2010⁵ (among several election-related laws and decrees adopted in this period) that the precise content of Bolivia's new approach to electoral rights was specified.

3.1. Citizens residing in Bolivia

There are few restrictions on the exercise of passive and active electoral rights of citizens residing in Bolivia.

3.1.1 Age limit

Since the 1994 reform, the only requisite to exercise active electoral rights is to be at least eighteen years of age. The 2009 constitutional reform lowered the minimum age for standing as candidate for the House, the Senate, or for any other representative position at the supranational level to eighteen (Art. 149).

At the supranational level, Bolivian representatives in institutions such as the Andean Parliament are elected through universal suffrage in a single district constituency at the national level. The Law on the Direct Election of Representatives in Supranational Parliaments⁶ states that nine representatives (and nine substitutes) are elected directly by citizens (art. 9).

⁵ *Ley de Régimen Electoral No. 026 de 30 de junio de 2010 and Ley del Órgano Electoral de 2 de junio de 2010.*

⁶ *Ley de Elección Directa de Representantes ante Organismos Parlamentarios Supraestatales No. 522 de 28 de abril de 2014.*

At the sub-national level, the minimum age to stand as candidate for Governor of a department is 25 and 21 for the post of Mayor (art. 285). Finally, citizens need to be at least eighteen years of age to stand as a candidate for legislative bodies and other sub-national entities such as departmental councils and assemblies (art. 287).

Citizens standing for presidential and vice-presidential elections must be at least 30 years of age (art. 167). In Bolivia, appointments to a limited number of judiciary positions are also decided by elections. As stated in the Constitution, candidates need to be at least 30 years of age to stand for elections to the Supreme Court, the Agricultural and Environmental Court, and the Judiciary Council. For the Plurinational Constitutional Court, candidates need to be at least 35 years old.

3.1.2 Other limitations in the exercises of electoral rights

In Bolivia, restrictions on the franchise of persons with a mental disability existed in the past but disappeared from current legislation. The General Law on Persons with Disabilities No. 223 of 2 March 2012⁷ established the principles of inclusion and equal opportunities (art. 4) for persons with disabilities. This legislation aimed to ensure their full and effective participation in the social, cultural, and political life of the country. This legislation, therefore, guarantees equal access to political rights to citizens with disabilities.

More precisely, art. 18 of the legislation discussed above does not make any mention of mental or psychological disabilities: “The Plurinational State guarantees persons with disabilities the right to full and effective participation in political activities under similar conditions and opportunities as other persons. The Supreme Electoral Court introduced reasonable adjustments to enable the free and conscious electoral participation of persons with disabilities. This includes the right to enter polling stations with a person of trust who provides these voters with the necessary assistance.”

Prisoners are guaranteed the same active electoral rights as the rest of the population. As such, their participation in elections is regulated by the general principles set out in the Constitution and the Law on Electoral Regime No. 026 which states in art. 3 that: “The Plurinational State guarantees to all citizens, be they Bolivian male or female citizens, the full, free and equal access to the rights established in the Constitution”. This entails that the full active and passive electoral rights of all citizens is in principle not subject to any restriction (art. 4).

However, the Penal Law No. 2298 of 20 December 2001⁸ has specific provisions on prisoners in Art. 9. First, the law insists that persons who are incarcerated are not excluded from society. They can exercise all the rights that are not explicitly excluded from the sentence that was pronounced against them. Similarly, they continue to be subject to all legal obligations that citizens ought to respect. Nevertheless, the constitutional mandate referred to in art. 28 provides for three reasons for suspension of political rights: 1) simultaneously enlisting in a foreign army and serving with the Bolivian enemy in times of war; 2) misuse of public resources, and 3) treason against the motherland.

⁷ *Ley General para Personas con Discapacidad No. 223, de 2 de marzo de 2012.*

⁸ *Ley de Ejecución de Penal y Supervisión No. 2298 de 20 de diciembre de 2001.*

As regards passive electoral rights at the Presidential, Vice-Presidential, legislative or supranational level, specific dispositions apply in addition to the age criteria, the obligation to hold Bolivian nationality, and be registered on the electoral roll. Among other things, candidates can neither be under indictment nor waiting to serve a prison sentence for a criminal offence (art. 234). Electoral Guidelines for the 2014 Presidential Elections⁹ added a requirement with regard to gender violence. Citizens who have served or are serving a sentence after being convicted of violence against women or any member of her family were explicitly prohibited from standing as candidates.

Another limitation concerns the necessary duration of residency in Bolivia to access political rights. With regard to passive electoral rights, the Constitution and electoral laws mention that, to stand as candidate in the presidential election, citizens must reside permanently in Bolivia during the five years preceding the election (art. 167 of the Constitution). For national legislative elections, citizens must have resided in Bolivia for the past two years in the electoral district in which they are standing as candidates (art. 149 of the Constitution).

At the sub-national level, candidates for executive and legislative offices are required to have lived in the corresponding district for two years before the departmental, regional, or municipal elections (arts. 285 and 287 of the Constitution).

3.2. Citizens residing abroad

The right to vote from abroad — or external voting— is another novelty of the Bolivian electoral system which was implemented for the first time during the 2009 general elections. The right to vote of citizens residing abroad is limited to presidential and vice-presidential elections which are held in a single national constituency.

The adoption of this new right is connected to a long-term process that responded to a substantial increase in emigration from Bolivia since the 1980s. Supreme Decree 21060 of 1985¹⁰ is usually considered to be a turning point in the political history of Bolivia, which initiated an era of neo-liberal economic policies characterised by open borders for trade, but which also intensified out-migration flows. Bolivian authorities sought to attract foreign labour while preventing emigration of native workers. Such concerns were at the core of the approval of Supreme Decree 24423 of 29 November 1996 on migration law¹¹ adopted during the presidency of Sanchez de Lozada. The legislation attempted to control migration to and from Bolivia. Nevertheless, massive emigration occurred from Bolivia throughout the following decades, as a result of which a growing number of potential Bolivian voters were no longer residing in the country.

⁹ *Reglamento para las elecciones de 2014. La Paz, 25 de junio de 2014.*

¹⁰ *Decreto Supremo 21060 del 1985. La Paz 29 de agosto de 1985.*

¹¹ *Decreto Supremo 24423 sobre el Régimen Legal de Migración del 29 de noviembre de 1996.*

In the 2009 elections, only Bolivian expatriates residing in the four largest destination countries of Bolivian emigration (Argentina, Brazil, the United States, and Spain) were allowed to register as voters. A total of 211,093 emigrants managed to register in registration stations that had been set up abroad on this occasion. A total of 110,813 voters eventually cast a valid ballot. In the 2014 elections, Bolivian emigrants were able to cast a vote in 33 countries¹². Registration can now be processed in consulates and voters who had registered for the 2009 elections were automatically registered for the 2014 elections. Overall, 272,058 citizens abroad were registered, of whom 160,040 eventually cast a valid vote¹³. In 2014 the largest number of voters resided in Argentina (69,591) and overwhelmingly supported the incumbent President Evo Morales. By contrast, in Spain, 44.2 per cent of the vote went to Morales, against 33 per cent for his main opponent.

3.2.1 *Conditions of participation*

As underlined by Hinojosa, Domenech, and Lafleur (2012)¹⁴, the adoption of external voting legislation in Bolivia is the result of a dual process. On the one hand, large Bolivian migrant organisations abroad pressured home country authorities to pass such legislation. On the other hand, external voting is also an explicit recognition of the continuing political and economic importance of emigrants for Bolivia. Like many other Latin American countries, Bolivia strongly benefits from emigrants' remittances sent to family members in Bolivia. For this reason, enfranchising resident citizens was also an acknowledgement by the Morales government of expatriates' contribution to the country's well-being, as well as an attempt to stimulate their loyalty. Finally, it also has to be noted that, previous to his election as President, Evo Morales already benefited from large support among Bolivians abroad (especially in Argentina) which was an additional incentive for his party to pass external voting legislation. The adoption of this legislation is, however, part of a larger government road map entitled "National Plan for Development" aiming to increase emigrants' access to documentation.

¹² *Argentina, Uruguay, Paraguay, Brazil, Chile, Ecuador, Peru, Colombia, Venezuela, Costa Rica, Cuba, Panama, US, Canada, Mexico, Spain, Italy, Switzerland, Austria, France, UK, Germany, Belgium, Netherlands, Denmark, Sweden, Russia, Egypt, India, Iran, China, Japan, and South Korea.*

¹³ For more details on the electoral behaviour of Bolivians abroad, see: Lafleur and Sánchez-Domínguez, "The Political Choices of Emigrants Voting in Home Country Elections: A Socio-Political Analysis of the Electoral Behaviour of Bolivian External Voters." *Migration Studies Advance Access* published April 28, 2014 .

<http://migration.oxfordjournals.org/content/early/2014/04/28/migration.mnu030.abstract>

¹⁴ Lafleur, (Ed.), 2012. *Diáspora y voto en el exterior. La participación política de emigrantes bolivianos en la elección de su país de origen.* Barcelona: CIDOB.

Whilst the electoral code mentions the right of emigrants to vote from abroad since 1999, such a right was not effective until the appropriate implementation legislation was passed. With the coming to power of MAS in 2006, debates on external voting reappeared in Parliament and led to serious disagreement between MAS and opposition parties. The latter feared that massive participation from abroad would undermine their ability to win future elections. In spite of their opposition, MAS continued to support external voting both inside and outside Parliament. This included organising marches and hunger strikes in Bolivia and abroad. External voting rights were introduced in 2009 as part of a broader constitutional reform package. Art. 27 states that Bolivians residing abroad have the right to vote in presidential and vice-presidential elections, in addition to all other elections mentioned in the law. The constitution also grants electoral authorities the task of administering the electoral registration of non-residents.

A few months after the constitutional reform, the Parliament also passed the Transitional Electoral Law No. 4021 of April 2009¹⁵ that regulated the 2009 presidential and vice-presidential elections. This law set guidelines for the organisation of elections abroad. It stated in art. 7 that: “All Bolivians who are at least 18 years of age and reside either on the national territory or abroad are entitled to vote. To be able to vote, one needs to be registered in the electoral roll and respect the legal requirements to access voting rights”.

Art. 47 of the same law provided further details on the registration process abroad: “As a consequence of the creation of the biometric electoral roll, the National Electoral Court will register citizens abroad as long as they do not represent more than six percent of the total of registered voters living on the national territory.” The law also sought to prevent Bolivians residing in Argentina from representing the overwhelming majority of voters abroad. Indeed, no single destination country in which elections were held abroad could account for more than 50 per cent of the total number of voters residing abroad.

The obligation to vote applying to Bolivians residing on the national territory does not apply to Bolivians residing abroad: registration abroad occurs on a voluntary basis in registration centres temporarily set up in destination countries.

3.2.2 Modalities of representation

Because the right to vote of Bolivians residing abroad is limited to presidential and vice-presidential elections, votes from abroad are added to those cast in the single national constituency. Accordingly, there is no specific electoral district for citizens residing abroad and no representation of emigrants in Parliament or other assemblies. Also, citizens residing abroad at the time of the election are not allowed to stand as candidates in presidential and legislative elections. Similarly, unlike Mexico where certain regions and municipalities allow emigrants to stand as candidates in sub-national elections, this possibility does not exist in Bolivian legislation.

¹⁵ *Ley de Régimen Electoral Transitorio*” No. 4021, de abril de 2009.

3.3 *Foreigners residing in Bolivia*

The Migration Law No. 370 of 8 May 2013¹⁶ defines a foreigner as: “a person [who] is a national of another State that does not hold citizenship of the Plurinational State of Bolivia” (art. 4). In its art. 12, the law also provides for electoral rights to foreign residents. It states that foreigners have the right to participate in municipal elections according to the rules set out in the legislation. Currently, the Law on Electoral Regime 026¹⁷ (art. 45) allows emigrants to take part in municipal elections if they can demonstrate that they have resided legally in the municipality where they intend to vote for the last two years.

Art. 27 of the Constitution also touches upon the topic and mentions that foreigners residing in Bolivia have the right to vote in municipal elections following the criteria set in the law and following the principle of international reciprocity. In other words, the right to vote of foreigners in Bolivian municipal elections is limited to foreigners coming from states where Bolivian emigrants are also able to vote in municipal elections. As illustrated in EUDO reports, numerous countries allow foreigners to take part in local elections of their country of residency. In Latin America, we can mention the case of Chile where foreigners access voting rights after five years of residency. In Uruguay, a similar right is available to foreigners after fifteen years of residency.

With regard to active electoral rights, Bolivia does not differentiate between countries with which it signed a bilateral agreement on voting rights and countries to which Bolivia is bound by multilateral agreements such as MERCOSUR or the Andean Community.

Prior to the constitutional provisions on the right to vote of foreigners, Law 1585 on Constitutional reforms adopted in 1994¹⁸ under the presidency of Sanchez de Lozada also included provisions for foreign voters. Art. 220 explicitly recognized that foreigners could take part in municipal elections following the criteria set in the legislation.

As for passive electoral rights, foreigners residing in Bolivia cannot stand as candidates. Passive electoral rights are reserved exclusively to Bolivian nationals. Foreigners wishing to exercise such rights are, therefore, compelled to apply for Bolivian nationality after they have resided for at least three years in the country without interruption.

¹⁶ *Ley de Migración No. 370 de 8 de mayo de 2013.*

¹⁷ *Ley 026 de Régimen Electoral.*

¹⁸ *Ley 1585 de Reformas a la Constitución Política del Estado de 1994.*

4. Exercising electoral rights

One of the most important innovations in Bolivian electoral law in recent years is the principle of gender equality. The introduction of this principle followed years of civil society mobilisation. In 1997, the first Law on Quotas No. 1770¹⁹ provided for the mandatory inclusion of 30 per cent of women candidates on electoral lists. Later, this principle was stated again in the Law on Political Parties of 1999²⁰ which included specific provisions for the participation of at least 30 per cent of women on electoral lists. The current constitution adopted in 2009 strengthened the principle of gender equality. It states in art. 11 that Bolivia is a state in which democracy strives for gender equality. This principle is reiterated in art. 147 according to which: “In Parliamentary assemblies, the equal participation of men and women must be guaranteed”.

The specific provision for the representation of indigenous people in legislative assemblies is another novelty in Bolivian electoral law. In the Plurinational Legislative Assembly (House), seven out of the 130 members of Parliament are representatives of the special indigenous districts. These seven special electoral districts cover the 34 minority indigenous peoples (as defined in art. 61 of the Law on Electoral Regime). Candidates to these special seats are either designated by the representative organisations of indigenous nations and peoples or by political parties registered with the electoral authority. Such a mechanism of special representation also applies to the election of departmental legislative assemblies and municipal councils. The exact composition of these bodies is regulated by specific legislation on regional and local elections.

These two waves of reforms aiming at a further inclusion of categories of citizens that had traditionally been under-represented in the different legislative assemblies are the most noteworthy evolution of Bolivian electoral law in recent years.

4.1 Voter registration

As a general rule, all Bolivian nationals who are at least eighteen years old on election day are entitled to vote in presidential and vice-presidential elections. To exercise voting rights, however, citizens, whether they officially reside in the national territory or abroad, must be registered on the electoral roll and fulfil the qualification criteria set by law. The electoral roll is a biometric registry of all Bolivians of at least eighteen years of age who meet all qualification criteria (art. 98 of Law on Electoral regime 026). According to the administrative decision of April 2014 on the biometric electoral roll, the process of registering as a voter implies that all citizens of voting age who live at home or abroad request to be added to the biometric registry by showing a proof of identity (valid ID card or passport) at voter registration stations during designated registration periods as set by the electoral legislation. The Civic Registry Office is the institution in charge of eventually communicating the list of citizens who are entitled to vote and those who are not. This registry is permanently updated through a process of inclusion of new voters and naturalised Bolivians and removal of citizens who are no longer able to vote.

¹⁹ *Ley de cuotas No. 1779 de 1997.*

²⁰ *Ley de Partidos Políticos de 1999.*

To register in the Biometric Electoral Roll, citizens must proceed to the nearest registration office with necessary documentation to demonstrate their identity. These registration centres are managed by the Civic Registry Office. After registration, voters receive a certificate of registration which officially acknowledges their right to exercise voting rights in forthcoming elections.

The process of registration abroad is defined by art. 22 of the Administrative Decision of April 2014 on the update the [Biometric Electoral Roll²¹. This norm provides for the creation of registration centres in diplomatic and consular representations, as well as any other place designated by the Supreme Electoral Court. Once citizens register on the biometric electoral roll, their registration is automatically valid for all subsequent elections. Citizens only need to return to registration offices in case of a change of address or to update their information.

For departmental and municipal elections, the voter registration process is similar to the one described above for national elections. The only major difference is that, for municipal elections, foreign citizens who have resided legally for at least two years in Bolivia are also able to register under the same rules as Bolivian voters (art. 37 of the administrative decision on the election of mayors and municipal councillors, 2012²²).

4.2 Candidate registration

The registration of candidates for presidential and vice-presidential elections, National Legislative elections, and supranational elections is organised by electoral law. Delegates of political parties are responsible for submitting the names of candidates with adequate documentation demonstrating entitlement to passive electoral rights to the Supreme Electoral Court during the period for registration set in the electoral calendar (administrative decision on elections, 2014²³, art. 27).

The Electoral Court is in charge of verifying the documents presented by the candidates and, according to the Law on Electoral Regime No. 26²⁴, art. 11, the Court verifies that the principle of gender parity on the electoral list is respected. Once verifications are completed and the registration period expires, the Supreme Electoral Court publishes the official electoral lists.

The registration of candidates for Governor, departmental councillors, Mayor and municipal councillors follow the same rules as the registration of candidates for national elections.

Candidates for Mayor are presented by political parties with a special form delivered by the Departmental Electoral Court (art. 53 of the Administrative Ruling on the Election of Executive Authorities and Councils of Autonomous Municipal Governments, 2012²⁵).

²¹ *Reglamento de Actualización para el Empadronamiento Biométrico de abril de 2014. La Paz 30 de julio de 2014.*

²² *Reglamento para la elección de Alcaldes y Concejales, 2012. La Paz, septiembre de 2012.*

²³ *Reglamento Elecciones 2014. La Paz 25 de junio de 2014.*

²⁴ *Ley de Régimen Electoral No. 26. La Paz 30 de junio de 2010.*

²⁵ *Reglamento para la Elección de la Máxima autoridad ejecutiva y del Concejo de un gobierno autónomo Municipal, 2012. La Paz 27 de septiembre de 2012.*

4.3 Ballot- casting

The vote in Bolivia is personal. Voters show proof of identity to electoral officers at the polling station to which they have been assigned, according to the place where they registered as voters. The law defines the polling stations as the legal entities where votes are received and counted (Law on Electoral Regime, art. 156). Voters need to proceed to polling stations during opening hours which last for eight hours after the official opening of polling stations.

Voters are not allowed to cast a ballot in an electoral district other than the one to which they have been assigned. In Bolivia the only voting modality allowed is the vote in person and voters are accordingly unable to vote by mail or through the Internet. The same applies to Bolivian voters residing abroad who can only cast a ballot in presidential and vice-presidential elections in the electoral district that was assigned to them at the time of registration on the electoral roll.

5. Other electoral rights

5.1 Referendum

Referenda are electoral processes that were introduced in Bolivia with the 2004 constitutional reform. The first referendum was conducted in 2006 to consult citizens about issues of regional autonomy. The 2009 Constitution confirmed the existence of referenda in Bolivia (art. 11). The Law on Electoral Regime defines referendum as a direct-democracy modality through which citizens make use of universal suffrage to come to binding decisions about norms, policies, and issues of public interest (art. 12). A limited number of strategic issues are excluded from a referendum: the unity and integrity of the country; taxes, and internal and external security... (art. 14). Referenda can be applied at the national, departmental, or municipal level (art. 13).

Decisions adopted by referenda come immediately into force and have a mandatory character. Competent authorities and institutions are responsible for the implementation of decisions taken by referendum (Law on Electoral Regime No. 026, art. 15).

In accordance with the Administrative Decision on the Update of the Electoral Roll²⁶, Bolivians residing abroad also have the right to register to vote for national referenda (art. 22), but the legislation that would implement such participation has not been adopted at the time of writing.

²⁶ *Reglamento Para la Actualización del Padrón Electoral, 2 abril 2014.*

5.2 Recall of mandate

In August 2008, provisions on the recall of mandate adopted in the 2004 constitutional reform and in the 12 May 2008 Law on Recall of Mandate²⁷ were first applied. Such mechanisms were first introduced in the Constitution as a modality of direct democracy. According to the Law on Electoral Regime, it is the mechanism through which the sovereign people decides, through universal suffrage, whether elected officials should continue to hold their seats or be dismissed. The recall of mandate can be applied to all authorities elected by universal suffrage at the national, departmental, regional, or municipal level (art. 25 of Law 026).

In January 2013, further regulation on referenda were implemented through the Administrative Decision on Recall of Mandate of Authorities Elected by Citizens. As mentioned previously, citizens residing abroad are also invited to register as voters for referenda and recall of mandate at the national level since the adoption of the Administrative Decision on the Update of the Electoral Roll of April 2014 (art. 22). Adequate implementation rules to render the participation of emigrants in those elections fully effective are however still lacking.

²⁷

Ley de Referéndum Revocatorio de Mandato de 12 de mayo de 2008.

6. Conclusion: The unfinished task of reforming the franchise

As demonstrated, the issue of passive and active electoral rights in Bolivia has gone through various phases. Universal suffrage in Bolivia occurred around the same time as in most states in that region: in the middle of the 20th century. The next wave of reforms occurred during the 1980s when dictatorships were removed from power. At that time, processes of democratization intensified in Bolivia and other parts of Latin America, eventually leading to the progressive strengthening of democratic institutions.

It is really during the 1990s and early 2000s that the most important democratic transformations occurred. Major institutional reforms were passed during this period in particular to increase the participation of women and indigenous peoples in public affairs. The inclusion of the principles of gender equality and interculturality in the new constitution of 2009 is one of the clearest sign of this new approach. Similarly, another sector of the Bolivian population that had been traditionally prevented from exercising political rights, that is, Bolivians residing abroad have been closely attended to by the Evo Morales government since 2006. After the first external voting experience in 2009, the system was once again reformed to enable greater participation from abroad in the 2014 presidential election. These elements confirm that the extension of political rights in Bolivia is a process that has gone through major changes over the past two decades but remains a work in process.

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