

General Elections for the Presidency, Senate and Chamber of Deputies

PRELIMINARY REPORT

OAS Electoral Observation Mission in the
Dominican Republic



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OAS hails substantial improvement in Dominican Republic electoral process and institutions

May 21, 2024

The Electoral Observation Mission (EOM) of the Organization of American States (OAS) for the Ordinary General Elections for the Presidency, Senate and Chamber of Deputies of May 19, 2024, led by the former president of Chile, Eduardo Frei Ruiz-Tagle, congratulates the Dominican people on their strong democratic spirit demonstrated in their participation in the polls. Likewise, it recognizes the dedication of all the members of polling stations and delegates of political organizations, who enabled the voting to proceed peacefully and in a civic-minded way.

The OAS/EOM applauds the Central Electoral Board (JCE) for their successful organization of the election and commends the Superior Electoral Tribunal (TSE) for their contribution to the smooth running of the process. The Mission especially recognizes the strong commitment of the JCE to implementing the recommendations formulated by the OAS in the wake of the municipal elections in February this year. The JCE even systematized those recommendations and provided the Mission with a detailed response on the improvements made in different areas. This is a good practice that the OAS respectfully encourages other countries to emulate.

The Mission found the electoral authority to be agile and responsive, and notes that it went to great lengths to attend to the requests of political parties and ensure the transparency of the process. The elections demonstrated that when institutions address the concerns of citizens and political organizations, with the support of the country's various institutions, civil society and international cooperation and observation, substantive progress in electoral processes can be made within a short span of time,

Although challenges remain for future elections, including structural issues such as vote buying, the Mission noted significant improvements in how the elections of May 19 were conducted. The country's electoral institutional framework has been strengthened and, with it, Dominican democracy.

The OAS/EOM was made up of 84 observers and specialists of 19 nationalities and was present in 23 provinces in the country, the National District, and three cities abroad: New York and Washington, D.C., in the United States; and San José, Costa Rica. For its analysis of substantive aspects of the Dominican electoral system, the OAS/EOM included experts in electoral organization, overseas voting, electoral technology, electoral justice, campaign finance, women's political participation, electoral security and violence, and lastly, campaigns, media and digital communication.



The Mission congratulates President Luis Abinader and the other elected officials on their victory and applauds the commitment to democracy shown by the various candidates in promptly recognizing the results.

PRE-ELECTORAL STAGE

These were the first elections at the presidential, senatorial, and chamber of deputies' levels held under the legal framework enacted in the past year by Law 20-23 (Electoral Regime Organic Law). The changes introduced by the reform included: the expansion of the guiding principles on electoral processes;¹ clearer definition of the competencies of the TSE;² a commitment to accessibility and inclusion;³ the reconfiguration of the catalog of electoral sanctions, crimes and offenses, along with the incorporation of rules on violence against women in politics;⁴ the establishment of a more robust framework for the operation and competencies of the Specialized Prosecutor's Office for the Investigation and Prosecution of Electoral Crimes and Offenses (Specialized Prosecutor's Office);⁵ and the use of preferential voting in the election of deputies abroad.⁶

The Mission found that the JCE welcomed and took steps to address the observations made by the OAS in the framework of the February 18 municipal elections, and to implement the recommendations made by the Organization on that occasion,⁷ as detailed below.

In the area of electoral organization, this was reflected in the institutionalization of the Help Desk (*Mesa de Ayuda*) to follow up and address incidents; the creation of the position of voting center coordinator; the development of a uniform protocol on distribution and custody of electoral materials; refresher training for polling station members and civilian and police personnel assigned to the voting centers; timely accreditation of political party delegates and guaranteed access for them to electoral boards and polling stations; the widespread dissemination of prohibitions in force for access to voting centers and polling stations; and expanded coverage of

¹ Law 20-23, Article 4.

² Law 20-23, Articles 151, 154, 334.

³ Law 20-23, Articles 182, 242, 246.

⁴ Law 20-23, Articles 302, 308–320.

⁵ Law 20-23, Articles 321–330.

⁶ Formally, deputies representing the Dominican community abroad, who compete on unblocked tickets under Article 115 of Law 20-23.

⁷ Organization of American States, February 20, 2024. *Preliminary Report of the OAS Electoral Observation Mission to the Dominican Republic*, <https://www.oas.org/fpdb/press/Informe-Preliminar-MOE-RD-Municipales-2024.pdf>



auxiliary tables. The OAS/EOM also noted institutional efforts to combat congestion and electioneering on the perimeters of voting centers, as well as vote and ID card buying.

In the area of electoral technology, improvements were made to eliminate the intermittency observed in the publication of results on the public announcement portal;⁸ the cloning of digitization, scanning, and transmission equipment (EDET) from a single master image; the performance of exhaustive load and stress tests on the results publication infrastructure; and the timely delivery to political parties of access credentials for the virtual desktop and a dedicated connection to consult results transmission.

In the area of justice, a recommendation was implemented to carry out information campaigns to raise awareness of the Specialized Prosecutor's Offices for the Investigation and Prosecution of Electoral Crimes in the provinces, as well as the publication of a list of those offices and contact information for each one.

Regarding public financing, the Mission welcomes the fact that an institutional agreement was reached enabling political organizations to access the public resources earmarked by law for the presidential and legislative campaigns. It is also noteworthy that the JCE has organized workshops and training to reinforce compliance by political organizations with their obligations related to accountability using the digital platform set up by the electoral authority. The Mission also recognizes that an explicit deadline has been set for financial reporting following the elections.

Regarding the promotion of women's political participation, the Mission was informed of the joint efforts of the JCE and the Specialized Prosecutor's Office to provide training on the criminalization of political violence against women in the catalog of electoral crimes. The OAS/EOM also notes that the JCE issued a resolution ordering that at least one female member of the Electoral Military Police (PME) be assigned to all voting centers.

The implementation of these recommendations aside, the Mission welcomes the innovations in this process in terms of holding candidate debates and other mechanisms for the dissemination and discussion of candidates' proposals. 2024 marked the first time that a presidential debate was held with candidates from the major political parties,⁹ in which even the president of the republic, who was standing for reelection, participated. The OAS/EOM recognizes that the other

⁸ As indicated in the EOM/OAS report on the February elections, the intermittency in the announcement portal did not affect access for political parties and the media to the continuous transmission via dedicated channels.

⁹ Organized by the National Association of Young Entrepreneurs (*Asociación Nacional de Jóvenes Empresarios – ANJE*). In accordance with criteria previously disseminated by the association, candidates were invited based on the results of the 2020 elections.



presidential candidates were able to debate in other spaces,¹⁰ although not with the candidates of the main parties. A vice-presidential debate was also held for the first time in these elections, as were several debates among candidates standing for the Senate and the Chamber of Deputies. The Mission congratulates the initiative of various business and civil society organizations, especially Dominican youth, to organize these spaces for the exchange and discussion of ideas.

In general, the Mission observed that the campaign was conducted in a climate of respect and that the media gave extensive coverage to candidates, providing the different political options with the opportunity to present their proposals. Likewise, the presidential candidates' platforms were disseminated on digital platforms and via citizen initiatives. Although there are opportunities for improvement, particularly in terms of equity in the visibility of electoral options, the Mission considers that Dominican society has demonstrated greater maturity in its political culture and made progress in the creation of an information environment that allows the exercise of a free, informed, and reasoned vote.

ELECTION DAY

On election day, the OAS/EOM visited 523 voting centers and 1,033 polling stations in 23 provinces across the country and in the National District, as well as in Washington, D.C., New York, and San Jose, Costa Rica. Mission observers were present throughout election day, from the time of the installation and opening of polling stations, to the counting and transmission of results. The Mission also visited the JCE Help Desk, where the progress of the poll in the national territory was monitored, as well as the Overseas Voting Help Desk (Mesa de Ayuda de Voto en el Exterior), which did the same for voting abroad. In general, the Mission witnessed a day of calm and a prevailing atmosphere of civility and respectful coexistence among the different actors in the electoral process.

At the beginning of the day, the Mission observed the installation of the EDETs and their zeroing. Minor delays in the installation of some EDETs slightly held up the opening of several polling stations, although on average the observed polling stations opened at 7:07 a.m. According to information from the JCE, by 8:00 a.m., 100% of the polling stations in the country were operational (except those for prison voting, which were scheduled to open at a different time) and 98.5% of the EDETs had been installed. At that time, 21 polling stations had yet to be set up in prisons, and 236 abroad, 222 of them in New York.

¹⁰ Organized by the Council for Economic and Social Development of Santo Domingo (*Consejo de Desarrollo Económico y Social de Santo Domingo* – CODESSD).



At 9:51 a.m. the Board informed that voting had not yet begun at Boys Prep Bronx Elementary School in New York because the personnel in charge of opening the premises had not turned up.¹¹ To resolve this incident, the JCE moved the tables to a location in the vicinity of the school, where the voting process was ensured. The Mission noted that the electoral personnel acted quickly to remedy the situation; however, that center was not in a position to receive voters until past noon.

During its deployment, the Mission observed that voting centers had all the necessary materials to carry out their functions. Likewise, polling stations had the requisite number of members to operate, and the facilities were such that the secrecy of the ballot was largely assured. The OAS/EOM noted the presence of delegates from the main political parties in most cases.

All polling stations observed were staffed by their lead members. In addition, women accounted for 76% of members and presided over 83% of the polling stations visited. The Mission welcomes the high level of involvement of Dominican women in the elections and highlights their commitment and responsible attitude towards the country's democracy.

The successful conduct of the elections results from the work of the JCE, the political parties, the national government, and all the other actors that participated in the process. In contrast to what happened in the municipal elections in February, on this occasion the EOM saw less electioneering in the vicinity of voting centers and less congestion caused by supporters of different political parties and candidates.

Of the 35 complaints received by the OAS during the deployment, seven were for vote buying, a practice that Mission members also witnessed themselves. The OAS/EOM reiterates the urgent need to eradicate vote and ID card buying and that its elimination is the shared responsibility of the administrative, electoral, police, and judicial authorities, as well as the political parties themselves and citizens in general.

In addition, OAS observers also recorded an unnecessary use of assisted voting at some voting centers, including instances in which the same person accompanied different voters.

The Mission noted that polling stations closed at 5:05 p.m. on average. At some polling stations, the counting phase was delayed due to confusion over the order of transmission of returns. At several centers observed, polling station members counted the total number of votes for all offices, ignoring the instruction to transmit the presidential results as soon as the vote count at that level was completed. The OAS/EOM noted that the count was carried out in the presence of

¹¹ <https://x.com/juntacentral/status/1792191328840741351>



delegates and poll observers from political parties and that on average it lasted until 8:21 p.m. The turnout at the tables observed was similar to that reflected on the JCE announcement portal, which reported turnout of 54.37% at the presidential level.¹²

The JCE began announcing the results of the elections on schedule at 8:30 p.m., by which time 38.2% of polling stations had already been counted for the presidential vote. From that moment forward the media began making the official figures public. However, the OAS/EOM observed that the web site where the results were announced took an additional 15 minutes to make the data available for public consultation,¹³ during which time only the media and political organizations had access through their dedicated channel.

After the first updates, the release of bulletins (or information breaks) was slow. By 11:00 p.m. 46% of polling stations had been processed at the presidential level; by midnight, 67.5% had been processed. According to information provided by the JCE to the Mission, this was due to a slowdown in the redistribution of the results to the electoral boards in municipalities, for the consolidation and release of bulletins.

From the beginning of the transmission of results, the candidate for Partido Revolucionario Moderno (PRM) and president of the Republic, Luis Abinader, recorded a wide lead over the other contenders in terms of voter preference, and that trend continued unchanged throughout the night, yielding the following preliminary results:

Presidential candidates and parties	Percentage of valid vote obtained
Luis Rodolfo Abinader Corona – Partido Revolucionario Moderno and allied parties	57.45%
Abel Atahualpa Martínez Durán – Partido de la Liberación Dominicana	10.39%
Leonel Antonio Fernández Reyna – Partido Fuerza de Pueblo and allied parties	28.84%
Miguel Octavio Vargas Maldonado – Partido Revolucionario Dominicano	0.45%
María Teresa Cabrera Ulloa – Frente Amplio	0.14%
Fulgencio Marcelo Severino Cruz – Partido Patria para Todos y Todas	0.06%
Carlos Manuel Batista Peña – Partido Generación de Servidores	0.72%

¹² According to preliminary data from the JCE announcement portal, with 99.96% of polling stations counted.

¹³ <https://resultadoselecciones2024.jce.gob.do/presidenciales>



Virginia Antares Rodríguez Grullón – Partido Opción Democrática	0.58%
Roque Alejandro Espaillat Tavárez – Partido Esperanza Democrática	1.36%

Source: JCE announcement portal, with 99.96% of polling stations counted.¹⁴

The Mission congratulates the main opposition candidates for publicly acknowledging the President's victory and wishing him success less than two hours after the first bulletin.

FINDINGS AND RECOMMENDATIONS

Based on a detailed analysis of the electoral laws, the information shared with the Mission by institutional, governmental, party, and civil society representatives, as well as direct observation in the field, the OAS/EOM presents below, in a preliminary manner, its main findings and recommendations for contributing to the ongoing strengthening of Dominican democratic institutions.

Electoral Organization

Logistics and election materials

Although the final design of the ballot papers was delayed,¹⁵ the OAS/EOM noted that the process of assembling and distributing the cases containing electoral materials was completed on May 12, within the deadlines established by the electoral calendar. To manage this, the JCE opened a new logistics center that operated two simultaneous production lines. Each had seven assembly points, a bar code reader, and a quality control station. Political party representatives were allowed to be present throughout the process. The Mission highlights the efforts made by the JCE, with support from the OAS, to attain ISO 22301 Business Continuity certification.¹⁶

With respect to the transportation of electoral materials, in line with the Mission's recommendations following the February elections, the JCE issued resolutions 18-2024 and 36-2024 establishing a protocol for their distribution and chain of custody.¹⁷ The OAS/EOM also noted that both their deployment and return were accompanied by security forces, and that bar code readers were used to identify the location of the cases.

¹⁴ <https://resultadoselecciones2024.jce.gob.do/presidenciales>

¹⁵ The printing of the ballot papers was delayed due to modifications in the order of the candidacies for deputies for overseas constituencies and the National District.

¹⁶ <https://jce.gob.do/Noticias/jce-recibe-su-cuarta-norma-iso-22301-en-continuidad-de-la-operacion>

¹⁷ Organization of American States, February 20, 2024. *Preliminary Report of the OAS Electoral Observation Mission to the Dominican Republic*, <https://www.oas.org/fpdb/press/Informe-Preliminar-MOE-RD-Municipales-2024.pdf>



On election day, OAS/EOM members observed some problems with the ballot papers. In some cases, voters confused the ballot box corresponding to each level of election, since all the ballot papers were similar on the back, and it was difficult to tell them apart when folded. This, in turn, generated some delays in the counting, since the ballot papers had to be separated to ensure that those deposited in each ballot box actually corresponded to that level of voting.

In addition, at several polling stations the Mission found that the dark ink on the back of the ballot papers had an effect similar to that of carbon paper; that is, if someone placed one ballot paper on top of another when filling it out, the mark on the uppermost ballot was transferred to the ballot underneath. Likewise, cases were observed in which the ink from the marker stained the ballot paper underneath, cases of ballot papers that had printing stains that could appear to be marks for a given candidate, and situations in which voters alleged that they had been given pre-marked ballot papers. Many of these situations were quickly resolved at the polling stations themselves or with the assistance of voting center coordinators, and these ballot papers were replaced with the extra ballot papers included in the package of electoral materials. However, observers who monitored the review process for spoiled and challenged votes at the polling stations on Monday, May 20, reported cases of votes that were invalidated due to stains caused by the markers.

To strengthen electoral logistics, the OAS/EOM offers the following recommendations:

- Design different-colored ballot papers for each election level and match that color to the ballot box in which each ballot paper should be placed.
- Carry out tests and checks to verify that the color or amount of ink on ballot papers or markers does not create problems during the voting process.

Voting center coordinators

The OAS/EOM recognizes the effort made by the JCE to bolster its institutional presence at voting centers, as the Mission had recommended. To that end, it designated 2,277 staff and instructors as voting center coordinators; they were responsible for the functioning of the voting centers, supervising the work of facilitators, and acting as institutional interlocutors with delegates from political parties, polling stations, and the PME.

Voting center coordinators reported any incidents during the poll to their supervisors, with whom they resolved doubts through instant-messaging groups. Unlike in February, in this electoral process a digital application was not used for monitoring. Information about EDET operations was

available centrally at the JCE, through instant messaging, and at the Help Desk; information was also obtained on the coordination of the voting centers, but not in a systematized way such as to allow real-time national reporting.

The Mission observed that the new role of voting center coordinator helped to standardize processes and served as an effective communication channel between the electoral authority and political actors. It also helped to resolve incidents at polling centers in a timely manner.

In view of this, the EOM offers the following recommendations:

- Maintain and institutionalize the position of voting center coordinator for future elections.
- Provide voting center coordinators with tools for standardized, real-time reporting on activities in preparation for and during the day of the poll.

Formation and training for polling stations members

The Mission learned that 91,485 people were designated as polling station officials, both domestically and abroad, for these elections.¹⁸ Their recruitment and training began in July 2023, and the same personnel were expected to serve in the primary, municipal, and presidential elections. All polling station members completed the three days of training ahead of the poll and 96.65% attended refresher workshops between the February and May elections. In all, 16,817 training workshops were held.¹⁹

The Mission was informed that in communications sent in March and May, the main opposition alliance asked the JCE to replace certain polling station officials. The complaint was based on the fact that the number of votes cast at the different levels of election in the municipal polls was not identical, as well as difficulties with the accreditation of and access for party delegates.²⁰ For this reason, on May 10, the alliance requested the replacement of the presidents and secretaries of 1,510 polling stations.

In attending to this request from the parties, the electoral boards decided to replace 640 presidents and 549 secretaries of 755 polling stations throughout the country.²¹ Given the date of

¹⁸ Data drawn from the Electoral Personnel Management System (*Sistema de Gestión de Personal Electoral – GPE*) shared by the General Directorate of Elections.

¹⁹ *Ibid.*

²⁰ Documentation submitted to the Mission by various opposition political forces.

²¹ Documentation provided to the EOM/OAS by the JCE.



appointment of the replacement members, it was not possible for all of them to attend refresher training workshops.²² The Mission notes that the law does not establish a deadline for requesting the impeachment of polling station officials.

In this regard, the Mission offers the following recommendation:

- Establish regulations exhaustively setting out causes for impeachment and removal of polling station members and requiring substitution processes to be consistent with those causes.
- Set a clear deadline for requesting the impeachment and final designation of polling station members.

Inclusive voting programs

The Mission observed the implementation of the Prison Voting Program (Programa de Voto Penitenciario), which is aimed at ensuring that persons deprived of liberty but not yet convicted who, therefore, retain their political rights can exercise their democratic right to vote.²³ For these elections, prison voting was carried out in 21 prisons and correctional facilities in the country, where 4,296 people were registered.²⁴ The Mission welcomed the fact that, as part of this registration effort, ID cards were issued to several people who lacked one.

On the other hand, in these elections the JCE implemented the Accessible Voting Project, including the adoption of an inclusion policy, an online registration form, and six initiatives to encourage the participation of Dominicans with disabilities.²⁵ The Mission noted that the project included training workshops and advertising to raise awareness of the program and encourage voters to go to the polls.

In addition, the position of “inclusion facilitator or manager” was created at each voting center to help voters who requested assistance. In order to attend to the elderly and people with mobility restrictions, between February and May the JCE increased the number of auxiliary tables from 527 to 1,200,²⁶ expanding coverage at polling centers with polling stations located on the second and third floors. For the visually impaired population, auxiliary templates were provided marking the edges of the boxes corresponding to each political party on the ballot papers. For the hearing

²² Information provided to the Mission by the JCE.

²³ JCE Resolution No. 31-2024.

²⁴ JCE (2024), Electoral Registry Data.

²⁵ JCE Resolution No. 73-2023.

²⁶ JCE (2024), Request and approval of an increase in auxiliary tables.



impaired, the JCE set up a relay center with sign-language interpreters to translate via video calls.²⁷ The possibility of assisted voting was retained for those voters who requested it and the Vote from Home (Voto en Casa) program was implemented, serving 98 registered voters in the National District.²⁸

On election day, the Mission observed that the auxiliary tables were especially helpful, not only for people with mobility restrictions, but also for elderly voters and persons with other conditions that prevented them from getting to their polling station.

To continue advancing towards full inclusion and accessibility in future electoral processes, the OAS/EOM offers the following recommendations:

- Retain the accessible voting form available for the registration of persons with disabilities during periods between elections.
- Support the auxiliary tables initiative for voters with mobility restrictions and increase the number of polling stations located on the ground floor of voting centers.
- Extend coverage of the Vote from Home program to all provinces in the country.
- Include a module to raise awareness about accessible voting in the training provided to other actors in the process, including polling station officials, electoral boards, and the PME.

Overseas Voting

A total of 863,785 Dominicans were eligible to vote in the presidential, vice presidential, and congressional elections abroad, the last for the first time in unblocked lists with preferential voting. The overseas electoral roll grew by 45% compared to 2020 and accounted for 10.6% of the total electorate,²⁹ a very high proportion comparatively speaking.

The OAS/EOM recognizes the considerable lengths to which the electoral authorities and the Ministry of Foreign Affairs went to guarantee the right to vote of Dominicans living abroad.

²⁷ JCE (2024), Instructivo de Voto Accesible e iniciativas IT02 (PRO-DNE-004).

²⁸ JCE Resolution No. 33-2024.

²⁹ According to information shared with the Mission by the JCE Directorate for Voting Abroad, the overseas voter roll grew by 195% from 2004 to 2008; 112% from 2008 to 2012; 17% from 2012 to 2016, and 55% from 2016 to 2010.



Reflecting the importance given to the overseas vote, for the first time the full membership of the JCE traveled to the United States to oversee preparations.

The recently passed Law 20-23 created the Offices for the Coordination of Electoral Logistics Abroad (OCLEE), which have functions similar to those of electoral boards in the national territory. For this election, the JCE established 23 OCLEEs across three constituencies: the first, covering Canada and the United States, excluding Florida and Puerto Rico; the second, covering Florida, Puerto Rico and Latin America; the third, Europe. A total of 1,566 polling stations were set up in more than 30 countries. The Mission was informed that the main political forces had accredited delegates at all 23 OCLEEs and at all polling stations; their presence was also noted by OAS observers on election day.

The organization of the overseas voting proceeded as normal, in spite of the logistical challenge of reprinting and resending more than 604,000 ballot papers for the overseas constituency 1, where 64% of the overseas electoral roll was located. This reprint was the result of a ruling of the TSE that ordered a change in the order of presentation of a political party's candidates for deputies.³⁰

The Mission hails the work of the JCE in coordination with the Ministry of Foreign Affairs to promote the registration of Dominicans residing abroad, including the deployment of mobile registration operations and the establishment of temporary offices for that purpose. Likewise, the OAS/EOM commends the initiatives to encourage voter turnout, although it notes that the voter participation abroad was around 18.5%.³¹

On election day the Mission observed instances of voters who were unable to vote because they were unaware that they were registered abroad. Several complaints received by the OAS/EOM concerned that situation, examples of which were also reported in the media and social networks. The National Director of Elections said that they were voters who had formally applied for registration on the overseas voter roll.³² The OAS/EOM offers the following recommendation:

- Redouble efforts in the design and dissemination of information on the assigned voting place for voters abroad, with components specifically aimed at clearing up any confusion arising as a result of the authorization to vote in Dominican territory in municipal elections.

³⁰ Judgment TSE/0335/2024.

³¹ Calculation based on the votes cast in the election for deputies from abroad, since the JCE's announcement system did not allow a breakdown of the presidential vote by constituency.

³² <https://robertocavada.com/politica/2024/05/19/la-razon-por-la-que-algunos-dominicanos-no-aparecian-en-el-padron/>



Finally, the Mission realizes that the problems with the installation of polling stations at the above voting center in the Bronx were beyond the control of the electoral officials, who acted promptly to address the situation and succeeded in setting up an alternative space for receiving votes, even though its conditions were suboptimal.

The OAS/EOM offers the following recommendation:

- Incorporate in the planning of overseas voting specific contingencies in the event of impediment or obstruction of access to a voting center located on rented premises, so that alternatives are arranged in advance.

Election Technology

Vote counting system

As for the February municipal elections, the electoral authority set up a vote counting system (SCE) for digitization, printing, scanning and transmission of results from each polling station. For this purpose, the 18,313 polling stations across the country and abroad used Digitization, Scanning and Transmission Equipment (Equipo de Digitación, Escaneo y Transmisión – EDET), a technology kit consisting of a laptop, a multifunction printer/scanner, a modem, and an uninterruptible power supply (UPS).

The results recorded on the returns were entered via the EDETs, after which the voting record was printed, signed, scanned, and transmitted as both data and image files to the computer center at the JCE headquarters. At the 16,726 polling stations in the country, the EDETs were connected to a secure mobile data network with an access point name (APN), while the 1,566 polling stations abroad were connected through a virtual private network (VPN).

The EDETs were installed and tested at the polling stations on Friday, May 17 and Saturday, May 18. Of all the equipment tested, 348 (2%) registered connectivity problems in the country, so provision was made so that for the transmission on election day they would be transferred to their corresponding election board. The political parties were informed of this in a timely manner. For the 1,566 EDETs abroad, due to the time difference and limited access to rented premises, the test was conducted in the early morning hours (by the local time in the Dominican Republic) on election day. The aforementioned logistical problems to do with access to the voting center in the Bronx delayed the EDET test at that voting center.



On election day, the OAS/EOM observed a new power-up test on EDET carried out by the alternate polling station secretaries. This test included the printing of zero bulletins for all three levels of the election. Through the Help Desk it was verified that by 8:00 a.m., 18,056 EDETs (98.6%) had been installed. The rest were tested and installed during the course of the day.

At the close of the day, the Mission monitored the process of data entry, scanning and transmission of the returns from each polling station observed, as well as their receipt, consolidation, bulletin release, and announcement disclosure at the central computer center of the JCE. The first voting records were received in the system around 1:00 p.m., from polling stations corresponding to the OCLEE in Madrid, Milan, and Valencia. By 6:00 p.m., 280 voting records had been received from polling stations both in the country and abroad.

Through Resolution 40-2024, the JCE stipulated that the electoral boards and the OCLEE should publish their first bulletin of results at 8:30 p.m. or when they had received 20% of the voting records. After the first bulletin, the boards released periodic bulletins every 15 minutes. The results were available via the JCE mobile application and website <https://resultadoselecciones2024.jce.gob.do>. As mentioned, the Mission recorded a delay of 15 minutes before the information was available on the public web page and application.

The frequency of updates on the web page depended on the release of bulletins from each of the electoral boards. The information in the voting records sent from the EDETs arrived directly to the main JCE computer center, to be later relayed to the electoral boards for consolidation and release of the bulletins. The Mission was told that during this redistribution phase, a slowdown was detected that held up the update of results; however, it was corrected during the night.

In addition to the web portal for consulting results, the JCE set up a dedicated link for the media and political parties, allowing them to access the raw data and images of the voting records as they were being transmitted. For this purpose, secure connections were provided to enable the media to inform the public, and the parties to monitor and process the results. This type of initiative is a guarantee of transparency and gives certainty to the process.

The Mission had access to the virtual desk provided to the media and political parties to verify the correct functioning of the transmission process during the night after the polls closed.

To strengthen future vote counting systems, the Mission makes the following recommendations:

- Extend the load and stress tests to include the functionality of the Vote Counting System as regards the release of bulletins at the electoral boards, in order to avoid the slowdown



observed between the central reception of returns and the release of bulletins by the boards.

- Begin public disclosure of results via the web page at the same time that access by the media and political parties begins, so as not to generate the perception that the online publication of results has been interrupted.

Help Desk

The Help Desk was an important component in the electoral process; it has evolved from being a technical support desk for the IT area to fulfilling functions for follow-up, monitoring, and support of the entire electoral process, thanks to the JCE's unified management model.

The Help Desk had 320 telephone operators who, using commercial customer service software adapted for the electoral process, registered and followed up on activities and incidents related to 20 stages of the electoral process (called "electoral moments"). Operational personnel at polling stations provided reports by telephone and/or instant messaging applications. Depending on the complexity of the incident, operators could escalate the support to area heads, regional supervisors, coordinators and, if necessary, JCE management, in a geographically distributed hierarchical arrangement, including polling stations abroad.

The progress of activities in each of these electoral moments could be visualized graphically by means of indicators, maps, and traffic lights, in executive presentations (*dashboards*) generated by a business intelligence system. This allowed the JCE to maintain timely and accurate follow-up on the progress of the electoral process before, during and after election day. The OAS/EOM notes that in these elections the Help Desk registered 228 incidents related to the EDETs, significantly lower than the 717 that occurred in February.

From its monitoring of the Help Desk, the Mission noted that at 3:00 p.m. on the day after the election, 46 EDETs (0.25%) had yet to transmit their voting records.

The OAS/EOM offers the following recommendation:

- Provide executive reports on incidents recorded throughout the entire scope of Help Desk activities.

Electoral Justice

Legal and institutional framework

The elections of May 19, 2024, were the first presidential and congressional elections under the new legal framework law approved by Law 20-23 (Electoral Regime Organic Law), which, among other areas, more clearly defines the competencies and functions of the organs and institutions of the State involved in electoral justice. OAS electoral observation missions have supported the strengthening of the Dominican electoral justice system over the years. In that regard, the Mission recognizes the significant progress made in the consolidation of the system, which still has room for improvement.

The legal framework for this election was developed through the regulatory efforts of the JCE. In the period between the municipal elections and the presidential/congressional elections, the JCE issued resolutions that made it possible to structure the process and give it greater legal certainty, by adopting rules on the issue of valid and invalid votes, as well as on the security of the chain of custody and of voting centers.

The OAS/EOM considers that the close coordination between the JCE and the TSE had a favorable effect. In particular, it recognizes the speed with which the JCE carried out the judgments of the TSE.³³ The Mission was informed that fewer cases were brought to the attention of the TSE in these elections.

The TSE issued a series of rulings that helped give clarity to the process on issues such as the order of candidacies on multicandidate tickets, preferential voting, party internal democracy mechanisms, the application of affirmative action measures, etc.

As regards holding a fair and effective process, the Rules on Contentious Electoral Procedures, adopted in 2023, establish shorter deadlines for filing actions against decisions of electoral bodies, as well as for holding public hearings and issuing decisions. Following previous OAS/EOM recommendations, procedural preclusion is governed by the rules and shorter resolution limits have been established which, in general, is a positive development.

As of May 17, 2024, the TSE did not have any electoral cases pending on its docket. Although the Mission welcomes the timely resolution of electoral disputes, it also learned that often only the operative part is issued, with the drafting of the full judgment left to a later juncture. The OAS has

³³ Communiqué of the JCE on measures adopted in the wake of the judicial decision on Constituency 1 overseas. Available at <https://bit.ly/3UtXS4Y>.



reiterated the advisability of publishing the operative parts of judgments as soon as possible given the pressing nature of electoral deadlines; however, it also considers it necessary to expedite the drafting of judgments, in order to ensure the right to know the rationale for decisions and the right to appeal to constitutional bodies, where appropriate.

The OAS/EOM offers the following recommendation:

- Provide the TSE with sufficient resources to issue rulings in full within a shorter time, if necessary, by providing temporary additional staffing during electoral periods.

With regard to criminal law, an analysis of the legislation and the opinions gathered by actors in the process reveals certain shortcomings in electoral criminal law that should be addressed; for example, the wording of criminal offenses is perhaps too broad for effective criminal prosecution under a system of guarantees.³⁴

The OAS/EOM offers the following recommendation:

- Review the wording of laws defining conduct liable to criminal punishment in order to ensure precise criminal classifications that describe express, unequivocal circumstances.

Penalty regime

This election process provided a clearer opportunity to observe the work of the Specialized Prosecutor's Office, which had only been recently established in 2020. The OAS/EOM for the February 18 municipal elections referred to the delay in the appointment of the specialized prosecutor, which took place in November 2023 (instead of at the beginning of 2021, as the law required), which reduced the time available for the preparation of personnel trained in the prosecution of electoral crimes and for training the PME to support them in that role.

For the presidential and congressional elections of May 19, the Mission observed an effort on the part of the Specialized Prosecutor's Office and the JCE to provide more information and highlight the importance of the institutional framework in place to combat electoral crimes and offenses.

The OAS/EOM acknowledges the disclosure of information regarding the 37 provincial electoral prosecutors who would be available to handle complaints on election day. Likewise, it is worth mentioning the training of around 400 PME officers to support electoral criminal prosecution efforts, who were also appropriately equipped and placed at the disposal of the Specialized

³⁴ See, for instance, the wording of Article 311 (6) of Law 20-23.



Prosecutor's Office on May 19. The Mission observed that the physical deployment of Public Prosecutor's Office personnel on election day was in contrast to what was seen in February. Electoral prosecutors were present in and around voting centers, and even ordered some arrests and the drawing up of charges for the alleged commission of electoral crimes.

The Mission also welcomes the creation of the Specialized Prosecutor's Office online portal for reporting alleged electoral crimes,³⁵ although its launch just four days before the elections impeded raising awareness about it and enabling actors in the process to learn about its use. On the eve of the election, the OAS/EOM learned that the portal had already received more than 100 complaints.

Despite significant progress, the OAS/EOM noted some delay in initiating coordinated plans and strategies for the operation of the Specialized Prosecutor's Office. Announcements about its work were made in a piecemeal manner and, in some regards, with the polls close at hand.

To strengthen the Specialized Prosecutor's Office, the OAS/EOM offers the following recommendations:

- Appoint the Special Prosecutor for the Investigation and Prosecution of Electoral Crimes and Offenses at least two years prior to the election, by means of a competitive process.³⁶³⁷
- Set up an online portal for lodging complaints in good time.
- Provide the Specialized Prosecutor's Office with the necessary resources for its operations in each electoral process.
- Train the entire PME, not only in terms of knowledge of electoral crimes, but also in supporting their prosecution.

One important change introduced by Law 20-23—also in line with OAS recommendations—was the exclusive attribution of electoral crimes to the ordinary criminal courts, in contrast to the previous rules that placed them within the jurisdiction of the TSE. The reform affords the possibility of greater guarantees in electoral criminal proceedings, ensuring the requirement of a

³⁵ The official launch can be viewed at <https://www.youtube.com/watch?v=TwS9Cu56Nwg>. The portal was available at <https://pede.pgr.gob.do/>

³⁷ Law 20-23, Article 324.

two-tier judicial procedure. However, the Mission was informed of a lack of training for ordinary criminal judges to hear cases arising from this or any other electoral process and that, in general, there is little coordination between the electoral and criminal jurisdictions.

The OAS/EOM offers the following recommendation:

- Develop spaces for training and coordination between the electoral and criminal courts, which should also include the body in charge of criminal investigations and prosecutions, in order to ensure the highest possible degree of knowledge and institutionalization in the investigation, trial, and punishment of electoral crimes.

In relation to penalties for electoral offenses, the OAS/EOM welcomes the establishment within the JCE of the Unit for attention, follow-up and mechanisms for the enforcement of sanctions for electoral administrative offenses and precautionary measures, and the adoption in May 2023 of the rules of administrative sanctioning procedure, which provides the Unit and the JCE with tools for the exercise of its punitive and precautionary powers. However, based on the Mission's analysis, the Unit has not yet been able to exercise this power fully and effectively, since it did not receive any complaints alleging violation of the electoral rules during this election process, nor took cognizance of any such allegations *motu proprio*.

The OAS/EOM offers the following recommendation:

- Strengthen the Unit and empower it to exercise the punitive and precautionary powers granted to it by law.

Campaign Finance

Public financing of electoral campaigns

The OAS/EOM welcomes the agreement concluded in April by the executive branch and the JCE that allowed the provisions of Law 20-23 on the State's economic contribution to political organizations in election years to be fulfilled, in line with the Mission's recommendation in February.³⁸ Thus, the total amount of public funds provided to the parties in 2024 was RD\$5,041,600,000.³⁹

³⁸ Article 224 of Law 20-23 establishes that these funds must correspond to 0.25% of the national revenues appropriated in the General State Budget in non-election years and 0.5% in election years.

³⁹ This amount is equivalent to US\$86.5 million at the exchange rate for May 18, 2024.



Several stakeholders told the OAS/EOM that the distribution provided by law for these funds is inequitable, since the vast majority of the resources are distributed among a small number of parties.⁴⁰ The Mission also noted dissatisfaction among some newly recognized organizations that claim that the current legal framework does not entitle them to receive public contributions. To this were added complaints that the distribution is also unbalanced within parties themselves, given the discretion that party leaders have to allocate funds among different candidates and levels of election. The lack of compliance with accountability rules by political organizations prevents timely knowledge of the allocation of these resources among the candidates, which could undermine a fair and equitable electoral contest.

The OAS/EOM offers the following recommendations:

- Hold a technical round table involving the political organizations and the JCE to review the criteria for internal distribution of public campaign funds in order to ensure a more equitable distribution among the different levels and candidacies.
- Explore the possibility of the law earmarking a portion of the public funding contribution for newly recognized political organizations.

Transparency and accountability

In terms of accountability, Law 20-23, Law 33-18, the Rules on Financial Oversight and Control issued by the JCE, and the Proclamation declaring the campaign period open, envisage a series of obligations, deadlines, and channels for detailed financial reporting on campaign finance.

Political organizations have 30 days following the publication of the Proclamation to file a report with the JCE detailing expenses incurred during the election campaign.⁴¹ That deadline expired on

⁴⁰ The law stipulates that 80% of the State's contribution to political organizations must be allocated to those that have obtained at least 5% of valid votes. Under JCE resolution 6-2024, four political parties were included in this category in the distribution of funds for 2024.

⁴¹ Law 20-23 of 2023, Article 218 (IV); Rules on Financial Oversight and Control, Article 35 (IV).



April 19. In that regard, the electoral authority implemented training⁴² and awareness strategies⁴³ to ensure that both candidates and political organizations were aware of—and used—the Integrated Electoral Auditing System (Sistema Integrado de Fiscalización Electoral – SIFE) platform, designed for monitoring, controlling, and auditing campaign finance. Despite this, the OAS/EOM found little compliance on the part of political organizations and candidates with the required transparency and accountability: as of May 6, only 11 political organizations had submitted that information. The EOM noted that the legislation does not provide sanctions for non-compliance with this obligation.

Candidates are also required to submit income and expense reports at the beginning of the campaign, during the campaign and at the end of the campaign,⁴⁴ for which the use of the SIFE is mandatory.⁴⁵ In that regard, the OAS/EOM notes that the JCE, in line with what the Mission indicated in February, set a deadline for submitting the final report on the income and expenses of electoral campaigns.⁴⁶ The OAS/EOM learned that, three days before the elections, of the 1,723 candidates taking part, only 384 had registered on the platform and only 52 had reported any income or expenses.⁴⁷ This low level of accountability contrasts with the election campaigns themselves, which were characterized by extensive electioneering and the use of electoral propaganda both in the streets and on social networks. The failure of candidates to comply with reporting obligations makes it impossible to know with certainty how candidacies were financed during this period and what amounts were spent.

⁴² In April, the JCE, through the Specialized Financial Control Directorate for Political Parties, Groups, and Movements, held training sessions abroad (New York, Miami, Madrid, and Panama) and at the national level in regions such as the National District, Santo Domingo de Este, La Romana, Monte Plata, Valverde - Mao, Nagua, Barahona, Baní, San Francisco de Macorís, and Santiago de los Caballeros; the training, aimed at candidates and delegates of political organizations, was intended to promote accountability.

⁴³ Episode Number 6, JCE El Podcast - Conoce el Sistema SIFE, watch at https://www.youtube.com/watch?v=Qpmclpn4_rw and <https://jce.gob.do/Noticias/jce-inicia-capacitacion-sobre-rendicion-de-cuentas-a-candidatos-y-candidatas-con-miras-a-elecciones-presidenciales-y-congresuales>

⁴⁴ Law 20-23, Article 218 (II); Rules on Financial Oversight and Control, Article 35 (III).

⁴⁵ Rules on Financial Oversight and Control, Articles 37 and 42; Proclamation declaring the electoral campaign period open, capping campaign spending, and limiting the amounts of individual contributions that may be made by private citizens to candidates to elected office for the ordinary general elections at the presidential, senatorial, and deputy levels on May 19, 2024, Article 6.

⁴⁶ According to the instructions of the JCE in the Proclamation (Article 11), the reports must be submitted through the SIFE by 7:00 p.m., on Friday, June 21, 2024.

⁴⁷ According to data provided by the Specialized Financial Control Directorate of the JCE, as of that date, of the six presidential candidates registered, only one had reported information on income and expenses. For senatorial candidates, 41 were registered and only four had filed reports; in the case of candidates for deputies, 337 were registered in the platform and 47 had reported any income or expenditure.



Although the law contemplates a fine for candidates who fail to submit the reports at the beginning of the proclamation,⁴⁸ the OAS/EOM was notified that the Unit for attention, follow-up and mechanisms for the enforcement of sanctions for electoral administrative offenses and precautionary measures had not issued any precautionary measures or penalties in connection with this election.

The OAS/EOM reiterates that the guarantees of fairness in the contest, which are helped by access to public financing and other factors, must be accompanied by strict compliance by political organizations and candidates with transparency and accountability obligations. In this sense, the authorities in charge of financial oversight and control must insist that political forces meet their reporting requirements and should have the necessary resources to carry out their duties in a timely manner, including with respect to control of the origin of private funds used for campaign financing. Timely and transparent access to data on the financial management of political parties is essential for citizens to exercise an informed vote.

With that in mind, the OAS/EOM offers the following recommendations:

- Provide the Unit responsible for the control and oversight of party financing with the human, technical, and financial resources they need to process and analyze income and expenditure reports in a timely manner.
- Establish specific penalties for any non-compliance with financial reporting obligations and deadlines.
- Conduct the necessary investigations and, where appropriate, firmly and effectively apply administrative and criminal penalties for non-compliance with accountability rules.
- Publicly insist in the post-electoral period on the deadlines and requirements with which political parties and candidates must comply in reporting their financial operations in connection with the elections.

Use of public resources in campaigns

In August 2023, at the start of the pre-campaign, the JCE issued Resolution 38 governing the involvement of public officials during the pre-campaign and campaign period. In addition,

⁴⁸ Law 20-23, Article 308 (18).

communiqués were issued reiterating these prohibitions, which are also contemplated in Law 20-23.

Various political and civil society actors with whom the Mission met alleged the use of public resources for electoral purposes by the governing party. Among other concerns, they mentioned the use of social programs and bonuses, distribution of food and other goods, and irregular allocation of pensions. Some political forces informed the OAS/EOM of instances reported to both the JCE and the Specialized Prosecutor's Office. However, the Mission was informed that, within the framework of the May electoral process, the JCE had not received any complaints giving rise to potential administrative sanctions. Regarding the Procurator's Office, representatives of the institution informed the Mission that a complaint had been filed regarding an alleged irregular allocation of pensions, for which investigations had been launched.

The OAS/EOM noted that there is no publicly available information on complaints received by the authorities responsible for administrative infractions and electoral crimes, nor on their status, which would allow for follow-up on the treatment they have received and whether or not they have resulted in the imposition of sanctions. The effective treatment of these complaints and the availability of information are important to generate conditions of transparency and reliability on the part of political and social actors to ensure the fairness of electoral processes.

In that regard, the OAS/EOM offers the following recommendations:

- Firmly demand that public officials abide by the restrictions established in the electoral laws.
- That the authorities responsible for taking up, investigating, and imposing administrative and criminal penalties, in accordance with their areas of competence, process complaints about possible misuse of State assets and resources for electioneering purposes in a timely manner.
- Consolidate and make publicly available information and statistics on complaints received, both in the administrative and criminal spheres, so that stakeholders, including organized civil society, can follow up on the treatment of such complaints.

Women's Political Participation

Through various electoral cooperation initiatives, the OAS General Secretariat has worked continuously over the past two years with different sectors in the Dominican Republic to advance towards greater equity in the political participation of women. These activities include the visit of



the High-Level Group to Strengthen the Political Participation of Women in May 2022; support to the TSE for the implementation of a gender mainstreaming plan; the organization in August 2023 of a workshop to follow up on the recommendations of the OAS/EOM in that regard, which included the development of a roadmap of action to advance their implementation; and the holding of a training event on the right of women to a political life free of violence in December that year. This reflects the desire of various institutions to work in different areas to ensure gender equity in the exercise of political rights, and the willingness of the GS/OAS to continue collaborating towards that goal.

Legal framework and quotas

The Electoral Regime Organic Law (Law 20-23) reiterates the obligation that already existed under the previous legal framework of a minimum percentage of 40% and a maximum of 60% of either sex in multicandidate tickets.⁴⁹ For the May 2024 elections, the JCE identified several cases of non-compliance with quotas, including on two tickets for deputies in the National District, one candidacy for deputies abroad, and candidacies for PARLACEN. In all, the JCE issued resolutions reiterating the obligation to fulfill the quota requirements, based on previous decisions on how the gender proportion should be distributed according to the number of candidates on the ticket⁵⁰ and on the obligation to take the quota into account in the criteria for determining the order of nomination.⁵¹ In one case, after repeated opportunities for the political organization submitting the ticket to make corrections, the JCE ultimately indicated how the ballot should be composed.⁵²

The rulings of the TSE were also key,⁵³ especially in rejecting the argument of parties that the mechanisms for determining candidates (surveys and reserves) took precedence over the gender quota. In that regard, the Tribunal stood firm on the compulsory nature of compliance with the gender quota, as it is a constitutional mandate.⁵⁴ The OAS/EOM welcomes the commitment of the electoral authorities to monitor strict compliance with the quota and, therefore, with the conditions for more equitable participation by women.

Despite such efforts, according to JCE data, there was a slight decrease in women's candidacies for both houses compared to 2020. In the case of the chamber of deputies, the number of women candidates declined from 44.26% in 2020 to 43.74% in 2024, and in the Senate, from 12.5% in

⁴⁹ Law 20-23, Article 142.

⁵⁰ JCE Resolution No. 12-2023.

⁵¹ JCE Resolution No. 1-2024.

⁵² JCE Resolution No. 35-2024.

⁵³ TSE 0335/24 and TSE 0307/2024, available at <https://tse.do/dispositivos-de-sentencias-2024/>

⁵⁴ TSE 0015/2024.

2020 to 11.38% in 2024.⁵⁵ In that regard, the Mission found that the absence of parity legislation, together with a weak commitment by parties to promoting a greater female presence in the composition of tickets beyond the mandatory minimum of 40%, were obstacles to progress in parity democracy.⁵⁶ At the presidential level, it is worth noting that, of nine candidacies, two were headed by women and, of the other seven, five had female vice presidential candidates.

According to the preliminary results published by the JCE, of the 34 senatorial seats in contention, 4 will be occupied by women: Azua, Hermanas Mirabal, Puerto Plata, and San Pedro de Macorís.

The OAS/EOM offers the following recommendations:

- Move forward with the adoption of parity legislation on both multicandidate and single-candidate positions (in the case of mayoral and senatorial offices, through horizontal parity).

Financing and access to resources

The Mission found women's lack of access to financing to be one of the main barriers to political participation. During the debate on the reform of the Electoral Regime Organic Law, the JCE prepared a comprehensive draft of reforms⁵⁷ that included provisions on the obligation of parties to allocate part of the State's contribution to promote the political participation of women;⁵⁸ however, those provisions were not included in the law adopted. Several actors and organizations with whom the Mission met agreed that the high cost of campaigns is an obstacle to female candidacies and that women encounter difficulties in accessing other types of resources, such as the media.

Accordingly, the Mission offers the following recommendations:

- Promote regulatory reforms that earmark budget allocations for women, both for education and training, as well as promoting their leadership.

⁵⁵ Data provided to the Mission at a meeting with TSE.

⁵⁶ Interviews held by the Mission with members of the JCE, TSE, Ministry for Women's Affairs, and civil society organizations.

⁵⁷ https://jce.gob.do/DesktopModules/Bring2mind/DMX/Download.aspx?EntryId=21777&Command=Core_Download&language=es-ES&PortalId=1&TabId=190

⁵⁸ Proposed amendment to Article 62 of Law 33-18.



- Establish the obligation for political parties to incorporate in their bylaws measures to do with the distribution of funds and resources in accordance with the principle of gender equity.

Political violence against women

The Mission welcomes the adoption of the recommendations made by the OAS in 2020 regarding the establishment of a regulatory framework to address gender-based political violence and the appointment of authorities with the power to prosecute and punish in that regard.⁵⁹ However, several stakeholders with whom the Mission met agreed that the decision to classify all causes of violence as electoral crimes, which should therefore be heard by the criminal courts, could limit access to justice and the effective imposition of penalties. At the meetings held, the Mission was informed about a willingness to advance legislative reforms to classify some acts of political violence as administrative offenses.⁶⁰

The OAS/EOM also learned about efforts by the Specialized Prosecutor's Office to promote a legal approach that is not limited to the imposition of sanctions, but includes alternatives such as awareness-raising programs on gender equality and the promotion of positive masculinity.⁶¹ The Mission also welcomes the fact that, in line with the recommendations made in February, the JCE adopted the measure to ensure that there is at least one female member of the PME at all voting centers.⁶²

The Mission verified progress in terms of awareness-raising and training on political violence against women targeting different groups: women politicians, prosecutors, law students, and PME personnel.⁶³ Likewise, the Specialized Prosecutor's Office and the JCE Observatory of Political Participation have begun talks with a view to developing a guide to filing of complaints.

However, at the meetings held, the Mission heard concerns regarding the difficulty on the part of victims to recognize that they are being subjected to political violence, and the technical and operational capacity of the Specialized Prosecutor's Office to address cases of violence against women in politics. Likewise, the Mission confirmed that the awareness-raising materials on

⁵⁹ Law 20-23, Article 316 (21).

⁶⁰ Meeting held with the JCE Observatory for Women's Participation.

⁶¹ Meeting with the Deputy Prosecutor of the Specialized Prosecutor's Office.

⁶² JCE Resolution No. 18-2024, paragraph II.

⁶³ Information provided by the Deputy Prosecutor of the Special Prosecutor's Office for Electoral Crimes and Offenses, the head of IESPEC, the Ministry for Women's Affairs, and civil society organizations.



electoral crimes—both those produced by the JCE and the Attorney General's Office—do not include examples related to violence against women in politics.⁶⁴

The Mission noted a consensus among various actors with whom it met regarding the fact that many obstacles to women's participation in politics occur within their own parties and are manifested in terms of access to decision-making positions in the organizations themselves, processes for selecting candidates and tickets, and access to resources.

Based on its observations, the Mission makes the following recommendations:

- Advance in the development and dissemination of action protocols and a mechanism for reporting cases of violence against women in politics, with indications as to procedures, competent agencies, and deadlines.
- Include violence against women in politics within the proposed comprehensive legislative reforms on violence against women and consider other avenues beyond the criminal justice system.
- Advance legislative reforms to incorporate provisions in party bylaws to address political violence against women.

Security and Electoral violence

The Mission considers electoral violence to be any form of intimidation or physical violence directed at stakeholders in the electoral process, the interruption of the electoral process, or damage to electoral materials, and which affects the free and transparent conduct of the electoral process and/or influences its results.

The OAS/EOM observed that the period leading up to the presidential and congressional elections was generally calm, with isolated incidents of electoral violence. In the context of the current election year, the only electoral violence that resulted in a fatality, which the OAS/EOM once again regrets and condemns, occurred in the run-up to the municipal elections in February. After those elections, the OAS issued recommendations regarding security and electoral violence. The Mission highlights the efforts of the electoral authorities and the government of the Dominican Republic to promptly address its suggestions.

⁶⁴ <https://elecciones2024.jce.gob.do/delitos-electorales>, <https://www.instagram.com/procuraduriagrld/>



Among the OAS recommendations taken into account by the electoral authority, worth mentioning is the publication of resolution 18-2024, which, among other things, instructed the PME to prevent congestion and the installation of tents in the vicinity of voting centers on election day. Such measures helped to ensure a safe and orderly environment during voting and were an important factor in the lower number of alleged electoral infractions and crimes observed on May 19. In general, the instructions were complied with at the voting centers observed and, despite some violations of the provisions on electioneering in the vicinity of the centers, a lower proportion of such instances were noted than in the February elections.

The Mission is grateful for the collaboration of the JCE Security Directorate, the PME, and the 911 system, through which it confirmed that the Dominican State had adequate plans and protocols in place for security deployment on the day of the election. Some of those protocols derive from previous OAS recommendations, including one addressed in JCE resolution 36-2024 regarding the chain of custody of electoral material.

Likewise, the recommendation to include a female PME officer at each voting center was also addressed, a measure that sought to provide confidence and make it easier for women voters to file complaints regarding, *inter alia*, alleged crimes of gender-based political violence. As indicated, this measure was observed in the vast majority of the centers observed, which in itself constitutes an important step forward.

The Mission found that some institutions lacked a risk analysis by which to anticipate possible acts or attacks during an election. Several officials stated that there was no history of such threats in the country's elections and, therefore, they did not consider this a priority.

The OAS/EOM offers the following recommendation:

- That the security agencies involved in the process conduct risk analyses of threats to the holding of elections, the electoral authority, and/or other actors of the process, and share those analyses with the various agencies involved in the organization of the poll.

The OAS/EOM corroborated that candidates for elected office do not receive official protection from the State, to which they could have access upon request; according to the authority, such requests do not occur, as candidates who consider it necessary prefer to make their own security arrangements. While welcoming the fact that there is no recent history of attacks or threats against candidates, the Mission considers it important that the Dominican State take preventive measures in that regard.

The OAS/EOM offers the following recommendation:

- Provide candidates with specialized state protection, in order to mitigate the possibility of an attack, with a special emphasis on presidential candidates, given their greater exposure.

Although Resolution 18-2024 empowers the PME to bring anyone violating its instructions before the Public Prosecutor's Office, the OAS/EOM observed that there is a general perception that the PME should not act on its own initiative, but at the behest of the presiding officer of the polling station, the polling station coordinator, or, if applicable, at the request of the Specialized Prosecutor's Office, which asks it to intervene to stop the commission of a crime, make an arrest, or collect evidence for bringing a criminal case.

The OAS/EOM offers the following recommendation:

- Raise the mechanisms mentioned in JCE resolutions to the rank of law, so that the PME can turn over to the Public Prosecutor's Office anyone caught in the act of committing a violation envisaged in the catalog of electoral crimes and offenses.

Campaigns, Media and Digital Communication

Free and informed vote

The Mission did not observe nor was it aware of any violations or threats to freedom of expression in the coverage of the electoral process. In general, the testimonies collected corroborate the progress made by the Dominican Republic in international freedom of expression metrics. However, there are still elements that could have an impact on the right to exercise a free and informed vote, such as the weight of state advertising in media finances.

The OAS/EOM highlights the wide range of information offered by the JCE in its institutional communications and its positioning in highly visible spaces, platforms, and media. In addition to the *Verify* web page where members of the public can ascertain where to vote, the JCE widely and creatively disseminated content encouraging suffrage at home and abroad, and promoted an informative, educational package on the rules of the electoral process, including information about potential irregularities and channels for reporting them. The JCE's communication also provided citizens with information on the proposed electoral options available. By contrast, the institutional communication of the TSE could still benefit from a greater focus on keeping the citizenry—not only political organizations—informed, particularly regarding mechanisms for upholding their political/electoral rights. Although political parties are the main sources of action



in electoral contests, the law contains different provisions providing judicial protection for the exercise of citizen suffrage.

In that regard, the OAS/EOM offers the following recommendation:

- That the TSE develop a strategic communication plan to increase Dominicans' awareness of their electoral law, especially that which enshrines their rights and the effective guarantee mechanisms to enforce them, as well as the tools at their disposal to monitor the behavior of public officials.

Fairness in the contest

Concerns about fairness in the contest were a key component of complaints that the Mission received from multiple actors in the electoral process, including both the political opposition and civil society. Regarding the campaign, complaints can be classified under two main types: that state advertising had an impact on the electoral contest and that there was considerable asymmetry in the ability of political parties to access resources to finance campaigns, including public resources.

Regarding government advertising, the Mission notes that Participación Ciudadana, a civil society organization, reported that in the early months of 2024, the executive branch spent over six times more on advertising than in the same period the previous year.⁶⁵ The OAS/EOM considers that the rules on aspects with which the opposition was most dissatisfied are lax. For example, Article 210 of Law 20-23 stipulates that state advertising during the campaign cannot contain elements that directly or indirectly promote voting for any candidate; however, paragraph II of the same article excludes social assistance, community aid, or regular public service programs envisaged in the State's regular planning from that ban. The Mission noted such advertising—especially by government ministries—in the days before the election.

The OAS/EOM confirmed that, despite the proliferation of complaints in the media and on networks about government advertising spending, as of May 13 no formal complaints in that connection had been made to the Unit for attention, follow-up and mechanisms for the enforcement of sanctions for electoral administrative offenses and precautionary measures of the JCE.⁶⁶ In the days prior to the election, a documentary praising the work of the president of the republic, who was standing for reelection, was widely disseminated. The documentary contained

⁶⁵ Fourth observation report on the 2024 elections, corresponding to the presidential and congressional campaign, p. 8.

⁶⁶ Formally, Unit for attention, follow-up and mechanisms for the enforcement of sanctions for electoral administrative offenses and precautionary measures.



images captured in the National Palace and other spaces belonging to the Dominican State, and in the same material invited votes for the ruling party. The governing party also produced and circulated in social networks a short advertising film which prominently featured images and equipment belonging to the Army of the Dominican Republic, followed by the campaign slogan and symbols of the ruling party. Despite its wide dissemination, the above Unit received no complaints in that regard, nor exercised its legal power⁶⁷ to apply precautionary measures on its own initiative to put an immediate stop to potentially unlawful activities.⁶⁸ The OAS/EOM observed that both the documentary and the aforementioned short advertising film were available on the candidate's and his party's channels at the time of the poll.

Regarding asymmetry in access to resources for campaign advertising, the distribution of state funds to political parties based on their performance in the previous electoral cycle tends to favor the perpetuation of existing options and hinder the emergence of new alternatives. The Mission again found that free access to state media is not overly attractive to political parties, due to low viewership of public television.

At the same time, lack of transparency and accountability neutralizes the possibility of timely and effective control over advertising spending, both in terms of ensuring compliance with the rule allocating only 40% of the state contribution to campaigns in an election year—which must also be distributed proportionally among the party's candidates—as well as in terms of monitoring actual spending on advertising, including advertising in traditional and non-traditional media.⁶⁹ In the absence of information, it is impossible for the electoral authority and the public to determine which advertising was paid for and at what expense, and which was paid for with in-kind donations, which should also be reported. All of the above frustrates existing rules on campaign ceilings, caps on private contributions, and provisions on fairness in the contest. The latter also impairs the effective implementation of other provisions under Dominican law, such as the prohibition for private media to discriminate against political parties in their advertising rates.

The OAS/EOM reiterates recommendations made since 2012, and adds new ones:

- Enact legal reforms to clarify limitations and eliminate ambiguities from existing legislation on state advertising during electoral periods.

⁶⁷ Law 33-18, Article 59 (IV).

⁶⁸ Law 20-23, Article 210.

⁶⁹ Law 33-18, Article 62 (3).



- Point out the responsibilities of different oversight bodies in charge of monitoring, ordering cautionary measures, investigating, and punishing breaches of advertising standards.
- Emphasize in institutional communications the civic importance of citizens themselves being vigilant and demanding compliance with the rules.
- Undertake a national discussion on the advisability of moving towards financing arrangements and media access that favor political pluralism, the right to information, and fairness in the contest.
- Utilize the media and digital monitoring tools already available to the JCE Communications Directorate to contribute to control of party financing and compliance with limitations on state advertising.

Propaganda

Regarding the dissemination of propaganda, the Mission observed that, in general, the restrictions as to content, space and form established in the legislation were respected. This was not the case with regard to temporary restrictions, specifically the electoral blackout period provided in Article 165 of Law 20-23.⁷⁰ The Mission noted paid advertising on social networks and digital media even while the poll was taking place and afterwards, as well as multiple instances of billboards and posters in full public view on election day, although, as indicated, to a lesser extent than in other elections.

The OAS/EOM reiterates a 2020 recommendation and incorporates an additional suggestion:

- Instruct electoral oversight agencies and those that punish violations of electoral rules to develop social listening tools, such as those available to the JCE Communication Directorate, so that they can respond to situations where citizens use that channel as an informal and prompt reporting mechanism.
- Establish the necessary contacts with companies that own digital platforms to ensure that they meet their obligation to facilitate enforcement of Dominican electoral law and collaborate with its electoral authorities.

⁷⁰ In this regard, it should be noted that Article 165 (6) and, in particular, Article 179 of Law 20-23 do not limit the ban to traditional media or paid content.



Opinion polls and surveys

The OAS/EOM in 2012 recommended the regulation of surveys. Law 20-23 addresses this recommendation; however, it does so insufficiently and has been only weakly implemented. The law does not require attestations to accredit the technical adequacy of organizations to carry out opinion polls. Added to this is the apparent consistent failure to fulfill the provisions of Article 215 of Law 20-23, according to which, when publishing a poll or survey, it must be specified who conducted it, who commissioned it, its technical characteristics (such as sampling method, sample size, margin of error, level of representativeness, selection procedure for respondents, and date of fieldwork), and the full text of the questions and the number of people who did not answer each one.

Nor does the legislation include a penalty for persons or organizations that disseminate polls in the eight-day period prior to the elections, as it does for pollsters.⁷¹ In the week prior to the election and even on election day itself, the OAS/EOM observed the paid dissemination of polls of questionable reliability that verged on electioneering. It also observed the dissemination of exit polls that did not conform to the law,⁷² which the JCE had clarified prior to the poll.⁷³

The OAS/EOM offers the following recommendations:

- Amend the rules on polls to ensure that all parties subject to an obligation are also liable to penalties for non-compliance.
- Include and enforce prompt oversight and punishment mechanisms to strengthen compliance with the rules on opinion polls and surveys.

Disinformation

The OAS/EOM was concerned about the dissemination of an audio generated with artificial intelligence that simulated the voice of the president of the republic and candidate for reelection, whose content was aimed at sowing tension in relation to a sensitive domestic political issue. The Mission salutes those of the opposition who denounced the falseness of the audio, instead of propagating it. The defense of an information environment founded on truth is key.

⁷¹ Law 20-23, Article 308 (17), referring to conduct governed by Article 216 of the same law.

⁷² Law 20-23, Article 216 (II).

⁷³ <https://x.com/juntacentral/status/1791935067956134352?s=46&t=v8kO6-99UUcDPRcYrd0BYA>



Artificial intelligence offers immense opportunities, but it also poses incalculable risks when used to undermine democracy and erode freedom and human rights. As this is a widespread and growing problem throughout the world, the OAS believes that it is a matter that countries should debate in multilateral forums.

With that caveat, the Mission did not observe intensive use of disinformation strategies during the campaign, apart from isolated events, nor was hate speech propagated by spokespersons who carried any weight in Dominican public opinion.

Finally, it should be noted that the JCE has a robust communications crisis response and management capacity to face eventualities that could compromise the normality and reliability of the electoral process, including digital monitoring that enables it to identify people's concerns and doubts, as well as to receive early warnings of risks of disinformation, hate speech, and incitement to violence. In addition, there are digital literacy communication products and ambitious training processes against disinformation which have been jointly developed by the Specialized Institute for Electoral Political and Civil Status Training and the Communication Directorate of the JCE. Likewise, the workshop on disinformation and elections, held at the end of November 2023 by the OAS Department of Electoral Cooperation and Observation for JCE staff.

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