



Preliminary Report of the OAS Electoral Observation Mission to the Dominican Republic

February 20, 2024

The Electoral Observation Mission of the Organization of American States (OAS/EOM), led by the former Foreign Minister of Paraguay, Eladio Loizaga, congratulates the people of the Dominican Republic for the municipal elections held last Sunday, February 18, and applauds the civic commitment of those who turned out to vote for their leaders and representatives, as well as the dedication of the public servants, electoral board members, and poll workers who made the successful organization of these elections possible. It is important to acknowledge the ongoing collaboration and dialogue between electoral authorities, political parties, and civil society that characterized the lead-up to these elections.

Given the cancellation of the elections in 2020, electoral authorities faced a major challenge in terms of the organization of the poll and the need to bolster the confidence of citizens and political actors in the electoral process. The Mission highlights the work of the Central Electoral Board (JCE), which adopted timely measures, provided guarantees for transparent elections, and organized a successful process, allowing the country to continue working toward strengthening its democratic system. The OAS/EOM also highlights the work of the Superior Electoral Court (TSE) in the performance of its duties.

The Mission is concerned that participation in the electoral process declined in comparison with previous municipal elections in the Dominican Republic. According to preliminary figures from the JCE, 46.67% of the electorate went to the polls in the 2024 elections.¹ As it has done in other electoral processes in the region undergoing this phenomenon, the OAS/EOM stresses the importance of considering each election an opportunity for citizens to make their voices heard. Given the scale of the challenge, it urges the different stakeholders to analyze the reasons for the low participation by citizens so measures can be taken to encourage a greater voter turnout in the future and joint efforts can be made to reverse this disconnect between representatives and constituents.

The OAS/EOM stresses that in most parts of the country the elections took place peacefully, despite isolated incidents reported before and on Election Day. The Mission condemns the episodes of violence that took place in some areas of the country, and regrets the incidents that occurred in Montecristi and Azua, which led to the death of two political leaders.²

¹ <https://x.com/juntacentral/status/1759686260581376094?s=20>.

² See <https://pgr.gob.do/ministerio-publico-somete-a-la-justicia-a-tres-hombres-que-fueron-arrestados-por-muerte-de-dirigente-politico-en-castanuelas/>; https://listindiario.com/la-republica/20240218/matan-dirigente-prm-azua-deploran-ataque-tiros-cotui-provincia-duarte_796023.html.



The OAS/EOM arrived in the country in a staggered manner starting on February 8, with 16 members of six different nationalities. It focused on key issues including electoral organization, electoral technology, electoral justice, political financing, and women’s political participation, following up on the recommendations issued by past OAS missions to the country. It was also deployed in the National District and in the province of Santo Domingo to observe the preparations and the conduct of Election Day activities in municipalities and municipal districts.

To collect information on the electoral process, the members of the Mission met with leaders and representatives of political organizations, electoral and governmental authorities, candidates, and representatives of civil society organizations to hear different perspectives on the election.

PRE-ELECTION STAGE

This is the first process to be carried out under the legal framework enacted in February 2023. Organic Law 20-23 on the Electoral Regime³ introduced relevant changes to the electoral process, repealing the previous law that was passed in 2019. The main changes include the broadening of the guiding principles for electoral processes;⁴ a clearer definition of the powers of the Superior Electoral Court (TSE);⁵ the commitment to accessibility and inclusion;⁶ the adjustment of deadlines;⁷ the composition of the electoral boards in larger municipalities;⁸ the definition of the vote counting procedure;⁹ the reconfiguration of the catalog of penalties, crimes, and electoral offenses, and the inclusion of regulations on violence against women in politics;¹⁰ and the establishment of a more robust framework for the operation and powers of the Office of the Special Prosecutor for the Investigation and Prosecution of Electoral Crimes and Offenses.¹¹

One of the main innovations in these elections is the elimination of the so-called “coattail effect” (“*voto arrastre*”) at the municipal level. This change is due to a 2020 Constitutional Court judgment¹² that was reflected in the new Electoral Regime Law.¹³ In previous elections, a joint vote was cast for mayor and

³ Available at: <https://presidencia.gob.do/leyes/20-23>.

⁴ Law 20-23, art. 4.

⁵ Law 20-23, arts. 151, 154, 334.

⁶ Law 20-23, arts. 182, 242, 246.

⁷ Law 20-23, arts. 57, 97, 100, 103, 132, 147.

⁸ Law 20-23, art. 37.

⁹ Law 20-23, arts. 260-267.

¹⁰ Law 20-23, arts. 302, 308-320.

¹¹ Law 20-23, arts. 321-330.

¹² Judgment TC/0462/20 of the Constitutional Court. Available at: <https://www.tribunalconstitucional.gob.do/consultas/secretar%C3%ADa/sentencias/tc046220/>.

¹³ Law 20-23, Art. 96, cl. 4-7.



council members, i.e., the vote for mayor was also tallied for the list of council members.¹⁴ The same was true of the vote for district offices and committees. In this electoral process, by contrast, voters were able to vote directly and separately for each elected office: in the case of municipalities (158), by mayor's offices and council offices, and in the case of municipal districts (255), by district offices and committees.¹⁵ This, in turn, allowed political organizations to form diverse alliances for each of these levels of elected office.¹⁶

Technological solutions were also implemented at each polling place during these elections. After the vote counting and manual tallying, each voting station had equipment to enter and transmit the results. The software that was used allowed for an automated summation of the data, which prevented discrepancies at the polling place level. The Mission welcomes the effectiveness of this system, which helped to reassure the public with prompt and timely information.

The OAS/EOM was pleased to note that various recommendations made by previous missions to the country were implemented and welcomes the progress that the Dominican Republic continues to make in strengthening the electoral legal framework.

Before Election Day, the Mission learned through the media about the assassination of two PRM leaders, one in the municipality of Castañuelas¹⁷ and another in the municipality of Azua;¹⁸ a shooting in which political leaders were wounded in the municipality of Fantino;¹⁹ and the armed attack on the municipal mayor of Eugenio María de Hostos in Duarte province.²⁰ The Mission categorically repudiates these acts and urges the authorities to carry out the necessary investigations to clarify the facts. Violence has no place in a democracy.

ELECTION DAY

The OAS/EOM observed Election Day voting at polling places in the National District and the province of Santo Domingo from the time they were set up and opened until the vote count and transmission of

¹⁴ Art. 104, para. IV, of the repealed Law 15-19.

¹⁵ More information in the following video elaborated by the JCE: https://www.youtube.com/watch?v=Fyy2_MwpVaU.

¹⁶ Law 20-23, arts. 136, 137.

¹⁷ See <https://pgr.gob.do/ministerio-publico-somete-a-la-justicia-a-tres-hombres-que-fueron-arrestados-por-muerte-de-dirigente-politico-en-castanuelas/>.

¹⁸ See <https://www.diariolibre.com/actualidad/politica/2024/02/17/intento-de-homicidio-al-alcalde-arcadio-rosa/2616694>

¹⁹ <https://cdn.com.do/nacionales/tres-heridos-en-fantino-durante-tiroteo/>.

²⁰ https://listindiario.com/la-republica/20240218/matan-dirigente-prm-azua-deploran-ataque-tiros-cotui-provincia-duarte_796023.html.



results. The Mission witnessed a normal day in which respectful coexistence and the spirit of collaboration among the different stakeholders in the electoral process prevailed.

Early in the day, the OAS/EOM noted slight delays in the opening of some polling places, which opened at 7:30 a.m. on average. According to information from the JCE, 16,493 polling places (97.9%) had reported that they were set up and fully operational at that time,²¹ with all the materials needed to carry out the day's activities. The OAS/EOM found that the polling places had the requisite number of poll workers and political party delegates to operate. It also noted that the polling places were predominantly staffed by women.

The OAS Electoral Mission witnessed heavy political campaigning in the vicinity of the polling centers, as well as large crowds of supporters of candidates and political parties. As in previous elections, OAS observers documented vote buying by political organizations and, in some precincts, situations that bordered on voter harassment. The Electoral Military Police intervened in some cases. The Mission emphatically reiterates the need to combat the pernicious practice of vote buying. This phenomenon not only constitutes a crime, but undermines the free exercise of the right to vote and undermines voter confidence in the entire electoral system. The OAS/EOM insists on the importance of taking forceful measures to eradicate it. Its elimination is a shared responsibility of the administrative, electoral, police, and judicial authorities, as well as of the political parties themselves and the general public.

When the polls closed at 5:00 p.m., as scheduled, the Mission witnessed a slow counting procedure, mostly due to the complexity of the election. The OAS/EOM noted that the process was carried out in the presence of political party delegates and vote-counting observers. However, it is important to note that poll workers at some polling places required additional support from the technical staff of the JCE when transmitting the results, which delayed the sending of the information. The observers also reported that in some of the observed polling places the tally sheets of the elections for single-member offices were not transmitted first, as planned by the electoral authority; rather, vote counting began with the multiple-member offices, or they waited for the vote counting to be completed in its entirety before sending the data.

At 8:00 p.m., as stated in the JCE resolution,²² the municipal election results began to be released. From that moment on, the first official figures were displayed on the JCE website. However, the OAS/EOM noted that the website was functioning intermittently in the hours that followed. At midnight, the Central Electoral Board reported that 82.58% of the tally sheets had been processed nationwide.

²¹ According to information provided by the JCE, at that time the remaining 2.1% were also operational, but had not reported through the applications provided for that purpose.

²² JCE Resolution 12-2024.



During the process, the Mission received 27 complaints about events that occurred on Election Day.

FINDINGS AND RECOMMENDATIONS

To help strengthen electoral processes for the upcoming presidential and congressional elections, and after a detailed analysis of the laws in force and the information gathered during the observation, the Mission presents the following preliminary findings and recommendations in the areas of electoral organization, electoral technology, electoral justice, political financing, and the political participation of women.

Electoral Organization

Election material and chain of custody

As a result of the implementation of direct voting for each level of the municipal elections, the various political organizations were also able to form alliances at each level.²³ The electoral authority faced the challenge of designing and printing 798 different types of ballots. The OAS/EOM underscores that, in coordination with the political organizations and as a result of the work with the TSE, this election material was printed in a timely manner.

The Mission observed the production line of the ballot boxes and its seven filling and control points, and is encouraged by the fact that, as recommended in 2020, an infrastructure with adequate space and security measures has been put in place. The OAS/EOM found that each point was equipped with bar code readers, which verified that the materials (generic and specific) corresponded to the box being processed. There was also a quality control station, staffed by inspectors from the JCE and delegates from the political parties.

In addition to the above, the JCE changed the form of distribution and chain of custody of the election material. Unlike past elections, in which the president of each polling place received and safeguarded the ballot box in the days leading up to the election, this time the electoral boards formally delivered the ballot boxes for review and sealing, but the Electoral Military Police guarded the material until Election Day. The OAS/EOM was informed that each electoral board would decide whether the formal delivery would take place at their headquarters or at the voting precincts. However, it noted that the instructions issued to the boards still contained the procedure that had been in force in previous elections.

²³ Law 20-23, art. 136.



The OAS/EOM recognizes that the uninterrupted custody of election material ensures its integrity and therefore recommends:

- Developing a written protocol establishing, according to updated guidelines, the distribution and chain of custody of election material from the JCE to the voting precincts.

Help desk

The OAS/EOM observed the implementation of a help desk to follow up on the different stages of the electoral process. It was staffed by about 320 people, including agents, supervisors, and coordinators. The help desk coordinated the information obtained from call centers assigned to the ten regions of the country and from two platforms: “election monitoring” and “service desk.” The former made it possible to confirm the staff (technicians and facilitators) in each precinct; to track the deployment and retrieval of the equipment and ballot boxes; to provide assistance during the installation and testing of the equipment; to monitor the results transmission process; and to monitor the generation of reports on returns from the municipal electoral boards. Through the service desk, the help desk could also track incidents that occurred during the electoral process and follow up on them until they were resolved. The help desk was also used to distribute instructions from the authorities to the technicians and facilitators of the voting precincts.²⁴

The OAS/EOM noted that the help desk functioned as an integrated information system for electoral organization and that it provided an overview of the process. It therefore recommends:

- Institutionalizing the help desk as a component of electoral organization, for both the presidential and congressional elections and for future elections.

Training

The OAS/EOM recognizes the substantial effort made by the electoral authorities in training for this electoral process. The Mission was informed that the Higher Specialized Institute for Political and Civil Status Training of the Central Electoral Board (IESPEC)²⁵ established several training and education programs for the different stakeholders in the process: internal JCE staff, members of the electoral boards, electoral prosecutors, political parties, media, women politicians, and aspiring poll workers. In this

²⁴ JCE Election Help Desk Operational Protocol (2024).

²⁵ Resolution 15-23 of Conescyt converted the National School of Electoral and Civil Status Training (EFEC) into a specialized institute, which may award undergraduate and graduate degrees.



connection, the Mission learned of the development of three master's degree programs, two diploma programs and two specialized courses on electoral matters.²⁶

In 2023, 1,264 electoral board members graduated from the diploma course in electoral administration,²⁷ which lasted four months and was given to 43 groups nationwide.²⁸ In the same year, the call for poll worker applications was announced, which included training as a prerequisite for selection. According to information from IESPEC, about 250,000 Dominicans applied to be poll workers and after three workshops and a refresher course, 84,255 applicants were selected.

For this electoral process, the JCE arranged for center facilitators to have a mobile app to report relevant issues and incidents during the course of Election Day. However, the observers noted that not all persons in this role were fully aware of how to use the app and when to submit information. They also observed that the facilitators lacked sufficient authority to make decisions and guide the operation of the voting precincts.

In relation to the vote counting process, the Mission observed that the greatest difficulty encountered by polling places was the tallying of multi-candidate votes, especially with the votes divided by party within the alliances. It also noted that not all the polling places followed the guidelines to start with the single-candidate offices, nor the guideline to transmit the data as the counting for each type of office was completed.

The OAS/EOM acknowledges the relevance of professional education and training in electoral administration and therefore recommends:

- Continuing training efforts to ensure that the vote counting and results transmission process is conducted uniformly.
- Strengthening the role of facilitators so they can exercise their authority more effectively in the conduct of Election Day procedures at the precincts and thus improve the electoral authority's response capacity.
- Reinforcing the training of facilitators to ensure the effectiveness of reports on the conduct of Election Day procedures.

Accreditation of delegates

²⁶ IESPEC electoral training programs (2024).

²⁷ Information provided by IESPEC.

²⁸ See <https://jce.gob.do/Noticias/category/capacitacion-1>.



Law 20-23 allows parties to enter into alliance, coalition, or merger agreements. An alliance is understood as the joint nomination of two or more political parties at one or more levels of elected office.²⁹ As determined by the JCE,³⁰ when the parties have run in alliance at one or several levels of elected office, but not at the other levels, they are entitled to accredit their own delegate and alternate on each electoral board and at each polling place for the levels where they run alone. At the levels where they ran as part of an alliance, the right to the delegate was held by the party that embodied the alliance.

The Mission noted that some political organizations raised concerns during a technical roundtable held on Friday, February 16, due to the delay in printing credentials for party delegates to the electoral boards, and that in response the JCE authorities undertook to address the delay. On Election Day, the OAS/EOM received a complaint from a party reporting that in some municipalities they had not been allowed to accredit delegates for the levels of office in which they did not participate as part of an alliance. The party formally filed this complaint with the JCE,³¹ which posted a message on social media recalling the provisions on the accreditation of delegates.³²

To ensure the presence and oversight of the electoral process by the political organizations, which is a key element of transparency in the elections, the Mission recommends:

- Ensuring the accreditation of the delegates and alternate delegates with the electoral boards sufficiently in advance.
- Strengthening the training of precinct facilitators, poll workers, and Electoral Military Police personnel on the regulations governing the right of political organizations to accredit delegates at the various levels of election.

Access to precincts and polling places

The JCE prohibited the use of weapons, cell phones, cameras, and backpacks while voting, as stated on the signs posted at each polling place. However, the Mission noted that this provision was interpreted in different ways. In some polling places these prohibitions applied exclusively to voters casting ballots, while in others those carrying cell phones or backpacks were not allowed to enter the room or hall where the voting station was operating, and in some cases the Electoral Military Police even interpreted this prohibition as applying to the entire voting precinct.

²⁹ Law 20-23, art. 3.

³⁰ JCE Resolution 4-2024.

³¹ Representatives of the political party submitted a copy of the communication filed with the JCE to the OAS/EOM.

³² See <https://x.com/juntacentral/status/1759204452794237308?s=20>.



This caused voter confusion and disputes with precinct and polling place authorities. The Mission's observers identified some delays because people were unsure how to proceed in light of this restriction, and even some voters who declined to vote and left the precinct.

To promote a uniform interpretation of these provisions, the OAS/EOM recommends:

- Strengthening the training of precinct facilitators, poll workers, and Electoral Military Police personnel and reinforcing the role of the facilitator as an institutional presence of the JCE in electoral precincts.
- Widely and clearly informing the public of the prohibitions in force regarding access to precincts and polling places and when each one applies.

Accessible vote

The 2023 reform introduced several provisions related to making electoral processes more accessible.³³ As a result, the JCE launched the accessible voting project during this election cycle.³⁴ First, an "inclusion facilitator" was placed in each electoral precinct to support voters according to their disabilities or other special needs. To cater to the elderly or people with motor disabilities, this first pilot project provided for the creation of auxiliary voting stations at the entrance of 527 polling places identified as having voting booths on the second and third floors. For people with visual impairment, there were auxiliary templates for marking the political parties on the ballot paper. For the hearing impaired, the JCE established a relay center with interpreters who could translate into sign language via video call from the facilitators, and assisted voting was available for voters who requested it.³⁵

The Mission learned that 150 people registered for the home voting initiative, but that it would be implemented only in the presidential and congressional elections.

The OAS/EOM welcomes the implementation of policies, regulations, and processes for accessible voting, and therefore recommends:

- Extending the home voting service for local elections.
- Maintaining the protocol of providing auxiliary voting stations for voters with mobility impairments.

³³ Law 20-23, Arts. 182, 242, 246.

³⁴ JCE Resolution 73-2023.

³⁵ Presentation of the Accessible Vote 2024 Project of the JCE (2024).



- Conducting an impact assessment of the accessible voting pilot project, in order to make adjustments and improvements for the presidential and congressional elections.

Electoral technology

For these elections, the JCE set up an electoral computing system (ECS) by implementing software to allow results to be typed, printed, scanned, and transmitted from each polling place. To run the software, each polling place had digitizing, scanning, and transmission equipment (DSTE), a technology kit consisting of a laptop, a multifunctional printer, a modem and an uninterruptible power supply (UPS). An OAS technical team provided cooperation to the JCE's IT department between July and December 2023, through a diagnostic assessment to improve the management of technological processes associated with the implementation of the ECS.

Testing, cloning, and installation of DSTEs

The JCE conducted a regional test of the ECS on Saturday, January 13,³⁶ and a second test on Saturday, January 20.³⁷ According to the electoral body, both were successful, with 100% of the tally sheets correctly processed and no hardware failures found in the DSTEs, in the interconnection, or in the system. However, some political actors claimed to have witnessed “high exposure to vulnerabilities and weak security.”³⁸

On January 29, the DSTE cloning process began.³⁹ Before the cloning, a formal protocol of freezing the software and sealing the software and the database was carried out, as well as a process of “hardening” the equipment to configure it so it could be used only for operating the electoral system. The process concluded on February 12, with the cloning of 16,851 devices and 1,949 backup devices.

The Mission learned of a communication from the Fuerza del Pueblo Party to the JCE in which it questioned the cloning of about 4,800 DSTEs from an image different from the others. In a technical meeting with the parties on February 16, the JCE explained that, as of February 7, the electoral candidate database had to be modified due to TSE rulings affecting the candidacies in some districts whose DSTEs

³⁶ Covering 50 municipalities, 90 electoral districts, 1,700 polling places and 200 electoral precincts. See “[JCE realizará este sábado prueba regional del cómputo electoral para elecciones municipales](#)” [JCE to conduct regional test of the electoral computation system for this Saturday’s municipal elections].

³⁷ Covering 15 municipalities, 53 electoral precincts, and 700 polling places with the preparation of 2,100 tally sheets that were scanned, digitized, and transmitted. See “[JCE realizará este sábado segunda prueba regional del cómputo electoral de cara a elecciones municipales de 2024](#)” [JCE to conduct second regional test of the electoral computation system this Saturday in preparation for the 2024 municipal elections].

³⁸ See “[JCE y PLD con opiniones diferentes prueba datos \(hoy.com.do\)](#)” [JCE and PLD have different opinions on data testing].

³⁹ Process by which the version and configuration of the system to be used during the election was reproduced on each computer.



had yet to be cloned. After that date, the remaining DSTEs were cloned with another image containing the new options, but the same software. The above was verified at the same meeting, during which an DSTE was cloned from each of the two different images in the presence of the parties. The software hashes of each device were decrypted and compared. As they were the same, the two cloned images were found to contain the same software.⁴⁰

Therefore, the EOM recommends:

- Using a single clone master image for all DSTEs, as long as the courts do not change the candidate options in the run-up to the election.
- Considering, in the alternative, a master image for each province or group of provinces, which would make it possible to deal with this type of contingency.

On Saturday, February 17, after the DSTEs were dispatched from the electoral boards to the polling precincts, installation, start-up, connectivity, scanning, and transmission tests were carried out from 8:00 a.m. onward. The objective of the test was to determine exactly which DSTEs failed to achieve connectivity, in order to provide for their transfer to the electoral board on the night of the election. At 1:00 p.m., 86.41% progress was recorded with 14,561 DSTEs installed and tested and 2,290 pending (13.59%). At 7:00 p.m., all polling places had installed the DSTEs, with 3.72% of them lacking connectivity. During the test, 571 incidents were resolved.

Starting at 6:00 a.m. on Election Day, a new installation of the DSTEs began in order to print out zero tapes to show that no ballots had been cast. This procedure was performed by the deputy secretary, who was responsible for DSTE operations. At 11:05 a.m. the JCE recorded the installation and printing of the zero tapes of all the DSTEs, including the 629 that lacked connectivity and whose operation was verified by telephone call. The electoral boards also issued their “zero report” at 2:00 p.m. on Election Day, i.e., a zero results cut-off for all the districts. As of 3:00 p.m., all the boards had issued their reports.

Publication of results

In resolution 12-2024, the JCE determined that the electoral boards should release their first report of returns when they had 20% of the official vote tallies processed or, no later than 8:00 p.m., as was ultimately the case. From that time on, reports of returns were released every 15 minutes. The results were made available to the public through the institutional results portal at <https://resultadoselecciones2024.jce.gob.do>.

⁴⁰ JCE. Minutes of the Technical Committee Meeting with delegates of political parties, groups, and movements, February 16, 2024. JCE Auditorium.



Consolidated results were presented by electoral district, either by municipality or by municipal district, but only for the mayoral and district office levels. Consolidated results were not available by party or candidate at the electoral district level for the council and committee elections, as these data were only presented by polling place. In the absence of a national consolidation of results, the portal did not include an overall progress indicator for the processing of returns from all 16,851 polling places.

The Mission learned that as the election results database grew, the process of synchronizing the replication of the database for online publication became inefficient. The processing capacity of the database servers was eventually saturated, which in practice created ongoing instability in the public results portal as of approximately 10:00 p.m. These events led to a considerable delay in the display of results on the web portal, both in terms of numerical data and tally sheet images, which stabilized around 1:00 a.m. on February 19. This did not affect access to information by political parties and the media, which had a dedicated link called “virtual desktop.”

Accordingly, the Mission recommends:

- Publishing consolidated results by district for council members and board members, along with totals by party.
- Including an overall progress indicator on polling place processing in the results portal.
- Performing comprehensive load and stress tests on the model for receiving and publishing results to avoid disruption of public access to election results online.

Political parties and the media were provided a dedicated link to access the digitization and scanning of the results as soon as the DSTE's began transmitting them. On the Thursday before the election, some parties expressed their concern to the Mission that they had not yet received the credentials to access the system. As of Friday afternoon, the JCE's IT Department delivered the credentials to the Office of the Secretary General for distribution to party representatives. On Sunday, political parties and the media had access to the results and images of the official vote tallies as soon as they were received, without having to wait for the release of the boards' reports.

For the presidential elections and other future elections, the Mission recommends:

- Designing a protocol for the delivery of the parties' credentials for accessing the “virtual desktop” and the dedicated connection to the results database, which allows for this procedure to be carried out farther in advance.



Electoral justice

These municipal elections are the first to take place under the new legal framework established by Organic Law 20-23 on the Electoral Regime (2023), which redefines the powers of the administrative and judicial electoral authorities. In past elections⁴¹ there was uncertainty as to the powers of the TSE as the highest judicial authority, since the Constitutional Court (TC) established that the Superior Administrative Court was competent to hear administrative electoral matters, even if its decisions have purely electoral effects.⁴²

In line with the recommendations of previous OAS Missions, the new regulations include an article that empowers the TSE to hear challenges to administrative resolutions issued by the JCE on various matters, as well as any other electoral matter or election-related administrative matter that affects political-electoral rights.⁴³ In order to develop its competence and establish the applicable procedural rules, the TSE issued Regulations on Election-Related Administrative Litigation,⁴⁴ which have been applied in the adjudication of challenges filed in connection with the organization of the elections.

Notably, these regulations set short deadlines for adjudication, and even allows for their adjustment on an exceptional basis and upon a declaration of urgency issued *sua sponte* or at the request of a party,⁴⁵ in addition to allowing for the operative part of the judgment to be issued before the reasoning.⁴⁶ The OAS/EOM was pleased to note that the TSE adjudicated cases related to the registration and admission of candidates promptly,⁴⁷ allowing for a prompt determination of the final list of electoral candidates and the timely printing of ballots.

Considering that the electoral boards are bodies with both administrative and adversarial functions, the OAS/EOM acknowledges on a positive note the joint effort made by the JCE and the TSE to train its 1,364

⁴¹ OAS/EOM Preliminary Report on the 2020 Special Municipal Elections.

⁴² See Judgment TC/0624/18.

⁴³ Law 20-23, art. 334.

⁴⁴ Available at: <https://tse.do/wp-content/uploads/2023/01/REGLAMENTO-DE-PROCEDIMIENTOS-CONTENCIOSOS-ELECTORALES.pdf>.

⁴⁵ Arts. 29, para. II, and 40 to 43 of the Regulations on Election-Related Administrative Litigation.

⁴⁶ Art. 21 of the Regulations on Election-Related Administrative Litigation.

⁴⁷ According to information provided by the TSE, it ruled on 245 of the 247 cases brought before it. The remaining 2, which had been filed between February 12 and 15, were continued at the request of the plaintiffs. Only one case required the reprinting of the ballots, due to an error in a candidate's photograph. However, the JCE made this correction at the candidate's request even before the TSE issued its decision.



members in the 157 municipalities and the National District,⁴⁸ in order to strengthen their administrative powers and their role as authorities of first instance for adversarial matters.

The new law also reconfigured the catalog of administrative penalties, as well as electoral crimes and offenses, and defined the authorities' areas of competence in such matters.⁴⁹ Along these lines, it established that the TSE will no longer have jurisdiction over electoral crimes and offenses, which will be heard by the ordinary criminal courts of the judiciary. As recommended by previous Missions, this will provide enhanced guarantees for criminal proceedings, ensuring the right of appeal.⁵⁰ Although the previous law already provided for the creation of the Office of the Special Prosecutor for the Investigation and Prosecution of Electoral Crimes and Offenses, the new law gives it a more precise framework in terms of its composition and functions.⁵¹

The Mission welcomes the passage of the new legislation to resolve inconsistencies in the area of litigation and to build a system of criminal and administrative consequences for violations and noncompliance with electoral regulations.

The OAS/EOM noted that the appointment of the Specialized Prosecutor was delayed until November,⁵² which reduced the time available to train the staff working in the Prosecutor's Office; it also noted that the Office does not have a specific budget allocated to it. The Mission further learned that, following the appointment of the specialized provincial prosecutors, their names were not made public; nor was there any information on the locations of the prosecutors' offices or the available channels for filing complaints. Considering its recent creation, the OAS/EOM noted that no information campaigns were carried out on the role of the Prosecutor's Office as a body specifically empowered to receive and process complaints.

The Mission appreciates that despite these limitations, thanks to the cooperation between the Public Prosecutor's Office and the JCE, it was possible to train 125 prosecutors and 79 support lawyers to work in the different provinces of the country.⁵³ In contrast, as various stakeholders informed the Mission, the ordinary criminal court judges responsible for trying electoral crimes and offenses received no specific training on the new catalog of offenses.

⁴⁸ Information provided to the Mission by the Higher Specialized Institute for Political and Civil Status Training of the Central Electoral Board (IESPEC). These trainings were provided by the IESPEC of the Central Electoral Board and the Superior Electoral Court, through a specialized diploma course in electoral administration.

⁴⁹ Law 20-23, arts. 305-321.

⁵⁰ Law 20-23, art. 309.

⁵¹ Law 20-23, arts. 322-330.

⁵² Appointed by the Department of Public Prosecution of the Attorney General's Office of the Republic on November 3, 2023. See <https://pgr.gob.do/designan-al-procurador-de-corte-ivan-feliz-como-titular-interino-de-la-procuraduria-electoral/>.

⁵³ Information provided to the Mission by the Office of the Special Prosecutor for the Investigation and Prosecution of Electoral Crimes and Offenses.



The Mission also highlights the initiative of the organization Participación Ciudadana to make the reporting tool “Atento con tu voto” (“Careful with your vote”) available to citizens,⁵⁴ where people could file complaints about electoral offenses and crimes, to be forwarded by the organization to the Office of the Special Prosecutor.

The OAS/EOM observed on Election Day that vote buying is a widespread practice. It was reported in the media that the National Police arrested at least one person on Election Day for allegedly buying ID cards.⁵⁵ The Mission stresses the importance of investigating all allegations and effectively applying penalties where appropriate.

In order to continue consolidating an effective electoral justice system, the OAS/EOM recommends:

- Strengthening training efforts so that, in preparation for the presidential and congressional elections in May, criminal court judges responsible for hearing cases of electoral crimes and offenses can participate in training initiatives.
- Carrying out information campaigns publicizing the Office of the Special Prosecutor for the Investigation and Prosecution of Electoral Crimes and Offenses, so that the public is aware of its role and powers.
- Evaluating mechanisms to provide the Office of the Special Prosecutor with the financial and human resources needed for it to effectively perform its duties.
- Making an outreach effort to inform political organizations and the general public about who the provincial prosecutors appointed to serve during the electoral process will be, as well as educational material that includes complaint procedures and the location of the offices where complaints can be filed.
- Providing information on the complaints received regarding electoral crimes and offenses, as well as on the outcome of investigations and any resulting convictions.

Political and electoral financing

Access to public financing

The new Organic Law 20-23 on the Electoral Regime states that public funds for financing political parties are set at 0.25% of the national revenues appropriated in the General State Budget in non-election years

⁵⁴ See <https://x.com/PCiudadana/status/1735334927065845978?s=20>.

⁵⁵ See https://listindiario.com/la-republica/20240217/apresan-persona-compraba-cedulas-municipio-cabrera_796002.html.



and 0.5% in election years.⁵⁶ The Budget Law allocated RD\$2,520,800,000⁵⁷ for 2024, which is one half of the 0.5% specified in Law 20-23. Several parties expressed their dissatisfaction on the matter. On January 24, these political groups asked the JCE to request that the executive branch disburse the missing funds.⁵⁸ On February 6, the chair of the JCE sent a communication to the Minister of Finance, issuing a “favorable opinion regarding the request of the political organizations” and indicating that the amount to be allocated in election years should be equivalent to half of 1% of the national revenue.⁵⁹

In a meeting with the Mission, the finance minister stated that the amount available for the financing of political organizations was set in the General State Budget Law approved by the National Congress. He explained that, given the material impossibility of complying with all the legal allocations of funds linked to the budget, and as has been done in previous years, the Budget Law includes an article that allows for the adjustment of resources allocated by special laws and authorizes the executive branch, by exception, to appropriate a lesser amount than that stipulated in the laws, including those governing the Central Electoral Board.⁶⁰ The article also provides that any allocation of items not included in the General Budget will be suspended. Although this year’s budget allocation is less than that stipulated by the Electoral Regime Law, it was twice the amount allocated for the previous non-election year.⁶¹

The amount budgeted for 2024 was to be delivered in prorated payments throughout the year, but both the Ministry of Finance and the plenary of the JCE⁶² issued decisions authorizing the full disbursement of all funds in February, rather than partial disbursements.⁶³ Thus, a few days before Election Day and during the municipal election campaign, all of the funds approved in the General State Budget for all of 2024 had been disbursed. Notably, according to Law 33-18, 40% of this amount must be used to support candidates; 50% for administrative and operational expenses; and 10% for education and training expenses.

The Mission notes that there is a conflict between two laws, which leads to confusion about the resources that are allocated as part of public funds for the parties. As it has done in previous years, the OAS/EOM stresses that fairness in the electoral contest is a fundamental part of democratic elections, and that access to public financing is a key factor in ensuring fairness. For the previous elections, before the

⁵⁶ Law 20-23, art. 224. When Electoral Law 275-97 was in force, there was an identical provision on the allocation of funds (art. 49). Upon the amendment of the electoral law by Laws 33-18 and 15-19, this article was repealed, so that the allocation of funds for the financing of parties was subject to discretionary power. With the passage of Law 20-23, this provision was reinstated.

⁵⁷ Law 80-23 of the General Budget of the State for fiscal year 2024, enacted on December 22, 2023. See also JCE Resolution 6/2024. The amount is equivalent to US\$43,000,915 at the exchange rate in effect on February 17, 2024.

⁵⁸ The political organizations submitted a copy of this request to the Mission.

⁵⁹ PRES-JCE-176-2024.

⁶⁰ Law 80-23, art. 51.

⁶¹ RD\$1,260,400,000.

⁶² Plenary Decision JCE-SG-CI-00210-2024 – Record of Minutes 09-2024; Plenary Decision JCE-SG-CI-00279-2024 – Record of Minutes 14-2024.

⁶³ Law 33-18, art. 62; Resolution 6/2024 of the JCE, art. 3, para. I.



suspension of the municipal elections and the COVID-19 pandemic, the 2020 budget law appropriated RD\$3,013,903,594 for political parties,⁶⁴ which was higher than the amount disbursed this year and in a lower-revenue context.

In view of the upcoming presidential and congressional elections in May, and to foster conditions of certainty, transparency, and fairness in the race, the Mission recommends:

- Exploring institutional mechanisms that will allow political organizations to access public funds for the upcoming presidential and legislative campaigns, within a framework of transparency and equity, considering the opinion expressed by the plenary of the Central Electoral Board and communicated by the chair of the institution.
- Providing greater certainty to the legal framework related to the allocation of public resources for political financing.

Transparency and accountability

The OAS/EOM notes with satisfaction that, in line with the recommendations of previous missions, and following the electoral reforms, the JCE office responsible for financial oversight was changed from a unit to the Specialized Department for the Financial Oversight of Political Parties, Groups, and Movements, and has a larger staff. The Mission also noted as a positive development that the new legal framework introduces a specific penalty for campaigns that exceed the spending limit.⁶⁵

In terms of accountability, Law 20-23 includes explicit provisions on the obligation of candidates to submit campaign income and expenditure reports to the JCE when the candidacy is announced and after the election. These reports must be published by the JCE on its website or through available media outlets.⁶⁶ However, the Mission found that there is no specific deadline for the submission of these reports after the elections.⁶⁷

The JCE made the Integrated Electoral Financial Oversight System (SIFE) platform available to political organizations, the use of which is mandatory for the registration of candidate income and expenditure transactions.⁶⁸ The Mission learned that four days before the elections (February 14, 2024), only 842 user

⁶⁴ Law 506-19. See also JCE Regulations on the distribution of the state's financial contribution to political parties for 2020, dated January 30, 2020.

⁶⁵ Law 20-23, art. 221.

⁶⁶ Law 20-23, art. 218.

⁶⁷ This differs from what happens with the annual income and expenses of political organizations, since, under Articles 68 and 72 of Law 33-18, failure to submit reports on these items is grounds for loss of the right to receive public financing.

⁶⁸ Article 42, Regulations on financial control and oversight of political parties, groups, political movements, pre-candidates, and candidates for elected office.



accounts had been generated on the platform out of 19,465 candidates, and there were only reports from three candidates.⁶⁹ This lack of information makes it impossible for the JCE to perform adequate oversight and for citizens and civil society organizations to exercise social oversight of actual party and candidate spending.

Although the law establishes a monetary penalty for failure to comply with the obligation to submit reports upon the announcement of candidacy,⁷⁰ the OAS/EOM was notified that the Unit for Assistance, Monitoring, and Mechanisms for the Enforcement of Penalties for Administrative Electoral Violations and Precautionary Measures had not issued any penalties related to this electoral process.

The Mission recommends:

- Requiring parties to comply with the obligation to use the SIFE platform and with the legal mandates to submit reports.
- That the competent authorities carry out timely investigations and effectively apply administrative penalties for noncompliance with the provisions related to accountability, as a deterrent for the next elections.

Use of public resources in campaigns

Once the campaigns were underway, complaints were filed⁷¹ in connection with the use of state resources on behalf of certain candidacies of the governing party in various regions of the country. One of the political organizations asked the JCE to report these acts to the Office of the Special Prosecutor for the Investigation and Prosecution of Electoral Crimes and Offenses.

The organization Participación Ciudadana called on the president to suspend all government advertising that violates Decree 1-24⁷² and election laws, and provided examples of what the organization considered breaches of those laws.⁷³ It also urged the JCE to take any necessary precautionary measures to immediately stop any misuse of state resources and means.⁷⁴

⁶⁹ <https://panelfiscalizacionelectoral.jce.gob.do/>.

⁷⁰ Law 20-23, art. 308, para. 18.

⁷¹ Information provided to the Mission by political organizations. See also <https://www.diariolibre.com/actualidad/politica/2024/02/04/jce-investigara-denuncias-de-uso-recursos-del-estado-en-campana/2597523>.

⁷² See <https://presidencia.gob.do/noticias/presidente-abinader-promulga-decreto-1-24-que-regula-la-publicidad-oficial>.

⁷³ See <https://pciudadana.org/2024/02/participacion-ciudadana-solicita-al-presidente-abinader-suspender-toda-propaganda-violatoria-al-decreto-1-24-y-a-las-leyes-33-18-y-20-23/>.

⁷⁴ This power is granted to the JCE under Article 59, paragraph IV of Law 33-18.



Under the regulations, public works inauguration ceremonies by the central government and mayors' offices may not be held during the 40 days before municipal elections and 60 days before the date set for the presidential and congressional elections.⁷⁵ According to the electoral calendar published by the JCE,⁷⁶ January 9 was the deadline for government and mayoral inauguration ceremonies. However, the Mission found that inauguration activities continued to be held.⁷⁷ The legal advisor to the executive branch maintained that prohibitions at this stage only applied to mayors' offices.⁷⁸ In this context, opposition parties asked the JCE to issue a ruling on the meaning of this provision and requested precautionary measures against the president.⁷⁹

In response to the complaints filed by the opposition political organizations, the JCE announced that it would forward them to the recently created Unit for Assistance, Monitoring, and Mechanisms for the Enforcement of Penalties for Administrative Electoral Violations and Precautionary Measures for it to carry out the necessary inquiries and investigations. However, the Mission was informed that no administrative penalties had yet been issued and that the Office of the Special Prosecutor has jurisdiction over cases involving the use of public funds by public officials.

In view of the May elections, the OAS/EOM recommends:

- Timely handling of complaints filed regarding the use of public resources and funds, and the effective application of appropriate penalties.
- That public officials act within the limits established by law during election periods.

Political participation of women

Regulatory framework and parity

Law 20-23 kept the requirement for a range of between 40% minimum and 60% maximum for persons of each sex on multi-candidate lists for elected office.⁸⁰ However, like Law 15-19, it still used language that created confusion as to how the quota should be applied, whether nationally or by territorial district. The Mission found that, following an action of unconstitutionality filed by women from various political parties

⁷⁵ Law 20-23, art. 210, para. VI.

⁷⁶ Available at: <https://jce.gob.do/Elecciones/Calendario-de-Actividades-Administrativas-y-Plazos-Legales-2024>.

⁷⁷ See <https://presidencia.gob.do/noticias/presidente-abinader-inaugura-saneamiento-canada-cachon-oeste-en-santo-domingo-este-con>.

⁷⁸ See <https://www.diariolibre.com/actualidad/politica/2024/01/18/antoliano-abinader-puede-inaugurar-obras-en-esta-etapa-de-la-campana/2580886>.

⁷⁹ See <https://x.com/RDSomosPueblo/status/1753510563471089671?s=20> y https://listindiario.com/la-republica/politica/20240130/pld-recusa-rafael-vallejo-jce-denuncia-utilizacion-recursos-estatales-campana_793335.html.

⁸⁰ Law 20-23, Art. 42.



and civil society organizations,⁸¹ the decisions and resolutions of the TC,⁸² the JCE⁸³ and the TSE⁸⁴ helped to establish clear criteria for the application of the gender quota to multi-member offices. As a result, it was implemented by territorial district, and with the requirement that candidates be replaced by people of the same sex. In the meetings held with authorities, women politicians and civil society organizations, the Mission observed a consensus in the positive assessment of the TC and its judgment for effectively meeting the quota.

The OAS/EOM also highlights the implementation of an automated candidate registration system.⁸⁵ This mechanism automatically calculates the percentages and prevents the registration of lists that do not meet the gender quota.

Despite these advances, a comparative analysis of women candidates for municipal elections between 2020 and 2024 shows that the variation is minimal. There was a slight increase in the number of women candidates for mayor, from 14.34% to 16.58%.⁸⁶ For councils, the increase is barely one percentage point (43.28% versus 42.27%), and municipal districts show a decline in both leadership (from 14.43% to 11.63%) and committees (from 39.54% to 39.35%). The data collected show that the political parties complied with the minimum obligation to register 40%⁸⁷ women for the multi-member candidacies. At the same time, they show that in the absence of legislation establishing how to distribute single-member candidacies, women were minimally represented in the candidacies for mayoral and leadership positions.

Preliminary data published by the JCE show that 17 women were elected as mayors, representing 10.76% of the municipalities. Women will lead the executive offices of three of the ten cities with the largest populations: the National District, Santo Domingo Norte, and Higüey.⁸⁸

With a view to future local elections, the Mission recommends:

- Establishing parity on multi-member lists and horizontal parity in single-member candidacies.

⁸¹ See <https://www.tribunalconstitucional.gob.do/sala-de-prensa/noticias/tc-conoce-siete-expedientes-de-acci%C3%B3n-directa-de-inconstitucionalidad-cinco-quedan-en-estado-de-fallo/>; <https://hoy.com.do/mujeres-politicas-depositan-accion-de-inconstitucionalidad-contra-ley-electoral/>.

⁸² Judgment TC/0620/23.

⁸³ JCE Resolution 012-2023.

⁸⁴ Judgment TSE/0184/2023, art. 7, cl. 11, 22.

⁸⁵ See <https://jce.gob.do/Noticias/jce-capacita-a-organizaciones-politica-para-inscripcion-de-candidaturas-y-registro-de-alianzas>.

⁸⁶ JCE Observatory on Women's Political Participation: <https://observatorioigualdad.jce.gob.do/Cargos-Electivos/Indice>.

⁸⁷ Interviews held with members of the JCE, the Ministry of Women's Affairs, and members of political parties and civil society organizations.

⁸⁸ See <https://resultadoselecciones2024.jce.gob.do/municipales>. In the case of Dajabón, the leading candidate has only a one-vote advantage, and the Electoral Board's review of spoiled ballots and observed votes is pending.



Violence against women in politics

The Mission noted as a positive development that, in line with the recommendations made in 2020, the electoral reform included regulations related to gender-based political violence against women. The law classifies this type of violence as an electoral crime⁸⁹ and makes it punishable by a term of imprisonment of one to three years, granting the ordinary criminal courts jurisdiction to hear such cases. It also provides that complaints may be filed by the victim, the JCE, the electoral boards, or by the Office of the Special Prosecutor for the Investigation and Prosecution of Electoral Crimes and Offenses on its own initiative.⁹⁰ The OAS/EOM also verified progress in the development of outreach and awareness-raising materials and in the organization of workshops and training sessions on political violence against women.⁹¹ One example of this is the training organized jointly by the JCE and the Department for Electoral Cooperation and Observation of the OAS on women's right to a political life free of violence, aimed at representatives of electoral authorities and political parties.

However, various stakeholders expressed concerns to the Mission about the exclusive use of the criminal justice system and the absence of clear complaint mechanisms and a defined route for access to justice. The OAS/EOM learned that criminal court judges had not received specific training on electoral matters, including on the new catalog of electoral crimes and offenses. Representatives of organizations with which the Mission met also stated that the mechanisms for addressing political violence against women within political parties are insufficient and that the media is a hostile place for women candidates and politicians, where they are often subject to disparagement and criticism because of their physical appearance, among other things.

Based on its observations, and with the aim of helping to prevent and combat this type of violence in the run-up to the May elections, the Mission recommends:

- Strengthening training efforts on violence against women in politics at the electoral boards, the Office of the Special Prosecutor for the Investigation and Prosecution of Electoral Crimes and Offenses and, above all, in the criminal courts.
- Promoting the inclusion in party bylaws of provisions to address political violence against women.
- Designing protocols for action in cases of violence against women in politics, including clear guidelines on procedures, institutions involved, and deadlines.

⁸⁹ Law 20-23, art. 316.

⁹⁰ Law 20-23, art. 309.

⁹¹ Information provided to the Mission by the JCE and the TSE, as well as by representatives of the Ministry of Women's Affairs and civil society organizations.



Financing and access to resources

The Mission found that women's lack of access to financing continues to be one of the main barriers to the full exercise of their right to political participation. When debating the amendment of the Organic Law of the Electoral Regime, the JCE prepared a comprehensive reform document⁹² that included provisions relating to the obligation of political parties to allocate part of the resources they receive from the state to the promotion of women's political participation.⁹³ However, these were not included in the final version of the law that was passed.

In the interviews conducted, the Mission found that women face difficulties within their parties in accessing resources, including direct financing and media access.

The Mission therefore recommends:

- Advancing regulatory reforms that establish budget allocations reserved for women, for both education and training, as well as for the promotion of their candidacies.
- With a view to the May elections, the parties should distribute resources more equitably among their candidates to ensure greater equality in campaigning opportunities.

Security at voting precincts

The OAS/EOM noted that female officers of the Electoral Military Police were not present in all voting precincts. It found that women were searched by male officers when they went through the security checkpoints to enter the polling stations. The Mission also considers that having female officers among the security forces guarding the polling places would facilitate the approach of women who may be victims of violence when voting or performing their duties as poll workers.

Therefore, the OAS/EOM recommends the following for the next elections:

- Having at least one woman among the Electoral Military Police officers at each polling place.

ACKNOWLEDGEMENTS

⁹²https://jce.gob.do/DesktopModules/Bring2mind/DMX/Download.aspx?EntryId=21777&Command=Core_Download&language=es-ES&PortalId=1&TabId=190.

⁹³ Proposed amendment to Article 62 of Law 33-18.



The Mission is grateful to the Government of the Dominican Republic, the Ministry of Foreign Affairs, the authorities of the Central Electoral Board and the Superior Electoral Court, and to the political organizations, civil society organizations, and other stakeholders with whom it met, for their willingness to share their views and relevant information on different aspects of the electoral process. These inputs were critical to the success of the Mission.

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