

PLE-CNE-1-17-11-2012

“The Plenary of this organization, with favorable votes of Dr. Domingo Paredes Castillo, President; licenciada Magdala Villacís Carreño; and Dr. Juan Pozo Bahamonde, councilmen and woman, unanimously resolved to pass the following resolution:

THE NATIONAL ELECTORAL COUNCIL PLENARY

WHEREAS in accordance with the provisions of article 219 1) of the Constitution of the Republic of Ecuador, the National Electoral Council is in charge of organizing, conducting, watching over, and guaranteeing transparent electoral processes;

WHEREAS in accordance with the provisions of article 219 6) of the Constitution of the Republic of Ecuador, the National Electoral Council has the powers to rule upon matters under its responsibility;

WHEREAS in accordance with the provisions of article 83 17) of the Constitution of the Republic of Ecuador, Ecuadorian citizens are obliged to participate in the country’s public, civic, and community life in an honest and transparent way;

WHEREAS the provisions of article 173 of the Organic Elections and Political Organizations Law of the Republic of Ecuador, Democracy Code, set forth that electoral compliance is based on the right of citizens as acknowledged in the Constitution to exercise supervising and control actions upon the acts of the public powers;

WHEREAS electoral compliance is a temporary voluntary civic right and duty;

WHEREAS the provisions of article 181 of the Organic Elections and Political Organizations Law of the Republic of Ecuador, Democracy Code, empowers the National Electoral Council of the Republic of Ecuador to rule and regulate the procedures for the accreditation, delivery of safeguards, and other necessary matters to guarantee exercising the rights of the citizens, organizations, and institutions to observe electoral processes;

WHEREAS in accordance with Resolution PLE-CNE-8-25-9-2012, the National Electoral Council Plenary resolved to issue the Elections Observation Regulation;

WHEREAS in accordance with Resolution PLE-CNE-117-9-10-2012, the National Electoral Council Plenary resolved to amend the Elections Observation Regulation;

WHEREAS in accordance with Resolution PLE-CNE-5-10-10-2012, article 2, the National Electoral Council Plenary resolved to pass the Elections Observation Plan;

WHEREAS in accordance with Resolution PLE-CNE-1-17-10-2012, the National Electoral Council Plenary passed the Call for the 2013 General Elections; and

In exercise of its constitutional, legal, and regulatory powers,

HEREBY CALLS:

Art. 1. National and foreign natural persons resident in Ecuador; foreign natural persons resident abroad; and national and international juridical persons interested in participating as Independent Electoral Observers, and accredited as such, in order to carry out the activities related to such capacity during the 2012 General Elections.

Art. 2. The requirements of national or foreign natural persons resident in Ecuador. Natural persons accredited as independent national electoral observers shall comply with the following requirements:

1. Have the Ecuadorian nationality, above eighteen years old; foreigner residing in the country five years prior to the accreditation;
2. Have full exercise of the participation rights;
3. Have no affiliation or permanent adherence to any political organization; and
4. In the last two years, not having participated in any political organization directive or as a candidate in any popular election.

Art. 3. Support Documents. The following documentation shall be enclosed to the application:

1. Color copy of the citizenship or identification card and voting certificate or payment of the penalty in the last election process; and
2. Commitment letter of acting on an impartial and objective basis, without any interference, with certainty and independence from any candidate or political organizations, and to respect the Constitution of the Republic, the laws, and this regulation according to the format contained in the institutional webpage.

The accreditation application shall include first and last names, nationality, age, address, email, reasons for and type of observation.

The application format shall be downloaded from the webpage www.cne.gob.ec.

Art. 4. Foreign natural persons domiciled abroad. For foreign natural persons domiciled abroad to be accredited as independent electoral observers, they shall be above eighteen years old, and the following documentation shall be attached to the application:

1. Color copy of the passport; and
2. Commitment letter of acting on an impartial and objective basis, without any interference, with certainty and independence from any candidate or political organizations, and to respect the Constitution of the Republic, the laws, and this regulation according to the format contained in the institutional webpage.

The accreditation application shall include first and last names, nationality, age, address, email, reasons for and type of observation.

The application format shall be downloaded from the webpage www.cne.gob.ec.

Art. 5. Requirements for national juridical persons. To qualify as an independent national observer, national juridical persons must comply with the following requirements:

1. The corporate purpose shall authorize activities related to promoting citizen participation, research, electoral policy, or academic formation on matters related to electoral processes; and
2. That the natural persons appointed as representatives of the national juridical persons comply with the requirements set forth in the Electoral Observation Regulation.

Art. 6. Support documents. The following documentation shall be enclosed to the application:

1. Color copy of the citizenship or identification card and voting certificate or payment of the penalty in the last election process of the r or national juridical person's delegate; and
2. Legal representative's appointment;
3. Juridical person's Articles of Association containing the corporate purpose;
4. List of the observation mission's members; and
5. Letter signed by the organization's legal representative committing to act on an impartial and objective basis, without any interference, with certainty and independence from any candidate or political organizations, and to respect the Constitution of the Republic, the laws, and this regulation according to the format contained in the institutional webpage.

The accreditation application shall include the corporate name or designation, address, and email.

The application format shall be downloaded from the webpage www.cne.gob.ec.

Art. 7. Requirements for international or foreign juridical persons. International juridical persons or foreigners may act as international independent observer by applying before the National Electoral Council or to the Ecuadorian embassies or consulates, enclosing the following documentation:

1. The corporate purpose shall authorize activities related to promoting citizen participation, research, electoral policy, or academic formation on matters related to electoral processes; and
2. Copy of the passport of the legal representative and delegates, as the case may be;
3. Apostilled and, if necessary, translated copy of the organization's legal incorporation or legal capacity; and
4. List of the observation mission's members.

The accreditation application shall include the corporate name or designation, address, and email.

The application format shall be downloaded from the webpage www.cne.gob.ec.

Art. 8. Accreditation terms. The term to submit the application, support documents, and accreditation shall run from the date of this invitation to Tuesday, January 15, 2013.

The application and support documents shall be submitted to the General Secretariat of the National Electoral Council, or in the provincial electoral delegations, as the case may be, which shall remit the information to the General Secretariat in a maximum term of three days, for the verification and accreditation process.

Art. 9. Resolution. Once the requirements for voluntary observers are verified, the National Electoral Council shall issue the corresponding accreditation within five days of receiving the application.

The resolution shall be notified to the email included in the application through the electoral institution's webpage, regardless of using other means as decided by the National Electoral Council.

Art. 10. Delivery of credentials. With the notification of the accreditation, the observer shall go to the National Electoral Council to receive the corresponding credential through the International and Inter-Institutional Affairs Bureau. Such credential shall contain first and last names, identity card or passport number, picture and, as the case may be, name of the institution he/she represents.

After the expatriate has complied with the provisions contained in article 7 2) of this Regulation, the International and Inter-Institutional Affairs Bureau shall provide him/her with the corresponding credential.

The credential submitted to the observer shall not be transferable.

Art. 11. Expiration. The holders shall pick up their credentials by Friday, February 8, 2013; otherwise the accreditation shall be revoked and the holder may not participate as Electoral Observer in the 2013 General Elections.

Art. 12. Dependent Relation. Observers shall have no labor dependent relation with the National Electoral Council and shall not receive any economic compensation for their activities performed; nevertheless, the institution shall provide the facilities and means to exercise their obligations.

Art. 13. Rights. National and international observers shall be entitled to carry out their work prior to the election, on the day of the election, and/or in events thereafter, such as the scrutiny, electoral resource resolution, proclaimed results, assignment of seats, and elected officials' taking office of their positions.

The electoral authorities shall be immediately informed of any restriction or impediment to exercise the observer's rights and activities for the pertinent corrective measures.

Art. 14. Obligations of the observers. Regarding the electoral process, the observers shall be: objective, impartial, and transparent; they shall carry out their activities on a non-profit basis. They are absolutely banned from interfering in any way with both the electors and the electoral results. They shall also have the following obligations related to their mission:

1. To respect the Constitution of the Republic, its laws, regulations, and other rules; as well as the provisions issued by the electoral organizations; and
2. Refrain from carrying out any type of political proselytism or any expression in favor of associations with political purposes or trends, groups of electors, citizens, or any candidate whatsoever.

FINAL PROVISION

The General Secretary, a.i., shall request the publication of this call in the Official Registry; and the National Coordinator for Communication and Citizen Services shall publish this invitation in the institutional webpage and an abstract thereof in national journals."

Given in the city of Quito, Metropolitan District, in the Sessions Room of the National Electoral Council Plenary, on this the seventeenth day of November, 2012. I certify.