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Elections A Disappointment For Saca In El Salvador; Tight Victory For FMLN In The Capital

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El Salvador's March 12 elections have resulted in a narrow, disputed mayoral victory for the Farabundo Marti para la Liberacion Nacional (FMLN), and a new Congress that falls short of President Antonio Saca's hopes for an absolute majority for his ARENA party. Narrow margins, substantial abstention, and a delayed result are becoming a trend on the isthmus. Both Honduras and Costa Rica saw similar dynamics in their recent presidential elections (see NotiCen, 2005-12-01 and 2006-02-09).

Three days after the election, on March 15, the Tribunal Supremo Electoral (TSE) issued an unofficial result in the San Salvador mayoral race, giving victory to the FMLN's Violeta Menjivar, a pediatrician, by just 100 votes. Prior to this determination, both Menjivar and her ARENA opponent Rodrigo Samayoa had claimed victory. They had begun doing that almost immediately after the polls closed. The closeness of the vote dictated a hand recount that was late in starting.

Once the count got rolling, TSE president Walter Araujo confirmed that, of the total of 687 tally sheets from the capital, 36 presented technical problems. In all but two of the sheets, the problem was a lack of official stamps on the documents. In two, officials had recorded results on the wrong form. Later in the day, Araujo announced further difficulties. Menjivar's margin had slipped to 59 votes, with a large number of challenged ballots. For that reason, he was requesting opening all the sealed boxes of marked ballots and counting each and every one of them in the presence of the media.

This is in accordance with electoral law, which states that the TSE "can only inspect the voting ballots in a case where challenged votes could change the result," said Araujo. The ballot-by-ballot inspection would also clear up a procedural irregularity that occurred when an FMLN electoral magistrate, Eugenio Chicas, walked out of the recount process after demanding that Menjivar be officially declared the winner, accusing other TSE officials of acting like ARENA's lawyer.

After some scrambling, a different process was adopted in which the counting was overseen by international observers. This ended in the early morning hours of March 16 with the announcement that Menjivar was the winner because it would be mathematically impossible for her to lose, no matter what came of the few remaining challenged votes. This was still, however, not an official declaration on the part of the TSE. The March 16 morning papers had to make do with the banner, "After the recount of the challenges, it is mathematically impossible that Samayoa, candidate of ARENA, could win."

Unlike other recent elections, the pollsters had predicted a close contest between the goliaths, shutting out any hopes of minor parties. The FMLN, which has never won the presidency, has

held the mayoralty of the capital since 1997. ARENA, which has never lost the presidency since the signing of peace accords in 1992, has never come so close to winning San Salvador.

Fewer democratic options

Analysts were quick to interpret the results as evidence of increasing polarization in the electorate. In the past several elections, ARENA and the FMLN have gotten ever-bigger pieces of the electoral pie. The Partido Demócrata Cristiano (PDC), the Partido de Conciliación Nacional (PCN), and the Cambio Democrático (CD) have experienced steady declines in their congressional delegations. If the split between the two parties were simply over styles of governing, with both parties basically on the same page, narrowing to a de facto two-party system would be no more of a problem than it is anywhere else.

But in El Salvador, the differences that divide are vast. Conservative observers in the nation's largest daily, *El Diario de Hoy*, point out that the FMLN has declared itself to be anti-system and prone to attack on the slightest provocation. They are troubled by the opposition party having immediately called supporters into the streets to threaten civil disobedience if the mayoral race did not go their way, even though their party was well represented in the supervision of the recount. Analysts now fear that, without a mandate on either side, the probability of destabilizing action, already high, has risen.

The opposition paper *Colatino*, meanwhile, stressed irregularities in the elections. The paper highlighted charges from foreign election observers that special pens used to mark voter's fingers as having voted did not work, illegal electioneering occurred at polling stations, people were excluded from voting lists, people showed up to vote with questionable identification, vote-buying was detected, public employees were used illegally to guard marked ballots and then did not turn them over to TSE officials in a manner that would ensure an unbroken chain of custody.

Foreign observers also criticized Saca for campaigning for ARENA candidates rather than exhorting people to vote, as is the norm in their countries. The observers have two weeks to present their final report on the election. Disappointing triumph in the Legislature The vote for deputies to the Asamblea Legislativa (AL) was far less contentious, but was an ARENA disappointment.

Saca and the party had hoped for an absolute majority that would have given the president the kind of free reign seen in the US in the Bush administration until recently. Saca said, after seeing the results on March 13, that he would have to seek some kind of accommodation with the left. At that point, ARENA had won 39.42% of the vote; the FMLN had 39.10%. With hundreds of FMLN partisans already in the streets to "defend the triumph" of Menjívar, Saca reportedly decided he would have to reach out to protect any possibility he had of moving forward on any project that would require a supermajority (56 votes) to pass. Saca was immediately conciliatory. "I am the president of coordination. I have been very close to all the political parties. This continues. I have never ceased to negotiate, never ceased to converse, and we are ready as the ARENA party to continue talking, and that is what the Salvadoran people want. I call upon the FMLN and all the political parties to sit in dialogue to decide on the great issues of the country," said the president

Medardo Gonzalez, FMLN coordinator general, soon responded to the call in a measured fashion. "We'll see how we are in the Asamblea Legislativa, the FMLN will be a vital party, and the government knows it," said Gonzalez. The preliminary result gave ARENA 34 deputies and the FMLN, 32. The PCN, a rightist party, got ten; the PDC, six; the CD, social democrats, two. Jose Cruz, director of the Instituto Universitario de Opinion Publica (IUDOP), took these results to mean that "what the people really want is a balance in the Asamblea Legislativa, they don't want the left to have control, but neither do they want ARENA to control the institution. So negotiation becomes the working tool of the parties."

At first blush, the 34-seat win for ARENA looks impressive, a seven-seat improvement over the 2003 election. But a closer look shows that most of the gains came at the expense of their closest ally, the PCN, which lost six seats. The FMLN gained one seat, giving the party its largest representation ever. More important, though, is that the FMLN regained all the seats it lost to defectors during this last term, which had reduced the party's number of deputies to 27. The PDC gained a seat.

Political analyst Hector Vidal saw the outcome as a personal defeat for Saca because he took direct control of his party's campaign and launched his own electoral assault on the left. Other commentators brought up what has come recently to be known as the Shafik effect, the influence that the death of legendary FMLN leader Shafik Handal had on these elections. The theory was that Handal's enormous funeral reawakened FMLN sympathies while at the same time it forced Saca to blunt his campaign against the left at a crucial point close to the election (see NotiCen, 2006-02-02). At the end of the day,

Saca now nominally controls 44 votes with the PCN in tow, one more than needed for a simple majority. Ordinarily this might mean that he could pass most legislation with ease. But the numbers hide the fact that the PCN's losses have annoyed many within this party who interpret the results to mean that the party has lost its identity because it has become too close to ARENA. The PCN thus becomes slightly less a reliable ally than it has been in the past.

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