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FINAL REPORT OF THE 2022 LOCAL ELECTIONS IN CUBA

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Introduction

First of all, the reader should be warned that the elections in Cuba cannot be evaluated according to the standards used in democratic regimes, since it is an autocratic one that has no intention of holding competitive, plural and transparent elections.

The electoral system is designed to maintain the hegemony of the Cuban Communist Party (CCP), which according to the Magna Carta is "unique, *Martiano* (in reference to Cuban poet, José Martí), Fidelist (in reference to Fidel Castro), Marxist and Leninist, organized vanguard of the Cuban nation, sustained by its democratic nature and the permanent connection with the People" and "is the superior leading political force of society and the State. It organizes and guides the common efforts in the construction of socialism and the advance towards the communist society".

The same document, in its article 4 establishes that "the socialist system endorsed by this Constitution is irrevocable. Citizens have the right to fight by any means necessary, including armed warfare, when no other recourse is possible, against anyone who tries to overthrow the political, social and economic order established by this Constitution". In summary, people cannot organize themselves into parties to dispute political power, and even those who dare to question the socialist system can be (justified) victims of armed violence.

Therefore, in Cuba people vote but there is no possibility of choosing, since the only legal political party has decided for them in advance, taking away sovereignty from the People, who cannot freely express their preferences.

However, and as occurs in other regimes of the same nature, monitoring how the electoral processes develop provides valuable information to understand the internal dynamics of the ruling elite, as well as the strategies of the democratic forces to express their discontent in some elections in which they cannot compete.

In terms of electoral administration, this process has exposed the deep deficiencies of the National Electoral Council to carry out an election that claims to be credible. In addition to the lack of cross-checks, audits and electoral observation, there is a notable disorganization and disparity of criteria, which in a democratic country would be a sufficient reason to dismiss the results.

Regarding the political component, it must be remembered that for decades the regime boasted of very high participation rates, even above 95%, equating attendance at the polls with legitimacy of the Communist model. Beyond the lack of credibility of an electoral system totally controlled by one party, these numbers were exposed as a victory and a sign of unanimity on the island.

However, since the 2013 elections, there began to be a decline in participation that has accelerated drastically in the last electoral processes, reaching **31% abstention** in the municipal elections object of this report, which together with the annulled and blank votes

(the opposition called for abstention and, in case it wasn't possible to annul the vote or vote blank), reaches 39%.

This electoral cycle culminates with the elections for the National Assembly of Popular Power (ANPP, for its acronym in Spanish), called for March 26th, 2023. The CCP intends to consolidate, despite growing rejection, its unique vision for five more years.

This report presents an account of the pre-electoral, electoral and post-electoral phases of the municipal elections, including the contributions of activists on the island who monitored the election day, despite the great risk the task implies.

Background

On November 27th, Cubans went to the polls to elect 12,427 delegates to the municipal assemblies. These elections are designed to prevent the participation of independent and/or opposition candidates, so that only people affiliated with the Cuban Communist Party (CCP) can run. Of the independent candidates who wanted to run in the elections on this occasion, only one was able to participate in his nomination assembly (District 55 of Palma Soriano, Santiago de Cuba), in which he was elected. However, his election as a candidate was dismissed, violating the Electoral Law (2019) in its article 51, point "G" and articles 85 and 86. In addition, State Security threatened him with losing his job if he did not withdraw his candidacy, which was finally carried out.

Although the electoral system makes it clear that these are not democratic or competitive elections, at least since 1989 independent people have been trying to run in the nomination assemblies and have suffered repressive actions to prevent them from exercising their political rights.

These elections were announced two months after the first round was held, with insufficient notice, which had an impact on the minimum conditions necessary to organize the process in accordance with the provisions of the legislation.

The Electoral Law establishes that the electoral schedule of activities is established by the National Electoral Council (CEN, by its acronym in Spanish). At the time of writing this report (10 days after the first round) the results by province, municipality and constituency had not been made public. In addition, a second round was announced in 925 constituencies, without informing which ones and what were the results that led to the need of holding a ballotage.

The second round was held on November 4th, with little publication of information and low voter turnout, in a process marked by opacity, ignorance, and disinterest.

Through its DemoAmlat initiative, *Transparencia Electoral* provided training and assistance to the citizen election monitors who oversee this process on the ground. In addition, it provided them with support in coordinating the activities carried out in the first and second rounds, through the production of a unified questionnaire, which all the organizations filled out as part of their tasks. As a way of promoting this initiative and giving visibility to the work carried out by human rights defenders in Cuba, we gather in this document the information

on electoral monitoring, collected on the day of the event by the Cuban Electoral Defense Commission (COCUDE), Citizen Observers of Electoral Processes (COPE) and the Observatory of Electoral Rights (ODE).

Legal framework and electoral system

Cuba is a unitary republic whose political-administrative division is divided into 15 provinces, 168 municipalities and one special municipality. Its political system is a one-party regime, and it stands out because the party is not an active subject of the electoral process; a task that is carried out by the mass organizations (subordinate to the party) that make up the Commission of Candidacies.

The electoral system is majoritarian and the candidates for delegates of the Municipal Assemblies of Popular Power (AMPP) are proposed by the voters in a prior instance known as "candidate nomination assemblies", where votes are cast out loud and by show of hands. In this way, the mass organizations subordinated to the CCP and the State Security can prevent opposition citizens from running. Thus, the electoral constituency, which is a territorial division of the municipality, is the fundamental base of the People's Power system. The number of electoral constituencies of a municipality is determined for each election by the Provincial Electoral Commission (CEP) at the proposal of the respective Municipal Electoral Commission (CEM), based on the population of the municipality, so that the number of delegates to choose is never less than thirty (30). Once the candidates have been selected in the nomination assemblies, they are chosen by direct and secret vote of their neighbors.

The legal framework for elections includes the Constitution of the Republic of Cuba of 2019, the Electoral Law of 2019 and the Law of Popular Councils of 2000. In addition, [Cuba has signed relevant international treaties on civil and political rights](#), such as the Convention on the Rights of Persons with Disabilities (CRPD), the International Convention on Economic, Social and Cultural Rights (CESCR) and the International Convention on Civil and Political Rights (CCPR), just to name a few. The Cuban government systematically violates what is established in these instruments. In the electoral section, it violates the rights of association, expression, demonstration and participation in political affairs. The political opposition and the sectors that are not identified with the CCP cannot compete and cannot go to judicial instances to demand the restitution of their rights.

It corresponds to the National Electoral Council (CEN) to adequately inform the population of the status of the electoral process, in all its stages, by virtue of what is established in articles 211 and 212 of the Constitution of the Republic and 34 of the current Electoral Law. However, the information provided is difficult to access and the notifications about the time the nomination assemblies will be held reaches voters allowed to participate in this stage of the electoral cycle without anticipation. Cubans abroad (at least 2 million people) cannot exercise the right to active suffrage, a practice that has been restricted only to government officials serving abroad.

Similarly, the CEN is responsible for taking the necessary steps to publish the photographs and a biographical summary of the candidates nominated as candidates for municipal

delegates in each constituency. This is a fundamental stage given that according to article 85, point "F" of the Electoral Law, all types of individual electoral propaganda are excluded, so that the possibilities of dissemination of candidacies are restricted and are the exclusive prerogative of the CEN. This provision was not guaranteed in a large part of the constituencies and even the CEN violated the law since it establishes that biographies must be published at least 15 days before the election, but the nomination assemblies (from which the candidates emerge) ended 12 days before election day.

The nature of the election is undemocratic and in line with this, there are no independent auditing bodies, cross-checks, or the figure of electoral observation, accompaniment, or monitoring. The law only allows citizens to witness the vote counts, although in practice this was not only not guaranteed, but criminalized. A change was noted in the referendum on the Family Code, in which there was greater openness, but in the municipal elections the presence of independent citizens in the ballots was again greatly restricted.

For the second round, the presence of international groups that identified themselves as observers but that in reality are dedicated to lobbying in favor of the Cuban government in the United States was documented, as becomes evident after reviewing their social profiles and other media. This is part of a strategy by non-democratic regimes to use electoral observation as a tool to legitimize themselves.

Election administration

The 2019 Constitution establishes three independent State branches: legislative, executive and judicial. The CEN is the body whose fundamental mission is to organize, direct and supervise the elections, popular consultations, plebiscites, and referendums that are announced. According to the law, it has functional independence from any other body and is responsible for the fulfillment of its functions before the National Assembly of People's Power (ANPP). The CEN, the CEP (provincial) and the CEM (municipal) are permanent electoral bodies. They are organized vertically throughout the country and have administrative entity in accordance with their functions and in correspondence with the process that is developed. The members of this body are proposed by the President of the Republic, and can only assume their mandates, after being ratified by the ANPP, which ensures they are subordinate to the CCP, the only party that can run for public office.

The CEN published the electoral schedule in August, together with the announcement of the elections, and reported that it implemented most of its activities in accordance with it, although it was verified that some stages of the electoral process were carried out without anticipation due to the proximity of election day. Several activities were carried out outside the electoral schedule, such as the training of polling station members. Others had started or even ended before the schedule was published, for example, the updating of the electoral registry and list. It should be noted that the CEN did not publish information related to the training, such as the materials used, profile of the instructors, the methods for evaluating the training, much less the selection criteria for committee members and their profiles. As there are no audits or forms of citizen participation to control the CEN's operations, it is impossible to verify that the reported activities were in fact carried out.

The number of electoral constituencies of a municipality is determined for each election by the CEP at the proposal of the respective CEC, based on the population in the municipality. In accordance with the legislation, the Primary Electoral Registry (REP) (which groups voters based on their place of residence) must be published in each constituency and displayed in the places with easy and great access for voters to confirm their registration within a minimum period of thirty (30) days. The CEN disclosed (after the deadline) a different electoral registry than the one used for the Family Code Referendum held on September 25th, 2022, with almost one hundred thousand (+/- 100,000) fewer voters, which it justified by stating that it was based on changes related to the number of constituencies. An adaptation totally at odds with international parameters.

Citizen monitors verified that the voter lists were outdated and were located in places that were difficult to access. Despite the fact that for this electoral process the voters could only vote in their assigned polling stations, given that the lists were out of date, polling station members were documented allowing people to vote although they did not reside in the constituency, something not established in electoral law.

On November 20th, 2022, the “dynamic test” was carried out, a kind of electoral simulation to evaluate the organization. It was reported that they did not manage to reach all the electoral colleges, and that it was carried out in a little less than half of the constituencies assigned for this election. Although they highlighted the “high participation” of the voters, the citizen monitors denounced low participation in the test as well as the use of State resources to hold massive activities of the ruling party to mobilize voters. Tests were carried out, mainly, in the electoral colleges of the capital, although no detailed information was provided on who participated in this test or what were the problems that arose in each center. The CEN only made comments about the power cuts that could affect the day, as well as the absence of polling station authorities and messengers.

Media outlets

The Constitution guarantees fundamental freedoms, including that of expression. However, Law No. 1030/1962, through which the Cuban Radio Broadcasting Institute (ICR) was created, has defined that all stations in the country must be controlled by the Council of Ministers, and must comply with a series of values established by the government. State media dominate the traditional media landscape in Cuba. At the same time, the technical and political difficulties faced by independent media outlets further restrict media pluralism.

In 2021, a package of rules was approved to further restrict the control of telecommunications in general. Among the regulations approved is Decree Law No. 35, which allows the Ministry of the Interior and the Revolutionary Armed Forces to dispose of the use of the radio spectrum and cut off the Internet and telephone lines. Decree Law No. 42, which loosely prohibits opinions on issues such as traffic of public correspondence by radio communication stations. Decree No. 43 also went into effect, which regulates the use of the radio spectrum. Finally, Resolution 105/2021 and Decree-Law No. 370, which regulates the use of the cyberspace.

Thus, citizen monitors’ tasks included monitoring the media coverage, such as television and radio stations that broadcast throughout the country. Most of the monitored coverage

includes news content, political talk shows, and coverage of government events. The state media outlets held a joint broadcast about the role of the CEN, its powers as an electoral entity, the development of the organization of the current process and the public appearances of party members and electoral authorities. News was also published with data related to the nominations and the day of the meeting, which were not corroborated by the monitoring done in the field. In other words, the government made use of the media to convey that the preparation of the process was successful and that the participation during election day was massive, while the electoral monitors documented an electoral process with many organizational difficulties and a historical abstention.

In the weeks prior to the election, organized civil society both on the island and abroad promoted abstention with the slogan "I won't vote" (#YoNoVoto) in rejection of a system in which only those loyal to the CCP can participate. The initiative was promoted through social media, especially by new generations that are linked to the defense of the democratization of digital media and have enjoyed access to the internet. They also recommended that those who were forced to vote, annulled their vote or voted blank. As a result, ballots were seen during the vote counts with cuts or messages rejecting the government. The state media did not give visibility to this campaign, although they did vilify its promoters.

Women participation

Although there are no legal barriers to women's participation in elections, women's effective access to the right to political representation and electoral participation is conditional on their collaboration with the CCP. Independent candidates who tried to run in the nomination assemblies were excluded from the process through different strategies such as intimidation, threats or arbitrary arrests ([see more](#)) for the mere fact of not being loyal to the party.

It should be noted that the ANPP approved a Criminal Code, which establishes the monopoly of criminal action in electoral conduct, which undoubtedly exposes the undemocratic nature of the electoral system.

On the other hand, throughout the day there was a wide participation of women as polling station authorities or in other positions. Likewise, the low participation of young women in the elections was documented.

Participation of people with disabilities

Although people with disabilities have full access to the right to vote and be elected, limitations continued to exist for voters with disabilities. There are no special polling stations or a specific registry for voters with disabilities that allow them to easily access the polling stations and exercise their vote.

Since the nominations process, no adequate structures were noticed that allow voters with disabilities to be present in the assemblies, especially since many of them are held in streets or other places that do not have a minimum adequate infrastructure for this audience. In the voting centers there are no sign language interpreters and assisted voting was observed on

a recurring basis, a practice that does not guarantee the secrecy of the vote and continues to be a commitment that is not in accordance with international standards.

Participation of ethnic minorities

The different ethnic groups that make up the social structure of Cuba enjoy the right to full political representation according to the Constitution. Specific public policies to be implemented for minorities have not yet been created to promote their participation either as candidates or voters.

The last Population and Housing Census was carried out ten years ago and the official voter registry does not have updated information on these ethnic groups, which actually participate in the vote. There is no data available regarding those who apply for the positions of delegates.

Civil Society and election monitoring

The Cuban Electoral Law does not provide for independent electoral observation, nor the participation of human rights activists or organizations independent of the CCP in any of the instances of control, which turns the entire electoral process into a "black box", prioritizing opacity and control of information. The results published by the CEN cannot be contrasted or audited, and there is no way to verify their reliability.

Another spurious mechanism consists of pressure and reprisals against people who decide not to vote. Although voting is not compulsory, mass organizations such as the Committees for the Defense of the Revolution (CDR) knock on the doors of citizens to ask them to go vote and inform work and student centers of the identity of those who did not go to the polls. The control and intimidating fear that this illegal mechanism instills has been practiced once again in this electoral process, as has been verified on the ground.

Those who carry out the monitoring are not allowed to dialogue with the electoral authorities, and they face barriers to their activity on election day, being prevented from doing their work in polling stations or being denied public information. Citizen monitoring is also limited in terms of freedom of movement or expression, given that the monitors are constantly supervised by government security forces. Even the monitors who were not under siege suffered internet access cuts and temporary house arrests. These actions sought to prevent them from visiting the voting centers and disseminating information that contradicted the official discourse.

Voting and recount

On election day, the members of the citizen monitoring organizations visited 68 voting centers in 10 provinces, 22 municipalities and in the capital. In general, election day was marked by occasional delays in the opening and by the extension of one hour to the closing hours of the polling stations, due to the low flow of voters. This was a measure implemented by election authorities to allow more time for mass organizations to mobilize voters, in view of the abstention that was recorded throughout the day. The opening procedures were

mostly or always followed in 62 of the 68 monitored polling stations. Otherwise, the tables where there was a delay were open until 7:15 am. The delays were mainly due to a lack of polling station members, poor organization and insufficient training.

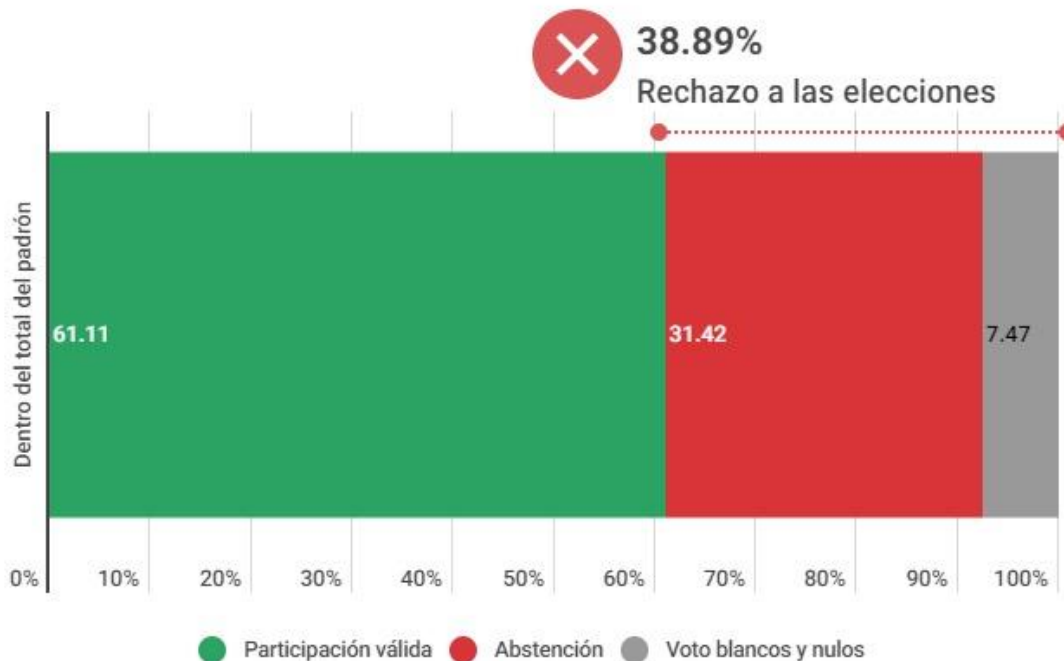
According to the process observed:

- 63% of polling stations were comprised of both men and women
- The average age of the polling station authorities was 45 to 59 years (in 70% of the centers observed), followed by people aged 60 or over (in 23.5% of those observed), indicating the low presence of young people in these positions
- The electoral registry was available in almost all the polling stations, although it was reported that they were not up to date.
- There were cases in which the registries had not been posted until the beginning of the voting process.
- In some centers, the total number of people authorized to vote had not attended and members of the CDRs (Committees for the Defense of the Revolution) went to look for them, even taking ballots to their homes, because they did not attend.
- The flow of voters was low, there were cases in which, over an hour, only eight voters went to vote. In the best cases, about thirty (30) people voted within thirty (30) minutes.
- In 34% of the polling stations observed, the secrecy of the vote was not guaranteed due to the layout of the voting booths.
- In 31 of the 68 polling stations the practice of assisted voting was noted.
- In 94% of the centers visited, the monitors reported that there was a lower flow of people compared to the previous elections.
- In 61 of the polling stations observed during the vote, problems were reported around the polling station, mainly political proselytizing.
- Citizen monitors suffered restrictions to their work in 72% of the centers visited.
- The monitors could only be present at the closing of the polling stations (44 polling stations).
- Only 8 polls closed at 6:00 p.m., the legally established closing time.
- 36 of the centers observed had their closing hours extended.
- A center in the Manzanillo municipality, Granma province, did not close the polls on the 27th because the power went out and it was scheduled to close on Monday, November 28th.
- The counting of votes was made public in 29 of the 44 polling stations observed.
- At the time of closing, the flow of voters was even lower than that registered in the morning, where an average of between two to five people were registering their vote.
- In general, the counting of votes was completed at approximately 9:00 p.m.

While the election of delegates was taking place, simultaneous processes were observed, without any prior announcement or disclosure, such as the proposition of pre-candidates for deputies to the ANPP. Photos of alleged delegates already elected in the municipality of Abreus, Cienfuegos province, were also shared in the afternoon, without any announcement of results by the electoral authorities.

On November 28th, [the electoral authority announced the results of the first round](#). They informed that the participation was 68.58% (5,728,220), and that of the total ballots cast,

89% were valid votes, 5.22% were blank and 5.67% were null. If these numbers are to be interpreted as fact (which is impossible to verify), they would represent a historical abstention of 31%, which added to the null and blank votes (promoted by the opposition), would express the rejection of almost 40% of the eligible voters. This data was updated on December 7th, informing that the register was 8,354,717 (the previous one was 8,351,311), and therefore the turnout rate was 68.56%.



In accordance with the provisions of the electoral law, a second round needed to be held in those districts where no candidate reached 50% of the votes or more. According to the CEN, this happened in 925 constituencies, in which 2,784 polling stations were available.

The second round was held on December 4th, although the agency never reported which constituencies were holding them, who were the candidates who would participate or which polling station authorities would attend, leaving the electorate without any information at all to endorse their municipal delegates. They could not even report exactly how many people were eligible to vote. Alina Balseiro, head of the CEN, assured that they were "[approximately one million voters from 139 municipalities in the country](#)". The only thing that the CEN could clarify before the second round is that of the 925 constituencies, 191 were in Havana, 146 in Santiago de Cuba, 98 in Guantánamo and 70 in Granma.

This happened because the electoral authority could not offer the results by province, municipality and much less by constituency of the elections. An initiative called [Proyecto Inventario](#) (Project Inventory) systematized the information offered by local media about local results, since the only results available on social media and on the CEN website are those at

the national level. For December 4th (the day the second round was held), only general data could be found by province. In 10 of the 16 provinces, the data that was published didn't allow for the study of the behavior of the vote, much less knowing which were the 925 constituencies that went to the second round.

On Wednesday, December 7th, three days after the second round, [the electoral results by province of the first electoral round were officially announced](#). The official data showed that abstention was higher than the national average in the western part of the country. In Havana it was 42%, in Isla de la Juventud it was 31.63% and in Matanzas, 31.14%.



During the address where results were announced, Balseiro did not report the number of voters who participated in the second round, but she did say that [a third round would be held in 9 of the 925 constituencies](#). As for the second round, she did not indicate which ones were celebrating this additional election.

Final comments

The organizations that monitored the nomination assemblies, as well as the first and second rounds of the municipal elections, assured that it was the electoral process with the least participation since the Castro family came to power.

Lack of interest, ignorance and rejection of elections in which an alternative option to the CCP could not be chosen made these elections go down in history and showed the regime's profound difficulties in enthusing and mobilizing the electorate.

The reports of activists who monitored the voting day where an even higher abstention rate than the one announced by the CEN was documented, together with the lack of independent citizen monitoring instances, there is more than reasonable doubt about the official results.

The systematic violation of human rights are also a factor that allow to classify the Cuban elections as not democratic. However, the regime can no longer display the legitimacy (expressed as turnout rate) that the system had a decade ago, which is why there is growing mistrust regarding the performance of the electoral body, which not only doesn't comply with the most basic principles of integrity, but even transgresses its own laws.

The aforementioned elements make it clear that there are no guarantees that the announced results are reliable, which is why [*Transparencia Electoral* urged the CEN to undergo a comprehensive audit](#) ahead of the March 2023 General Elections.



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