

A Guide to El Salvador's 2021 Legislative, Municipal, and Central American Parliamentary Elections



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On February 28, 2021 El Salvador will celebrate its tenth municipal and legislative elections following the signing of the 1992 Peace Accords that established many elements of the country's contemporary electoral system. The Salvadoran people will elect more than 3,000 public functionaries, including eighty-four legislators for the Legislative Assembly, 262 mayors, 1,424 local council members and their respective alternates, and twenty delegates to the Central American Parliament.

Around 5.3 million citizens are expected to participate in person at voting centers across the fourteen departments in the country. Ten political parties are participating: Alianza Republicana Nacionalista (ARENA), Frente Farabundo Martí para la Liberación Nacional (FMLN), Nuevas Ideas (NI), Gran Alianza por la Unidad Nacional (GAN), Vamos, Nuestro Tiempo, Cambio Democrático (CD), Partido Concertación Nacional (PCN), Partido Demócrata Cristiano (PDC), Democracia Salvadoreña (DS).

Coalition agreements have been registered primarily for municipal councils; these agreements consist of two or more parties supporting common candidates. During this election, the Supreme Electoral Tribunal (TSE) registered seventy Nuevas Ideas-CD coalitions and sixteen Nuevas Ideas-GANA coalitions for mayoral races across the country. Other coalitions have also been registered, including ARENA-PCN and ARENA-Democracia Salvadoreña, who share legislative candidacies for the department of San Salvador. The FMLN, Vamos, PDC and Nuestro Tiempo did not present any coalition requests.

Several Political Parties Are Participating for the First Time: How 'New' Are They?

One of the newest political parties participating in the 2021 elections is **Vamos (Let's Go)**, which participated for the first time in the presidential elections of 2019. Their candidate was Josué Alvarado, owner of Rio Grande foods, which distributes "nostalgic" foods and snacks in the United States. Alvarado is an evangelical pastor and former legislative candidate for the PDC. Founding members of this party include strong critics of the FMLN that have openly supported ARENA in previous elections.

Vamos situates itself as a centrist party "without a political past" but in general, its candidates promote a conservative right-wing discourse, both in regards to the economy as well as in issues related to diversity, such as women's and LGBTI+ rights and abortion decriminalization.

Despite the party's overall conservative stance, it has selected candidates who come from civil society such as the candidate for San Salvador, Claudia Ortiz, who formed part of the National Foundation for Development (FUNDE). The party has also declared its support for the human right to water.

Another party that will be making its debut in these elections is **Nuestro Tiempo (Our Time)**, founded in 2019 by a former ARENA legislator, Johnny Wright Sol. This political party has also promoted itself as being "a new option without a stained political past." "The political panorama of El Salvador has changed. According to Wright, who heads the legislative candidacies for San Salvador with this party, "The political panorama of El Salvador has changed. The spectrum of left and right-wing parties has ceased to exist."

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According to Nuestro Tiempo's website, the party considers itself humanist centrist and assures that a diversity of political ideologies fit within its political platform, despite this, they proclaim themselves, "defenders of individual liberties" and many of the party's legislative candidates, have not only held leadership positions within the ARENA party but have also previously been candidates or elected public officials of ARENA.

Nuestro Tiempo's legislative candidates have also held differing opinions with regards to issues such as the decriminalization of abortion, same-sex marriage, and have not taken a clear stance on the human right to water. In 2017, while still a legislator for ARENA, Johnny Wright promoted the controversial Comprehensive Water Bill that sought to include the private sector in the regulatory board that would manage water use in the country. The Wright family is also a shareholder of the sugar plant that was exposed in 2016 for dumping more than 200,000 gallons of molasses in a river without authorization or environmental controls.

According to political analyst Luis Aguilar, Nuestro Tiempo could be classified as a "catch-all" party. "Though Nuestro Tiempo has attempted to construct itself as distinct from the traditional political parties - anti-corrupt, and even anti-Bukele - this has not become a primary identification for the party given that other emerging political parties such as Vamos have also promoted a similar discourse. While the party is best known for its stance on reproductive rights and sexual diversity, "It is only a discourse [offered] by candidates with charisma, who would have been equally competitive as non-partisan candidates or in other parties," argues Aguilar.

Sanctions and Rejections: Candidacy Applications for Many Independent Candidate Rejected, Found to Have Ties to Nuevas Ideas

With regards to non-partisan candidates for the Legislative Assembly, who characterize themselves as not having connections to any political parties, only two of the fifty-six applications received by the Supreme Electoral Tribunal (TSE) were approved: independent legislator, Leonardo Bonilla who is running again in San Salvador and Jesus Segovia running in the department of La Paz.

In just the first phase of this process, the TSE declared 22 applicants ineligible on the basis of their affiliations with other parties. Among these, the most notable are Tahnya Pastor, daughter of Nuevas Ideas founder Omar Pastor and Milena Mayorga, former legislator for ARENA and El Salvador's current Ambassador to the United States . According to an article by the digital media outlet *Gato Encerrado*, the applications of at least 16 aspiring candidates were rejected for having political ties to Nuevas Ideas.

The TSE also received appeals against the registration of candidates Margarita de Escobar, Norman Quijano, and Carlos Reyes of ARENA; Rodolfo Parker from the PDC; Romeo Auerbach of GANA and Walter Araujo of Nuevas Ideas.

Of these candidates, only Walter Araujo was sanctioned. The former ARENA and GANA leader was banned from running for any seat in this election as a result of a precautionary measure issued by the Constitutional Chamber of the Supreme Court of Justice against his candidacy due to non-compliance with financial ethics requirements. The lawsuit was presented by Nuestro Tiempo candidate, Bertha Deleón. The tribunal had previously approved Araujo as a candidate despite being under formal investigation for the crime of verbal violence against women towards Deleón.

No other candidates were made ineligible as a result of a February ruling by the Constitutional Chamber of the Supreme Court, in which plaintiffs were required to first exhaust options within the TSE. According to TSE Magistrate, Guillermo Wellman, the TSE had no record of having received complaints against the other candidates.

Diversity in Candidate Profiles

For this election, around 35.4% of the aspiring legislative candidates are women. About 33.4% of the total candidates in the entire country are between the ages of 25 and 35, while only 17.5% are older than 56 years of age. In addition, it is the first time a transgender person is participating in an election in El Salvador with Alejandra Menjivar's candidacy with the FMLN for the Central American Parliament, PARLACEN.

Only twenty of the current legislators in office are not seeking reelection. Incumbent candidates include Guillermo Gallegos of GANA and Jose Francisco Merino of the PCN who have spent twenty-one consecutive years in the legislature.

Voting Methodology

In these elections, Salvadoran citizens will be able to vote for legislators in three ways:

- 1) by "party flag": By marking an "X" over a party flag, that vote will be distributed among that party's candidates in that department according to a priority list presented by the party,
- 2) "preferred vote": Voters can prioritize candidates within a party's slate in an order different from that presented officially by the party, or
- 3) by cross-party voting, that is voting for candidates from different political parties.

This confusing and highly convoluted system is a result of a series of rulings by the Constitutional Chamber of the Supreme Court in advance of 2012, 2015 and 2018 legislative elections. It also results in a lengthy process to tabulate the final results.

Big Wins Expected for Nuevas Ideas Despite Many Irregularities and the Promotion of Electoral Violence

Various opinion polls carried out by universities, polling firms, and think tanks are projecting President Nayib Bukele's political party Nuevas Ideas to be a major winner on February 28, both at the legislative and municipal levels, granting them up to 68% of votes, as suggested by the most recent February 2021 poll by the Institute of Public Opinion of the University of Central America José Simeón Cañas (UCA).

The popularity persists in spite of many diverse irregularities in Nuevas Ideas' legal presentation of their candidates as well as electoral violence promoted by party sympathizers. Party members held Supreme Electoral Tribunal (TSE) magistrates, employees and reporters hostage in November 2020 in a ploy to pressure the institution into approving candidacies that did not meet the requirements to run for office.

The illegal actions and abuses committed by Nuevas Ideas are based on claims of electoral fraud promoted by party members and public functionaries, including President Nayib Bukele. During the takeover of the TSE, the president backed his followers when he implied that their violent actions were taken in order to "prevent fraud." Similarly, the Minister of Public Security Rogelio Rivas and the director of the National Civilian Police (PNC) Mauricio Arriaza Chicas dismissed the events and justified police inaction given that, according to them, these were "peaceful protests."

To Álvaro Artiga, researcher at the UCA, these types of actions against the TSE "make sense if, within the government, there is certainty that Nuevas Ideas will not obtain the desired results," which is a 2/3 super-majority in the legislature. "Given this scenario, it seems as though it is in Nuevas Ideas' best interest to promote the idea that there will be fraud to justify the results to their base," explains Artiga.

Nuevas ideas has spent \$5.3 million in publicity just in December and January, campaign spending by the rest of the political parties have been under \$1 million.

The other parties have also denounced the illegal actions by the government to withhold public campaign financing (*deuda politica*). The Bukele Administration has claimed that they cannot distribute the money owed citing lack of funds.. Despite the fact that the withholding of 50% of these funds constitutes a crime, no lawsuits have been brought forward for the non-payment of approximately \$7 million dollars that the government was required to distribute proportionally to political parties who participated in the last presidential election based on the number of votes they received.

At the same time, the central government has been using public events and state resources for campaign purposes for Nuevas Ideas, a strategy headed by President Bukele.

In December, President Bukele visited El Mozote for the first time accompanied by a Nuevas ideas candidate. During that visit, the president accused opposition parties of exploiting the massacre carried out there in 1981 for economic and electoral purposes. At the same time, he slandered the ARENA and FMLN parties as well as human rights defenders, and disparaged the 1992 Peace Accords, calling them a "farce."

Prior to this, the Adjunct General Secretary of the FMLN, Karina Sosa, denounced the use of COVID-19 emergency funds on behalf of the president to "engage in political campaigns, improvise and hide the management of public resources meant to handle the pandemic."

FMLN mayoral candidates in Panchimalco and Soyapango, Mario Meléndez and Cayetano Cruz, denounced the use of public resources for Nuevas Ideas campaigns in those municipalities. Meléndez was detained and judicially processed in April 2020 after intercepting a truck carrying supplies from the Ministry of Agriculture to a Nuevas Ideas party locale, where these goods were being distributed for campaign purposes.



TSE magistrate Julio Olivo has reported that TSE was evaluating whether or not to sanction the president and his functionaries for abusing their positions and violating the Electoral Code, which prohibits the inauguration of public works projects during a defined period ahead of the elections. According to the code, such actions have been prohibited since January 29. Breaching this law could result in removal from office or fines depending on whether the person who violates the law was elected by popular vote.

Previously, a lawsuit was brought against President Bukele before the Government Ethics Tribunal. As a result, the Supreme Electoral Tribunal sanctioned Nuevas Ideas for airing of a televised announcement in which President Bukele attempted to influence voters, which is prohibited under Salvadoran law. "When you analyze from an objective perspective the content of the televised ad, its presentation, design and communication structure, you could consider how it might have been made with the goal of influencing the votes of citizens so that they would support candidates of the president's party, Nuevas Ideas," declared the TSE in its resolution. The resolution also ordered the party to "remove the video from its Twitter account."

Campaign Season is Marked by Political Violence that Turned Deadly

The electoral campaign period has been tainted by acts of political violence that reached a peak on January 31, when three security employees of the Ministry of Health led an armed attack against a group of FMLN supporters who were returning from a campaign event, resulting in the killing of two FMLN party members, Gloria de López y Juan Tejada.

The assailants in this attack were captured in security footage and are currently detained for aggravated homicide. President Bukele did not condemn this act of violence and instead focused on spreading misinformation and confusion, going as far as alluding that this was a “self-orchestrated” attack by the FMLN on its own members.

In response, the Secretary General of the FMLN Óscar Ortiz condemned the attack and criticized Bukele for inciting hate, violence and confrontation. “Democracy must prevail, not violence, but what we are seeing is that the President of the Republic is the main inciter of violence,” he said.

Another incident of repressive state apparatus being used for political persecution is the arbitrary detention of members of the Departmental Electoral Boards (JED) and of FMLN candidates like substitute legislator Edwin Grijalva, whom police unjustifiably detained on February 20 after experiencing harassment and attacks by Nuevas Ideas sympathizers.

Secretary General of the FMLN, Óscar Ortiz responded to the February 20 incident, in which a caravan of FMLN activists was pulled over and attacked with rocks. “We denounce this new act of aggression and political violence against our caravan, which today was travelling peacefully in the municipality of Santa Ana within the framework of the campaign. Once again, unknown assailants repeatedly provoked our colleagues,” said the Twitter statement.

Ortiz added that “the leadership of the PNC cannot be an instrument of propaganda at the service of a political party. Democratic, fair and transparent elections require institutions that respect their constitutional role.”

The increase in political violence has raised alarm within the electoral authority, which called on the United Nations, the European Union (EU), and the Organization of American States (OAS) to send international election observation missions early to prevent any more acts of violence that could hinder democratic and transparent elections.

The number of international observer missions will be significantly reduced this election as a result of the COVID19 pandemic. To date, on the OAS and has confirmed an international observer mission; the EU will send a small delegation of three experts.

National elections observer groups have also been confirmed by the Foro Ecu  mico del Consejo Latinoamericano de Iglesias, the Procuradur  a para la Defensa de los Derechos Humanos, the Iniciativa Social para la Democracia, the Fundaci  n Dr. Guillermo Manuel Ungo – FUNDAUNGO, the Instituto de Estudios Jur  dicos de El Salvador and the Mis  n de Observaci  n y Auditor  a Electoral, in which civil society organizations and private universities, among others, participate.