

El Salvador 2024: The Consolidation of the Autocratic Regime

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The five years from 2019 to 2014 in El Salvador were characterized by suspensions and rights violations^{1,2}, the co-option of the accountability system³, reforms to electoral systems⁴, public procurement⁵, and criminal prosecution⁶. Government control over the narrative⁷ was established

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- 1 Sandoval, Williams. La Prensa Gráfica, January 26, 2024: <https://www.laprensagrafica.com/elsalvador/El-IDHUCA-recibio-1814-denuncias-entre-los-anos-2020-y-2023-20240125-0083.html>
 - 2 Lemus, Lissette. El Diario de Hoy, March 27, 2024: <https://www.elsalvador.com/noticias/nacional/regimen-de-excepcion-tortura/1132609/2024/>
 - 3 Fundación Cristosal. Noviembre de 2023: <https://cristosal.org/ES/wp-content/uploads/2023/11/Presentacion-sistema-de-control.pdf>
 - 4 Idea Internacional. July 7, 2023: <https://www.idea.int/sites/default/files/2023-07-07-estudio-constitucional-de-las-reformas-electorales-en-el-salvador.pdf>
 - 5 Portillo, Denni. La Prensa Gráfica, September 9, 2023: <https://www.laprensagrafica.com/elsalvador/22-leyes-distintas-para-regular-las-compras-publicas-en-El-Salvador-20230908-0095.html>
 - 6 Fundación para el Debido Proceso. December 7, 2023: <https://www.dplf.org/es/news/el-salvador-reformas-regresivas-bajo-el-regimen-de-excepcion-representan-un-riesgo-para-la>
 - 7 Crespín, Verónica. Diario El Mundo. December 19, 2022: <https://diario.elmundo.sv/politica/estudio-revela-que-bukele-controla-narrativa-en-las-redes-sociales>

through opacity⁸ and the sensationalization of presidential decisions⁹. Extreme poverty increased¹⁰, and foreign investment decreased¹¹, achieving the lowest economic growth in the region¹². Civic space contracted¹³, and while official figures indicated a reduction in homicides, an authoritarian regime was installed amidst numerous allegations of corruption.

Hence, it is imperative to scrutinize the electoral process's context, the reforms to electoral systems, the irregularities of election days, and the electoral results, and expose El Salvador's challenges regarding the complete departure from the democratic path initiated since the Peace Accords in 1992 is essential.

The 2024 electoral process in El Salvador took place in an exceptional regime established by the Executive, which had

8 Fundación Cristosal. Enero de 2024: <https://cristosal.org/ES/reporte-sobre-el-estado-de-la-transparencia-la-instauracion-de-la-opacidad/>

9 Luna, Omar et al. Revista Abierta de la Escuela Superior de Comunicaciones Mónica Herrera, Número 14 (2020): Especial pandemia <https://revistaabierta.monicaherrera.edu.sv/index.php/abierta/article/view/62>

10 Cantizzano, Irma. La Prensa Gráfica. November 24, 2023: <https://www.laprensagrafica.com/economia/Sube-la-pobreza-extrema-en-El-Salvador-20231123-0093.html>

11 Alvarado, Moisés. El Diario de Hoy, January 3, 2024: <https://www.elsalvador.com/noticias/negocios/inversion-el-salvador-nayib-bukele-sanchez-ceren/1114126/2024/>

12 Alvarado, Moisés. El Diario de Hoy, December 18, 2023: <https://www.elsalvador.com/noticias/negocios/el-salvador-crecimiento-economico-fmi-cepal-bm-bcr-/1111119/2023/>

13 <https://cristosal.org/ES/wp-content/uploads/2023/11/Sociedad-civil-en-alerta-informe.pdf>

been in place for 22 months at the time of the elections¹⁴. This situation had detrimental effects on the rights and guarantees necessary for free elections. Furthermore, the government exploited it politically and electorally for its benefit. In fact, the Electoral Observation Mission of the Organization of American States (MOE/OAS) stated in its preliminary report for the presidential and legislative electoral day of February 4, 2024, that conducting electoral processes under exceptional regimes can impede their normal organization and development¹⁵.

According to a recent investigation by the Cristosal Foundation¹⁶, during the electoral period, there was an increase in complaints of arbitrary detentions, arrests of community leaders, imposition of daily capture quotas on security forces, recapture of released individuals, establishment of military and police checkpoints in communities, as well as military presence at voting centers and intimidation of sympathizers and members of opposition parties. These findings raise doubts about the free exercise of suffrage.

Undoubtedly, the recent 2024 electoral process marks a turning point in El Salvador's democratic dynamics for several reasons that cast doubt on the contest's transparency, legality, and fairness. This harms citizens' rights, as evidenced by the

14 Legislative Decree 933 from January 10, 2024 published in DO 6, Vol 442. <https://www.diariooficial.gob.sv/seleccion/31182>;

15 Organización de Estados Americanos. Informe preliminar de la Misión de Observación Electoral de la OEA en El Salvador, February 6, 2024: <https://www.oas.org/fpdb/press/INFORME-PRELIMINAR---Informe-preliminar-de-la-Mision-de-Observacion-Electoral-de-la-OEA-en-El-Salvador.pdf>

16 Fundación Cristosal. March, 2023: <https://cristosal.org/ES/elecciones-de-2024-en-el-salvador-coercion-intimidacion-y-detenciones-arbitrarias/>

separation of the general election into two separate days without any technical justification from the electoral authority. This decision clearly aimed to influence voter preferences, prioritizing the presidential election over the legislative and creating a distance from the Achilles' heel of the ruling party's administration: local governments.

Other relevant aspects that negatively influenced the process include: First, the failure to settle political debts with opposition political parties until three days before election day, a clear violation of Article 210 of the Constitution¹⁷. Second, there was and continues to be an absence in the control of political financing, resulting in impunity for officials who utilized state assets and funds for campaigns¹⁸, facilitated by the complicit inactivity of the electoral oversight body, which failed to fulfill its legal duty of supervision. Third, there were repeated instances of non-compliance with transparency obligations by the ruling Nuevas Ideas party¹⁹. Fourth, an illegal electoral campaign was conducted, particularly by the ruling party, without any oversight, according to the Observa

17 Observa EL Salvador 2024. Segundo Informe de Observación Electoral, 2 de febrero de 2024: https://drive.google.com/file/d/12N6JtKv4XCHMB1FopBxmXkIIB_fjVNCZ/view

18 Redacción de La Nación. January 31, 2024: <https://www.nacion.com/el-mundo/centroamerica/nayib-bukele-cuestionado-por-uso-de-fondos/DV4LBOOONVDJTO5B2L4ZCVXA6A/story/>

19 Resolution issued by the Supreme Electoral Tribunal on April 25, 2023 in the reference process AIPP-03-2023: <https://mega.nz/file/oXAVIQCD#2jB8B9nYK15bI00JcyLt1cvbT2laTECunwYSzGWrmP4>

El Salvador National Consortium²⁰, with the TSE neglecting its role as the electoral arbiter.

Reforms that modified electoral rules

While it is essential to briefly explain the reforms that impacted the operational rules of the four Salvadoran electoral systems, it's worth noting that the starting point was the elimination of the rule guaranteeing stability within the electoral framework one year before the elections. This alteration resulted in a system imbalance that favored a particular political force and led to the reconfiguration of the political party system.

The most significant change in the presidential electoral system was the unconstitutional and illegal “enablement” of immediate presidential re-election. This was supported by a resolution issued outside of any constitutional and legal framework by individuals who have unlawfully occupied the positions of magistrates since May 1, 2021, within the Constitutional Chamber. This situation arose following the dismissal of those legitimately elected in 2018, a case currently under review by the Inter-American Commission on Human Rights (IACHR). The deferred re-election model outlined in the Constitution was essentially dismantled after the violation of at least seven articles containing provisions prohibiting immediate re-election, which are considered unamendable. These provisions were effectively rendered immutable.

20 Observa EL Salvador 2024. Primer Informe de Observación Electoral. January 2024: https://drive.google.com/file/d/1nnX931mWa3NgEZCtVV7L71nOPPcc_ebQ/view

In the case of the legislative electoral system, the number of seats was reduced from 84 to 60, consequently shrinking the size of constituencies. Additionally, the electoral formula underwent a modification, transitioning from a Hare formula (based on larger quotients and residuals) to a D'Hondt formula, which also impacts the election system of the Central American Parliament. These changes resulted in less plural and representative systems, favoring parties with the highest number of votes and leading to overrepresentation. This contradicts the principles of equal suffrage, proportional representation, and political pluralism. Under the previous formula, Nuevas Ideas would have secured 10 fewer seats, and there would have been representation from other political entities that didn't achieve it according to the electoral results, such as GANA and FMLN.

It's important to note that there are two main families within proportional formulas: those based on divisors and those based on quotas. Each family includes formulas that do not exhibit a bias towards either small or large parties. Specifically, Sainte-Laguë and Hare with Major Remainders represent these families, respectively. Similarly, within these families, there are formulas with pronounced biases, with the D'Hondt formula being the one with the most significant bias towards large parties within the divisor family. Therefore, if the intention behind changing the formula was to eliminate wastage (common in quota-based formulas) while attempting to maintain proportionality, the transition should have been made to Sainte-Laguë rather than D'Hondt.

Furthermore, in the case of the legislative branch, the deck was stacked in favor of the ruling Nuevas Ideas party with the approval of overseas voting. This decision unconstitutionally allocated all votes from Salvadorans residing abroad, as recognized in their Unique Identity Document, to the San Salvador constituency, distorting representation. Additionally, the use of outdated census data and the TSE privatization of the overseas electoral process are notable. The TSE granted a “turnkey” contract to a company for managing and implementing both virtual and in-person voting from abroad, thereby relinquishing control over the overseas voting process, as acknowledged by one of its magistrates²¹.

Finally, the municipal constituencies were also unconstitutionally altered, reduced from 262 to 44, without any justification, which undermined the representative nature of local government in an attempt to favor the Nuevas Ideas party electorally. The outcome of March 3 confirms this: out of the 151 municipalities it had governed since 2021, it would have lost 31, including 8 out of the 14 departmental capitals, of which it had governed 13.

Irregularities after Election Day

Irregularities during the election days were not few, and the most severe were reported on February 4, during the most significant elections for the ruling party: presidential and legislative. Of particular concern regarding the free exercise of suffrage were unjustified changes in the residential voting

21 Rodríguez, Carmen at al. Revista Focos. February 3, 2024: <https://focostv.com/el-audio-del-comando-nacional-nuevas-ideas-controla-en-nombre-del-tse-centros-de-votacion-en-el-extranjero/>

registry, including alterations to citizens' voting locations and even some registry removals²²; illegal electoral propaganda featuring a call from the President of the Republic to vote in favor of the ruling party²³; the presence of electoral propaganda from the same party in at least 55% of the voting centers or their vicinity²⁴, along with inducements to vote in at least 9% of voting centers and abroad²⁵; the dissemination of an exit survey; and impersonation, occurring in at least 80% of the voting tables through individuals designated or proposed solely by Nuevas Ideas²⁶, ensuring control of the scrutiny process and the processing and transmission of results.

All of these irregularities were compounded by the electoral authority's inaction and the TSE's corresponding lack of timely and effective decisions in response to a crisis in the transmission system.

In addition to the irregularities observed during the election day, others occurred during the scrutiny process, as

22 Parada, Abigail. El Diario de Hoy. February 4, 2024: <https://www.elsalvador.com/noticias/nacional/elecciones-legislativas-presidenciales-2024-voto-en-el-exterior/1120658/2024/>

23 Redacción Diario el Mundo. February 4, 2024: <https://diario.elmundo.sv/politica/bukele-pide-el-voto-una-hora-antes-del-cierre-de-las-elecciones>

24 Fundación para el Debido Proceso. February 8, 2024: <https://www.dplf.org/es/news/las-irregularidades-en-el-proceso-electoral-salvadoren-no-pueden-ser-ignoradas>

25 Villarroel, Gabriela. La Prensa Gráfica. January 17, 2024: <https://www.laprensagrafica.com/elsalvador/Denuncian-induccion-al-voto-para-Nuevas-Ideas-en-el-exterior-20240116-0086.html>

26 Parada, Abigail. El Diario de Hoy. February 8, 2024: <https://www.elsalvador.com/noticias/nacional/80-integrantes-jrv-suplantados-elecciones/1122146/2024/>

highlighted by the OAS²⁷, which noted a particular attitude and intimidating behavior that hindered the scrutiny process, as stated in the Observa El Salvador 2024 report²⁸. Furthermore, there were attacks on journalists by individuals affiliated with the ruling party. The Association of Journalists of El Salvador (APES) reported 319 attacks against the press during the electoral process, with 224 confirmed as attacks.

The results

The electoral results must be analyzed based on the different election days and types.

Concerning the presidential election, as anticipated, amidst a lack of robust competition, unified proposals, and a fear campaign regarding a potential shift in security policy, the President of the Republic was re-elected (unconstitutionally) with 82.66% of the total votes cast²⁹ and 84.5% of the valid votes. Notably, only 52.60% of eligible voters participated, amounting to 6,214,399 votes, including Salvadorans residing abroad. On the same day, for the legislative election, the ruling party received over 501,394 fewer votes than the presidential election, representing a decrease of 14.6%. However, due to changes in the electoral formula, constituency size, use of outdated census data, and the artificial allocation of voters to the constituency with the most contested seats, the ruling party

27 Organización de los Estados Americanos. Communication from February 17, 2024: https://www.oas.org/es/centro_noticias/prensa.asp?sCodigo=C-011/24

28 Observa El Salvador. Communication from February 22, 2024: <https://drive.google.com/file/d/1jwqb-VhPIBYxwjdzW-gSAWIMKkfB5GL/view>

29 Sum of null votes, challenges, and abstentions.

secured 90% of the seats with 70.56% of valid votes. Had there been no alterations to the electoral formula, instead of winning 54 out of 60 seats, it would have attained 44 seats, losing the super-qualified majority and necessitating agreements with other political parties.

Table 1. Distortion of seats by the D'Hondt formula

PARTIES	VOTOS	%	Hare	%	D'Hondt	%
ARENA	227,357	7.29	5	8.33	2	3.33
FMLN	195,920	6.28	5	8.33	0	0.00
FUERZA SOLIDARIA	51,021	1.64	0	0.00	0	0.00
NUESTRO TIEMPO	41,060	1.32	0	0.00	0	0.00
NUEVAS IDEAS	2,200,332	70.56	44	73.33	54	90.00
PCN	101,641	3.26	2	3.33	2	3.33
PDC	93,108	2.99	1	1.67	1	1.67
GANA	99,344	3.19	2	3.33	0	0.00
VAMOS	91,675	2.94	1	1.67	1	1.67
CD	12,165	0.39	0	0.00	0	0.00
PDC-PCN	4,913	0.16	0	0.00	0	0.00
Total	3,118,537	100.00	60	100.00	60	100.00

Source: Own elaboration.

Only 30.10% of voters turned out to vote in the municipal and Central American Parliament election, which took place a month later. This marked the lowest turnout in electoral history following the Peace Accords. Consequently, the governing party experienced decreased support, with over one and a half million voters showing diminished intention to vote. Additionally, reducing the number of individuals comprising the diverse Municipal Councils directly undermines political pluralism, a principle constitutionally established. Comparative results are presented in the following table.

Table 2. Comparison of participation and votes according to election

PARTIES	Presidential		Legislative		Parlacen		Municipal councils	
	VOTOS	%	VOTOS	%	VOTOS	%	VOTOS	%
Nuevas Ideas (N)	2,701,725	82.66	2,200,331.79	68.06	799,433.25	48.49	592,084	35.94
FMLN	204,167	6.25	195,919.98	6.06	122,926.11	7.46	125,733	7.63
ARENA	177,881	5.44	227,357.30	7.03	163,432.87	9.91	158,089	9.60
Nuestro Tiempo	65,076	1.99	41,060.48	1.27			15,202	0.92
Fuerza Solidaria	23,473	0.72	51,021.13	1.58	48,856.03	2.96	70,455	4.28
Fraternidad Patriota Salvadoreña (FPS)	19,293	0.59					7440	0.45
Cambio Democrático (CD)			12,165.49	0.38	30,284.00	1.84	52,356	3.18
Gran Alianza por la Unidad Nacional (GANNA)			99,343.89	3.07	116,549.25	7.07	216,664	13.15

Partido de Concertación Nacional (PCN)	101,641.43 3.14 91,474.17 5.55 120,267 7.30							
Partido Demócrata Cristiano (PDC)	93,107.56 2.88 114,370.32 6.94 180,377 10.95							
Coalición PDC-PCN	4,912.50 0.15 22,446 1.36							
VAMOS	91,675.45 2.84 8994 0.55							
N-CD Coalition	24,169 1.47							
N –GANA Coalition	15,992 0.97							
PCN-GANA Coalition	5948 0.36							
Null	60,027	1.84	69,909.00	2.16	84,115.00	5.10	26,644	1.62
Abstentions	15,064	0.46	40,208.00	1.24	74,345.00	4.51	3865	0.23
Disputed	1,760	0.05	4,180.00	0.13	2,709.00	0.16	634	0.04
Voters	3,268,466	100.00	3,232,834	100.00	1,648,495	100.00	1,647,359	100
Elegible vote	6,214,399		6,214,399		5,473,305		5,473,305	
Participation	52.60%		52.02		30.12		30.1	
Representativeness of the winner	43.48							

Source: Own elaboration based on data issued by the TSE.

The electoral outcomes led to the consolidation of political parties, reducing them to two and establishing a hegemonic party system. This system does not necessitate the involvement of any formalized political force for decision-making and implementation, thereby wholly eradicating the possibility of having a functional system of checks and balances. Moreover, there is no prospect of change in the short or medium term.

It is worthwhile to examine the electoral behavior of Salvadorans who voted abroad in the presidential election, considering two potential modalities: virtual and in-person voting at overseas polling centers.

There was no voter registry for Salvadorans who intended to vote abroad despite having identification documents with addresses in El Salvador. This was due to a legislative decision to prevent the TSE from establishing a special registry, which complicated the TSE's planning decisions for the process regarding logistical requirements such as voting center space and the number of voting machines. In this mode, 88,455 voters out of a potential 5,473,305 participated in the presidential and legislative elections, with the ruling party securing 96.74% of valid votes. In remote internet voting, this figure rose to 98.41%. However, audits of the system conducted by a foreign company have been classified by the TSE as confidential information³⁰.

Where are we heading?

Upon analyzing the electoral results, a significant decrease in citizen participation, along with a contraction of the party system, becomes evident. This has resulted in establishing a hegemonic party system, which does not serve the interests of the minority electorate and deliberately fosters a tyranny of the majority.

El Salvador is currently undergoing an autocratization of its political system, wherein the party system, electoral

³⁰ Crespín, Verónica. Diario El Mundo. March 6, 2024: <https://diario.elmundo.sv/politica/tse-reserva-informes-de-auditoria-de-voto-del-exterior-y-correspondencia-de-indra-sobre-voto-electronico>

process, form of government, control mechanisms, and public service system are entirely under the autocrat's will. This trajectory offers no immediate or near-term prospect of reversal for Salvadorans. The reforms to electoral regulations ensure that the electoral process no longer serves its intended function of facilitating changes or renewals in authorities but rather serves to legitimize existing power structures.

This year, the newly constituted Legislative Assembly is tasked with electing five regular and alternate magistrates for the Supreme Court of Justice, as well as five regular magistrates and their five alternates for the upcoming electoral authority. This electoral authority will organize and administer electoral justice in the subsequent elections from 2027 (legislative and municipal) and 2029 (presidential and Central American Parliament). Unfortunately, in none of these instances is there any possibility of appointing independent officials. This once again confirms institutional cooptation within the country, where the decisions of the Executive and its legislative arm remain unquestionable.

Similarly, the Exception Regime will persist for as long as the government deems it necessary to validate its popularity, disregarding the grim realities such as the more than 236 deaths of individuals who perished in State custody without a trial or the over 76,000 people detained without a determination of their culpability in potential crimes.

Moreover, controlling the government narrative under the guise of restrictions and closures of access to public information, thereby violating citizens' rights, is a crucial

safeguard to keep instances of corruption, including irregular campaign financing, concealed from public scrutiny³¹.

Ultimately, constitutional reform looms, promising the country a “New State” with “new rights” as part of a foundational and messianic narrative.

This scenario resembles those observed in other autocracies across Latin America, and the subsequent steps are all too familiar.

31 García, Jessica. El Diario de Hoy. March 1, 2024: <https://www.elsalvador.com/noticias/nacional/observadores-electorales-elecciones-2024-delitos/1126514/2024/>