



## **OAS Observation Mission for Elections in the Dominican Republic Proposes Deep Electoral Reform**

The Electoral Observation Mission of the Organization of American States (OAS/EOM) in the Dominican Republic, headed by former Colombian President Andrés Pastrana, deployed 38 international experts and observers, who visited 292 voting centers in 18 of the country's provinces. Two additional observers witnessed the voting in Washington, D.C. On Sunday, Dominican citizens expressed their wishes at the polls, and according to the data consolidated by the Central Electoral Board (JCE, for its Spanish acronym), 60 percent of citizens voted for Danilo Media, who will be reelected President for the next four years.

Members of the Mission team who were present at polling places from the time voting materials arrived noted that the elections took place in a normal atmosphere, despite the disorder and uncertainty caused by deficiencies in the installation of equipment to support the process. However, the Mission regrets the isolated incidents of violence that left six people dead.

In terms of distribution of voting materials, there were delays and shortcomings in the delivery of electronic kits. In addition, a large number of technical assistants did not show up to work, something that had been anticipated on Saturday night by the President of the Central Electoral Board, Roberto Rosario. The districts most affected by this situation were Santo Domingo, Santiago de los Caballeros, and the National District. The President of the JCE pledged to investigate and provide a detailed explanation of this situation, which affected the conduct of the elections.

Despite all these difficulties, all the polling stations opened, on average one hour later than the time stipulated by law. The majority of polling stations were made up of regular members. The polling places were adequate and well organized for the voting process, in that way guaranteeing the secrecy of the vote. These observations point to the quality of the training that members of polling stations had received and the efforts made to have suitable voting places available.

Once the voting was underway, it proceeded in an orderly fashion, in an atmosphere of respect and calm. When it came time to exercise their right to vote, citizens were focused and cast their ballots quickly, which facilitated the voting process. This was reflected in the large influx of voters into the various voting centers in the country.

The Mission also observed a significant presence of political party representatives, particularly delegates from the parties of the leading candidates. It is also important to mention that proselytizing was going on both in the vicinity of voting centers as well as inside. The Mission also observed crowds of people around voting precincts, and in this context it received complaints concerning the purchase of votes and identity cards.

The polling stations were closed between 6 and 7 p.m., as shortly before the official closing time the JCE instructed that voting would be extended for one hour. This was to compensate for the difficulties that arose at the beginning of the day. Many polling places were not informed about the change and proceeded to close the voting according to the original plan; few of the precincts that were observed extended their hours. In addition, vote-counting procedures were not uniform; in some polling stations votes were counted manually with the ballots displayed, while in others the counting was automated and the ballots were not displayed.

The biggest weakness on the day of the election had to do with the use of technical equipment. In many precincts, equipment failed, technical assistants did not show up, or there were problems related to connectivity or the operation of biometric machines or automated ballot counting machines. The electoral authorities even had to order the voting to begin even though voter identification machines may not have been working.

The fact that members of polling stations had been properly trained and were familiar with the manual process, and that party delegates had a good attitude and experience, helped to put the process on track without additional setbacks. The difficulties with the machines were repeated at the closing of the polls. That is why the manual method established by law but initially interpreted as a contingency plan by the JCE ended up being essential for the polls to close without conflicts.

In the days leading up to the election, the Central Electoral Board and a group of opposition parties requested the good offices of the Mission to bring about a dialogue between sides that were in disagreement over the vote-counting procedure. In this regard, the Mission welcomed the fact that the JCE listened to the complaints but regretted that doors were not opened for dialogue. The Mission reiterates that fluid, ongoing, and formal communication among the electoral management body, political parties, and citizens is essential for any election process to be carried out successfully.

After a careful analysis of the legal framework for these elections, as well as the field work done by the experts in electoral organization and technology, equitable participation of men and women, campaign financing, electoral justice, the Mission reiterates the importance that the legal framework governing the electoral process undergo a deep structural reform. In order to contribute to this process of change, the Mission offers the following observations and recommendations:

## **Electoral Technology**

The main new development in this election was the introduction of new technological equipment, by which the JCE sought to provide more secure procedures to identify voters and speed up the process of counting and computation. The solution consisted in using three new devices, one to identify voters, a second to do an automated ballot count, and a third to print out the official tally sheets.

On May 1, 2016, the JCE implemented the second simulation exercise across the country, with the intention of making the necessary adjustments to all the systems and to communications. The Mission was present during this exercise and observed the difficulties related to logistics, set-up, and distribution of the equipment that would be used to consolidate national data from the three elections.

The implementation of these technological tools had serious problems:

- Lack of training of the technicians and their unfamiliarity with the way the equipment worked
- Lack of conditions for peripheral infrastructure so the equipment could work properly
- Lack of human resources to run the equipment
- Flaws in security code recognition

The Mission believes it is important for procedures related to vote counting to be more clearly defined in the law, given that this is a fundamental component of an electoral process, one that should not be subject to internal regulations issued by electoral institutions. This should be implemented gradually so that both the electoral management body and the political parties and society as a whole can be prepared for such significant changes.

The Mission also recommends developing and carrying out comprehensive simulation exercises, which should enable the electoral management body to identify and correct errors. This will ensure that on the day of the election the technological innovations can perform the function they were designed to do, to bring certainty and transparency to the process.

It should be noted that what happened last Sunday confirms that the introduction of technology does not have just a technical dimension. The implementation of these technological advancements should take into account political and social considerations, in order to build the consensus essential to increase confidence.

## **Campaign Financing**

The model of public financing of political parties and campaigns in the Dominican Republic is not designed to create conditions of equity in the electoral contest. This is due to two fundamental characteristics: 1) There is no type of regulation of private financing; and 2) The election law establishes that 80 percent of the public financing shall be distributed equally

among the parties that obtained more than 5 percent of the valid votes cast in the last elections and the remaining 20 percent among the other parties.

On this point, the OAS/EOM recommends, as previous OAS missions to the country have done, that urgent steps be taken to design a law that promotes greater fairness in the distribution of direct public funding. Limits to funds from the private sector should also be established.

With regard to accountability mechanisms, the OAS/EOM suggests strengthening the capacity for oversight, control, and sanction of cases involving violations of the existing rules. In this regard, it is advisable to develop models for interinstitutional coordination among all government offices involved in the management and oversight of resources, for example the Chamber of Accounts, the Central Electoral Board, the banks, and the Ministry of Treasury.

### **Access to the Media**

The Mission was also able to observe the high degree of unfairness in access to the media by the political parties in contention. It is worth mentioning that legislation in the Dominican Republic establishes access to state-owned media outlets free of charge. However, these represent only 0.5 percent of the total number of media outlets in the country. In other words, campaigns are waged primarily through privately owned media outlets.

On top of this, the law does not establish advertising limits. For smaller parties that receive less direct public funding and are less able to raise private funds, this situation puts them at a disadvantage. The OAS/EOM received complaints from different political organizations that said they had been unable to place advertising as the space had already been bought up by the parties with more resources.

The Mission considers it necessary to establish a legal framework to regulate media access, one that establishes fair access to public and private media outlets and that guarantees the right to information, understood as both the right of parties and candidates to disseminate their proposals and the right of citizens to be well informed.

### **System of Representation**

The electoral system of the Dominican Republic makes a distinction between the election of the Senate and of the House of Representatives. For the Senate, the majority system is used. The candidate who receives the most votes in the province is elected senator (therefore, there are 32 senators). Senators receive the votes cast for them as well as those cast for representatives from whichever parties are in the same alliance. In other words, a vote for a representative implicitly means a vote for the organization's senator. This election mechanism does not allow voters to choose candidates from different alliances in the election for Congress. This means that it is customary for one party to obtain a clear majority in the Senate.

Although this system for allocating seats creates conditions of governability, it also limits pluralism in the legislative branch and contributes to the concentration of power. Taking that into account, the Mission recommends considering the possibility of separating these elections.

### **Equitable Participation of Men and Women**

The increase in the participation of women in Dominican politics has gone hand in hand with the implementation of gender quotas for candidates to elected public office. Under the law, at least 33 percent of those on lists of candidates for congressional representatives and members of municipal councils should be women. In the case of mayors, if the candidate is a man, the candidate for deputy mayor should be a woman. Quotas for women are also applied in municipal districts. For this election, of the total number of candidates, 44.3 percent are women. However, for offices to which the quota does not apply, such as in the case of the Senate, women's participation is much lower (13 percent).

In this regard, it is important to mention that in the political parties, the majority of national leadership posts are held by men. Women candidates interviewed by the Mission said that it was difficult for them to participate in decision-making within the parties and to come up with funding for their campaigns.

In order to continue supporting the participation of women in leadership positions, the Mission recommends evaluating the effectiveness of the existing affirmative action measures and adjusting them so that they can more effectively fulfill their purpose of increasing the number of women in popularly elected posts and guaranteeing that they can stay in power. Another possibility that could be evaluated is the need to include public financing geared toward training and empowering women in political parties.

Finally, the Mission would like to express its appreciation for the openness shown by the Central Electoral Board, the Superior Electoral Tribunal, and the various government agencies, which allowed the Mission to gather the information it needed to carry out its work. The OAS/EOM is also grateful for the financial contributions of Bolivia, Spain, the United States, Israel, Luxembourg, and Peru, which made the deployment of this Mission possible.