



**NATIONAL DEMOCRATIC INSTITUTE  
FOR INTERNATIONAL AFFAIRS**

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**Interim Report  
on the  
May 16, 1994 Elections  
in the Dominican Republic**

**Issued  
August 12, 1994**

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# National Democratic Institute For International Affairs



conducting nonpartisan international programs to help promote, maintain and strengthen democratic institutions

1717 Massachusetts Avenue, NW  
Fifth Floor  
Washington, DC 20036  
(202) 328-3136  
FAX (202) 939-3166  
E-MAIL 5979039@MCIMAIL.COM

## NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) was established in 1983. By working with political parties and other institutions, NDI seeks to promote, maintain and strengthen democratic institutions in new and emerging democracies. The Institute is headquartered in Washington, D.C. and has a staff of 120 with field offices in Africa, Asia, Eastern Europe, Latin America and the former Soviet Union.

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**Election Processes:** NDI provides technical assistance for political parties and nonpartisan associations to conduct voter and civic education campaigns and to organize election monitoring programs. The Institute has also organized more than 25 major international observer delegations.

**Strengthening Legislatures:** NDI organizes seminars focusing on legislative procedures, staffing, research information, constituent services, committee structures and the function and role of party caucuses. NDI programs also seek to promote access to the legislative process by citizen groups and the public at large.

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**NDI International Observer Delegation  
Dominican Republic Presidential Elections  
May 16, 1994**

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Former Member of Congress  
United States

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United States

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Center for Democratic Studies  
Paraguay

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United States

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Inter-American Dialogue  
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**INTERIM REPORT  
ON THE MAY 16, 1994 ELECTIONS  
IN THE DOMINICAN REPUBLIC**

This interim report, issued on the eve of the August 16 presidential inauguration, assesses the May 16 elections in the Dominican Republic. The National Democratic Institute for International Affairs (NDI) organized an international delegation to observe the elections in order to demonstrate support for democracy in the Dominican Republic and to provide the international community with an objective assessment of the Dominican electoral process.

The NDI observer delegation visited polling sites in areas throughout the Dominican Republic on election day. On May 18, two days after the elections, the delegation issued a preliminary statement, that highlighted irregularities that marred the electoral process. The delegation withheld a final assessment of the process, pending release of the final results and an evaluation of the election-related complaints filed by the various political parties with appropriate Dominican authorities.

This interim report discusses the international delegation's observations as well as the events that have occurred since election day. NDI will issue a final report on the 1994 Dominican election process, including conclusions and recommendations, in the near future.

**I. SUMMARY**

On August 2, 1994 the Central Election Board of the Dominican Republic (Junta Central Electoral - JCE) declared incumbent President Joaquín Balaguer the winner of the May 16, 1994 presidential election. (See Appendix A.) The JCE stated that President Balaguer's victory over Dr. Jose Francisco Peña Gómez was by a margin of 22,281 votes (approximately 0.74 percent of the valid votes cast).

After reviewing 15 percent of the polling station lists, the Verification Commission, which was set up by the JCE to investigate the irregularities that occurred on May 16, estimated that up to 45,000 voters were disenfranchised on election day. A review of the challenged ballots ruled valid and counted by the JCE showed that approximately 75 percent were cast for Peña Gómez and more than 80 percent for the opposition candidates, which suggests that disenfranchised voters were disproportionately opposition supporters. The JCE, however, ignored the fact that the margin of victory was smaller than the number of voters disenfranchised and that opposition supporters were disproportionately affected.

Given the closeness of the vote and the widespread irregularities, the legitimacy of the May 16 elections must be called into question. The Dominican authorities failed to fulfill their mandate to organize an electoral process that ensured that the will of the citizenry would be expressed.

The major political parties, including their presidential candidates, have now agreed in a "Pact for Democracy" that new elections can overcome the problems of the May 16 polling. Under the Pact, new elections are to be held on November 15, 1995, with the winner to serve the remainder of President Balaguer's four-year term. Such elections must be accompanied by meaningful reforms that will prevent the reoccurrence of the serious irregularities that have beset previous electoral exercises in the Dominican Republic. The international community should support these reforms and help ensure that they are implemented in preparation for the new elections.

## II. INTRODUCTION

The Dominican Republic held national elections on May 16, 1994. Voters were to elect a president, congress and local officials. The three main presidential candidates were all well-known figures who have participated in past elections: incumbent President Joaquín Balaguer Ricardo, Social Christian Reformist Party (PRSC); former President Juan Bosch Gaviño, Dominican Liberation Party (PLD); and José Francisco Peña Gómez, Dominican Revolutionary Party (PRD).

This was NDI's second international observer delegation to the Dominican Republic. NDI observed the 1990 polling as part of a joint delegation with the Carter Center of Emory University led by former President Jimmy Carter. The May 1990 election was the closest presidential contest in Dominican history up to that time. It also was one of the country's most disputed elections. President Balaguer defeated Juan Bosch by 1.2 percent (24,470 votes), and the results were not certified until two months after the balloting. The NDI/Carter Center delegation concluded that aspects of the elections were flawed, but there was not adequate documentation to substantiate charges that the irregularities necessarily changed the outcome.

For the 1994 electoral process, NDI sent a five-member international delegation to the Dominican Republic from April 19-23 to assess the pre-election environment and preparations for the elections. NDI then organized a 26-member international delegation to observe the May 16 elections. The delegation was led by former U.S. Representative Stephen J. Solarz and included parliamentarians, political party leaders, regional specialists and election experts from Europe, the Middle East, Central America, North America and South America.

The delegation noted that during the campaign the contesting political parties were able to communicate freely with the electorate through the news media, rallies and other avenues. In another positive development, a Pact of Civility was signed by most of the major presidential candidates and formally witnessed by a commission of prominent Dominican leaders (the Dominican Commission to Comply with the Pact of Civility, or "Civility Commission"), in which the candidates promised to respect the official electoral results and refrain from declaring victory prematurely.

The delegation also noted that several measures had been taken to reform the Dominican electoral process following the 1990 elections. These included: expanding the JCE from three to five members and including members nominated by all of the three principal parties

represented in the National Congress; expanding the number of polling sites; and instituting a new identity card system. The JCE also accepted technical assistance from the Organization of American States (OAS) and the International Foundation for Electoral Systems (IFES) in order to better implement electoral reforms. However, it has become apparent that the technical improvements were not sufficient to guarantee genuine, democratic elections.

The NDI delegation arrived in the Dominican Republic on Thursday, May 12. On election day, members of the delegation visited polling stations and municipal electoral boards in rural and urban areas in 10 regions throughout the nation and also monitored activities at the JCE. The regions observed by the delegation included: Barahona; Comendador; Puerto Plata; La Romana; San Francisco de Macoris; San Juan; San Pedro de Macoris; Santiago; La Vega; and the Santo Domingo area. These regions and the polling sites chosen by the delegation's teams were coordinated with the observer delegations sponsored by the OAS and IFES. The NDI delegation was in continuous communication with these other observer groups.

### III. ELECTION DAY

The Dominican people demonstrated great enthusiasm in seeking to vote on May 16. More than 87 percent of eligible voters came to the polls. Thousands of prospective voters lined up beginning hours before the 6 a.m. scheduled opening of the polls, and large numbers of voters endured long waits in order to cast their ballots. The record turnout and the enthusiasm of the prospective voters added weight to the obligations of officials to conduct a free and fair electoral process.

On election day, the NDI delegation observed that the JCE had issued two different voter lists: one supplied to the election officials at the polling sites (official lists) and the other distributed by the JCE to the political parties at an earlier date (political parties lists). Many of the names that were present on the political parties lists did not appear on the official lists used at the voting tables, although no legal way exists for a name to have been deleted before the official lists were printed. As a consequence, many prospective voters who arrived at the polls with valid voter cards (*cedulas*) were turned away without being permitted to vote.

The NDI delegation noted in its preliminary post-election statement that the main opposition parties, the Dominican Revolutionary Party (PRD) and the Dominican Liberation Party (PLD), claimed that a disproportionate number of those disenfranchised individuals identified themselves to party delegates as PRD or PLD supporters. In many instances, the NDI delegation was able to confirm that a disproportionate number of cases did affect opposition parties. This conclusion was based on direct observation of disenfranchisement and was confirmed by PRSC pollwatchers and election officials who corroborated claims made by the PRD and PLD. In several locations, especially in Santiago, the country's second-largest city, large numbers of frustrated would-be voters were gathering in the streets and violence appeared to be a real prospect.



Concerned about voter disenfranchisement, political party leaders, members of the Civility Commission and the leaders of the NDI, OAS and IFES delegations urged the JCE to take action to rectify the situation.

The JCE eventually decided to extend the voting from 6 p.m. to 9 p.m. and allow citizens with valid voting cards, but whose names did not appear on the official voter lists, to cast challenged ballots (*votos observados* or observed votes). The resolution announcing these modifications was broadcast on television at approximately 6:10 p.m. -- after the polls closed - which substantially negated its impact. Many polling sites did not remain open after the scheduled closing, because they did not receive news of the resolution in time, and many voters were unable to return to the polling sites.

Some election officials who received news of the resolution before closing their tables kept their polls open for the extra period of 6 p.m. to 9 p.m. to allow voting by challenged ballots. Approximately 17,000 challenged ballots were cast on election day; presumably, the majority of those belonged to individuals who had been turned away earlier.

Two days after the elections, the NDI delegation issued a preliminary statement concluding that, while it was impossible at that point to quantify the disenfranchisement phenomenon, its apparent magnitude and distribution indicated that the disenfranchisement could affect the outcome of the elections. (See Appendices B, C and D.) While it did not rule out the possibility of computer or human error, the delegation noted that the pattern of disenfranchisement -- which affected predominately votes for opposition parties -- suggested the real possibility that a deliberate effort was made to tamper with the electoral process. According to the last set of preliminary election results released by the JCE on May 18, Balaguer was leading Peña Gómez by 30,966 votes.

Among other concerns highlighted by the NDI delegation in its preliminary statement were the following:

- The delegation noted with regret the serious incidents of violence that resulted in a number of deaths during the election campaign. Tension over the possibility of violence heightened after election day as a consequence of doubts raised by the irregularities.
- Before the elections, voters reported many instances where they encountered difficulties in obtaining their new *cedulas* and in correcting mistakes on the cards that they had received. Reportedly, more than 200,000 *cedulas* were not distributed by election day, thus potentially preventing a significant number of prospective voters from exercising their franchise. This issue has not been addressed by election authorities in the post-election period, which further clouds the election picture.
- There were problems at polling sites (*mesas electorales*) in adding the results entered onto tally sheets (*actas*), which created problems with entering *mesa-by-mesa* tabulations into computers at the Municipal Electoral Boards (Juntas Municipales Electorales - JMEs). This situation created delays in consolidating national results and raised questions about the effectiveness of the JCE's computerized tabulation process. The JCE

ordered a re-tabulation of the *acta* vote tallies in order to compile more accurate election results. The reduction of the vote margin from approximately 30,966 to 22,281 may be the result of this re-tabulation. Until the JCE explains the method by which it reached its final vote count, however, there will continue to be uncertainty regarding the basis for its vote totals.

The delegation urged the appropriate Dominican authorities to investigate the nature and extent of the disenfranchisement in order to establish: (a) why so many voters obtained *cedulas* but their names did not appear on the official voter lists; (b) who may have been responsible for this phenomenon; and (c) what steps were necessary to correct the situation.

#### IV. POST-ELECTION DEVELOPMENTS

On June 7, the JCE set up an *ad hoc* commission, known as the "Verification Commission," to investigate the irregularities that occurred on election day. The principal mandate of the Commission was to verify the complaints received by the JCE regarding the voter lists. The Commission, chaired by the JCE director of elections, was asked to report to the JCE but was not given authority to recommend specific remedial actions.

On July 12, the Verification Commission released its final report that recognized the existence of two different voter lists. One, the official list, was distributed to the polling sites. The other, the political parties list, was distributed at an earlier date by the JCE to the political parties. The report noted that the names of some voters did not appear on the official lists, while they did appear on the political parties lists. Furthermore, it reported that the *cedula* numbers of the disenfranchised voters appeared on the official lists, but with different names.

The Verification Commission received evidence from each of the political parties concerning the vote count, the disenfranchisement of voters and other areas within its mandate. The Commission and its international technical advisors, associated with IFES and OAS, examined the evidence presented as well as the JCE's computer data bases and systems. This process, however, did not include a comprehensive comparison of the actual lists used on election day by officials with those used by the political parties. This evidence was based on an analysis of approximately 15 percent of the polling sites.

The Commission assessed the work done by the political parties to compare the political parties lists with the official lists from the different polling locations. The Commission was able to investigate the lists from slightly more than 1,400 polling sites out of approximately 1,900 lists submitted by the political parties. The Commission concluded on the basis of this limited review that there were as many as 45,000 disenfranchised voters. (See Appendix E.) While finalizing their report to the JCE, the Commission received additional lists from the PRD. Presumably, these lists demonstrated a number of additional cases of disenfranchised voters. However, the Commission stated that it was then too late to evaluate these lists.

In an attempt to determine the origin of the names that appeared on the official list in place of the names of the disenfranchised voters, the Commission selected a sample of 321

polling sites and investigated the names substituted for the disenfranchised individuals. The Commission found that 40 percent of the substituted names were somewhere on the JCE's master file, while 60 percent of the names did not appear on any of the JCE's lists, including the master voter registry file, the file of ineligible voters and the file of canceled cards, deceased persons and military personnel. This 40 percent of the missing names had been moved to lists at another voting site (a possible computer error), while 60 percent of the missing names had been replaced by fictitious names not found in the data base (an unlikely computer error).

The 45,000 figure for disenfranchised voters calls into question the official results of the elections, which was based on a 22,281-vote margin of victory. The result is even more questionable however, when the pattern of the disenfranchisement is considered. According to the JCE results from counting the challenged ballots, 74.70 percent was cast for the PRD; and only 16.06 percent was cast for the PRSC, with the PLD and other parties garnering the balance. (See Appendix F.)

In addition to recognizing and quantifying the disenfranchisement problem, the Verification Commission investigated the possible causes. While this issue may not have been central to finding a solution to the immediate Dominican political crisis, it could affect the credibility of future Dominican elections. The Verification Commission's report does not find conclusive evidence to explain the disenfranchisement. A thorough and impartial investigation should be carried out to determine whether the voter lists were intentionally altered. Appropriate legal action should be taken against any individual found to be responsible for any alterations of the lists.

Among the troubling issues that the Verification Commission's report fails to settle are:

- Why party representatives and international technical consultants were denied access to the JCE's computer center at the approximate time that the official lists were produced for use at the polling sites on election day. (See Appendix G.)
- How the names of the voters on the official lists were replaced by fictitious names in 60 percent of disenfranchisement cases. (See Appendix E.)
- Why the disenfranchisement disproportionately affected the opposition parties. (See Appendix F.)

## V. CONCLUSION

The official results of the elections announced by the JCE on August 2 cannot be accepted as an accurate reflection of the will of the Dominican electorate. According to the Verification Commission's estimate, up to 45,000 voters were denied the opportunity to vote, while the margin of victory as announced by the JCE was only 22,281 votes. Furthermore, most of the disenfranchisement appears to have affected voters supporting the major opposition parties.

Dominican electoral authorities did not fulfill their obligations to the Dominican people and the international community to thoroughly investigate election irregularities and take appropriate and timely remedial action. While the JCE took post-election steps, such as creating the Verification Commission, it did not move quickly and decisively to investigate all electoral problems and to order remedial actions necessary to address these problems. Moreover, the work of the Verification Commission, just as the complaints of the political parties lodged with the JCE, was ignored in the JCE's final decision. This situation creates the impression that the JCE may not have acted in good faith. Certainly, the JCE failed to ensure a sound election process.

Under the Pact for Democracy, new elections are now being supported by all of the major political parties as the only acceptable solution to a seriously flawed election process. NDI commends this agreement and all of those who worked to reach it. Without new elections, the right to political participation guaranteed to every citizen under Dominican law and the Inter-American Convention on Human Rights would have been violated. In addition to new elections, however, meaningful electoral reforms must be put in place. Among these reforms are the following, some of which are included in the Pact for Democracy:

- a reconstituted JCE, of which all members are approved by each of the major political parties;
- a reliable computer system that can guarantee the accuracy of voter lists and that is operated in a transparent manner;
- new voter lists posted and otherwise made public in a timely manner so that citizens may review them and petition to have their names added;
- the final voter lists used by officials on election day to be posted publicly well in advance of election day and remain posted for a reasonable time; and
- access to all stages of the electoral process be accorded to political parties as well as domestic and international observers.

The fact that more than 87 percent of the electorate turned out to vote on May 16 underscores the support of the Dominican people for democratic institutions and practices. The international community should continue to focus its attention on the democratic process in the Dominican Republic in order to help ensure that the electoral agreement is maintained and that election reforms are implemented. If the Pact for Democracy or meaningful reforms are not carried out, the international community should take steps to address the breakdown of democratic processes in the Dominican Republic. The OAS should consider invoking Resolution 1080 in order to take appropriate action. NDI recognizes, however, that it is the Dominican people who will ultimately judge the electoral process and the legitimacy of the resulting government.

## Appendices

Resolution by the Central Electoral Board

544-2023

CORTESIA: MARTA LUISA



REPUBLICA DOMINICANA  
JUNTA CENTRAL ELECTORAL



NUM. 63/94.-

ACTA DE LA SESION CELEBRADA EL DIA DOS (2) DEL MES DE AGOSTO DEL AÑO MIL NOVECIENTOS NOVENTA Y CUATRO (1994).-

En la Ciudad de SANTO DOMINGO DE GUZMAN, Distrito Nacional, REPUBLICA DOMINICANA, a Los dos (2) días del mes de Agosto del año Mil Novecientos Noventa y Cuatro (1994), siendo las dos horas de la tarde, la JUNTA CENTRAL ELECTORAL se reunió en su local de la Segunda Planta del Edificio que ocupa, sito en la Avenida Gregorio Luperón, Esquina 87 de Febrero, de esta Ciudad, para la expedición de los Certificados de Elección correspondientes al Presidente y Vicepresidente de la República electos en los comicios generales celebrados el 16 de Mayo de 1994.

Estuvieron presentes en la Sesión, el Presidente, DR. MANUEL RAFAEL GARCIA LIZARDO, y los Miembros Doctores JOSE HENRIQUEZ ALMANZAR, LEONARDO MATOS BERRIDO, POMPILIO BUNILLA CUEVAS y FULGENCIO ROBLES LOPEZ, asistidos del Secretario Sr. ANABLE DIAZ CASTILLO.

Comprobada la asistencia de todos los Miembros de la Junta, el Presidente declaró abierta la Sesión.

De inmediato se procedió a dar lectura a la Resolución dictada por la JUNTA CENTRAL ELECTORAL, la cual dice así:



REPÚBLICA DOMINICANA  
**JUNTA CENTRAL ELECTORAL**

- 2 -



NUM. 58/94

VISTAS: las relaciones de los cómputos formulados por las Juntas Electorales, de las votaciones efectuadas en toda la República en las Elecciones Generales celebradas el día 16 de Mayo de 1994, cuyo resultado para los cargos de Elección Nacional es el siguiente:

**PARA PRESIDENTE DE LA REPUBLICA**

Votos

DR. JOAQUIN BALAGUER RICARDO, de la Alianza Electoral acordada por los partidos Reformista Social Cristiano (PRSC), Quisqueyano Demócrata (PQD), Liberal de la República Dominicana (PLRD), Nacional de Veteranos Civiles (PNVC), Democrático Institucional (PDI), del Pueblo Dominicano (PPD), Movimiento de Conciliación Nacional (MCN), Demócrata Popular (PDP) y el Renacentista Nacional (PRN),

1,875,460

DR. JOSE FRANCISCO PERA GOMEZ, de la Alianza Electoral acordada por los Partidos Revolucionario Dominicano (PRD), Popular Cristiano (PPC), de Los Trabajadores Dominicano (PTD), Concertación Democrática (CD), Unidad Democrática (UD) y el Bloque Institucional Socialdemócrata (BIS),

1,253,179

JUAN BOSCH, de la Alianza Electoral acordada por los Partidos de la Liberación Dominicana (PLD), Fuerza Nacional Progresista (FNP) y Alianza Social Demócrata (ASD)

595,653

LIC. JACOBO MASLUTA AZAR, del Partido Revolucionario Independiente (PRI),

68,910



REPUBLICA DOMINICANA  
**JUNTA GENERAL ELECTORAL**

- 3 -



V0204

**PAULINO ANTONIO REYNOSO Y REYNOSO,**  
 por el Movimiento Independencia, Unidad  
 y Cambio (MIUCA).

22,548

**PARA VICEPRESIDENTE DE LA REPUBLICA**

**JACINTO BIENVENIDO PEYNADO GARRIGOSA,**  
 de la Alianza Electoral acordada por los  
 Partidos Reformista Social Cristiano (PRSC),  
 Quisqueyano Democrata (PQD), Liberal de -  
 la Republica Dominicana (PLRD), Nacional-  
 de Veteranos Civiles (PNVC), Democrático-  
 Institucional (PDI), del Pueblo Domincua-  
 no (PPD), Movimiento de Conciliación Na-  
 cional (MCN), Democrata Popular (PDP) y -  
 el Renacentista Nacional (PRN).

1,275,460

**LIC. FERNANDO ALVAREZ SOGAERT,** de la  
 Alianza Electoral acordada por los parti-  
 dos Revolucionario Dominicano (PRD), Popu-  
 lar Cristiano (PPC), de los Trabajadores-  
 Dominicano (PTD), Concertación Democráti-  
 ca (CD), Unidad Democrática (UD) y el Blo-  
 que Institucional Socialdemócrata (BIS).

1,255,170

**DR. LEONEL FERNANDEZ REYNA,** de la -  
 Alianza Electoral acordada por los Parti-  
 dos de la Liberación Dominicana (PLD), -  
 Fuerza Nacional Progresista (FNP) y Allan-  
 za Social Democrata (ASD).

595,653

**JOSE FRANCISCO HERNANDEZ,** del Partid-  
 o Revolucionario Independiente (PRI).

42,910

**RAMON VARGAS MERA,** del Movimiento -  
 Independencia, Unidad y Cambio (MIUCA).

22,548





REPÚBLICA DOMINICANA  
JUNTA CENTRAL ELECTORAL

• 4 •



POR TANTO, y visto el artículo 180 de la Ley Electoral, se declaran ganadores de las Elecciones Generales Ordinarias celebradas el 16 de Mayo de 1994, como Presidente y Vicepresidente de la República, a los señores DR. JOAQUIN BALAGUER-RICARDO y JACINTO BIENVENIDO PEÑADO GARRIGOSA respectivamente y en consecuencia se le expiden los correspondientes Certificados de Elección.

A solicitud del Miembro, Dr. Fulgencio Robles López, - se hace constar que el no está de acuerdo con los conceptos generales contenidos en la Resolución precedentemente transcrita y que por tanto disiente de los mismos, porque todas sus opiniones anteriores estuvieron sujetas a reservas de modificación, rectificación o rechazo de decisiones posteriores que dieran at- traste con la Resolución final.

Se hace constar que para el despacho del presente acto, - la JUNTA CENTRAL ELECTORAL estuvo asistida de los funcionarios siguientes: del Director General de Elecciones, Dr. Julio Brea Franco; del Director Administrativo, Dr. Francisco Ramírez Muñoz, y del Infrascripto Secretario, Amable Plas Casillo.

Siendo las dos (2) horas y treinta y cinco (35) minutos de la tarde, y no habiendo otra cosa que tratar, el Presidente clausura la presente sesión pública.

En fe de lo cual se levanta la presente acta en la fecha-



REPUBLICA DOMINICANA  
JUNTA CENTRAL ELECTORAL

- 5 -



*y lugar indicados, la cual firma el Presidente junto con el  
Secretario.*

DR. MANUEL R. GARCIA LIZARDO,  
Presidente.

AMABLE DIAZ CASTILLO,  
Secretario.

NRGL  
ADC/al.



# NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

Fifth Floor, 1717 Massachusetts Avenue, N.W. Washington, D.C. 20036 (202) 328-3136

■ FAX (202) 939-3166

■ E-Mail 5979039@MCI.MAIL.COM

## *Appendix B*

### PRELIMINARY STATEMENT May 18, 1994

#### NDI INTERNATIONAL OBSERVER DELEGATION TO THE MAY 16 DOMINICAN REPUBLIC ELECTIONS

This is the preliminary statement of a 26-member international delegation that observed the May 16 elections in the Dominican Republic. The delegation, organized by the National Democratic Institute for International Affairs (NDI), includes parliamentarians, political party leaders, regional specialists and election experts from 10 countries in Europe, the Middle East, Central America, North America and South America.

This and other observer delegations have been welcomed by the Central Electoral Board (JCE), the government, major political parties, and the Dominican people. Our delegation came as observers. We did not seek to supervise the elections or certify the integrity of the process. Ultimately, it is the Dominican people who must judge the elections.

The primary purposes of the delegation are to demonstrate the international community's continued support for the democratic process in the Dominican Republic and to provide the international community with an objective assessment of the May 16 elections. We also are here to learn from the Dominican people about the nature of the electoral process and its implications for the further development of the Dominican Republic's democratic institutions.

This is NDI's second international observer delegation to the Dominican Republic. NDI observed the 1990 polling as part of a joint delegation with the Carter Center of Emory University. For the 1994 electoral process, NDI sent a 5-member international delegation to the Dominican Republic from April 19-23 to assess the pre-election environment and preparations for the elections. In addition, there has been an NDI staff presence here since May 2 in preparation for the delegation's activities.

NDI is in close communication with other international observer delegations that are monitoring the May 16 elections. In addition, members of the delegation will remain in the Dominican Republic to observe post election-day developments, which will be important to informing the international community about the evolving character of the Dominican electoral process.

The delegation's mandate included the examination of three distinct aspects of the election process: the campaign; election-day proceedings; and the tabulation of results to date. This statement is a preliminary assessment of these issues. We note that the tabulation



of results and the resolution of any electoral complaints have yet to be completed. NDI will continue to monitor developments and will issue a more detailed report at a later date.

The delegation arrived in the Dominican Republic on Thursday, May 12. During our stay we met with government and election officials, leaders of the major political parties, representatives of the Catholic Church and Pontifical Catholic University, journalists and others involved in the electoral process in Santo Domingo and in nine other regions around the country. On election day, members of the delegation visited polling stations and municipal electoral boards in rural and urban areas throughout the nation.

The delegation noted that following enactment of new legislation in 1992, the JCE took significant steps to modify election processes. The JCE was expanded from three to five members, and a new JCE was incorporated from all of the three principal parties represented in the National Congress. A new unified identity card, including a photograph, was introduced to replace the old two-identity card system. The multiple use ballot was replaced with a three-ballot system. The number of polling places (mesas) was increased from 6,663 to 9,528. The vote counting and tabulation processes were modified to enter results into computers at the Municipal Electoral Boards (JMEs) rather than all data being entered at the JCE as was done in 1990. Also, technical assistance was provided to the JCE over the last year by the Organization of American States (OAS) and by the International Foundation for Electoral Systems (IFES).

The contesting political parties were able to communicate with the electorate through the news media, rallies and other avenues leading up to the election. The press also enjoyed freedom in political reporting. Additionally, in April the parties were provided with copies of the voter registry. In a Pact of Civility signed by most of the major presidential candidates and formally witnessed by a commission of prominent Dominican leaders, these candidates promised to respect the official electoral results and restrain from declaring victory prematurely. We are aware that Monsignor Agripino Nuñez and the Commission have been continually engaged in the process and are even now addressing issues that have been raised.

The delegation was deeply impressed by the enthusiasm of the Dominican people in seeking to vote on election day. Thousands of prospective voters lined up beginning hours before the 6:00 a.m. scheduled opening of the polls. Large numbers of voters turned out and endured long waits in the voting process.

While the performance of polling officials was uneven, the delegation noted many examples where election officials worked diligently and for long hours to discharge their responsibilities. Those election officials at the polling stations (mesas) who arrived on time, kept their polls open for the extra hours of voting from 6:00 to 9:00 p.m. and who did their best to protect the right to vote of all those who sought to cast ballots deserve praise.

Political party delegates from the major parties were present at polling places throughout the country. Party delegates received signed copies of the official tally sheets after counting was completed at the mesas and were generally allowed to scrutinize the tabulation processes at the JMEs and at the JCE. In addition, international observers generally were welcomed by election officials, party delegates and prospective voters.

Notwithstanding these positive developments, a number of features of the electoral process were marred by serious problems and irregularities, which cause deep concern for the delegation. Among them are the following.

- 1) The delegation notes with regret the serious incidents of violence that resulted in a number of deaths during the election campaign.
- 2) The delegation received allegations from credible sources of the use of state resources for partisan campaign purposes.
- 3) The delegation also noted significant problems and irregularities in the electoral process. There were numerous reports of difficulties in voters obtaining their new identity cards (cedulas) and in correcting mistakes in the cards which they received. Reportedly, this resulted in more than 200,000 cedulae not being distributed by election day. This problem could have prevented a significant number of prospective voters from exercising their franchise. A number of Dominican actors expressed concern with regard to measures taken to protect the remaining cedulae from potential misuse.
- 4) Many mesas opened quite late, which resulted in long lines, confusion and frustration for prospective voters.
- 5) There were problems in adding the results entered onto tally-sheets (actas), which created problems with entering mesa-by-mesa tabulations into computers at the JMEs. This created delays in consolidating national results, which could raise questions about the effectiveness of the JCE's computerized tabulation process. In addition, there was occasional ineffectiveness of the indelible ink, as well as occasional minor problems with missing materials.
- 6) Control of all broadcast media is concentrated in the JCE during the election. All news is blocked at this time, including foreign cable news programs. The delegation notes that it may be appropriate to restrict reports of election results or of public opinion polls concerning the election until voting has concluded; however, blocking all broadcast news programs may contribute to the perception of a lack of transparency in the election process.
- 7) The delegation also wishes to register its serious concern over the large number of prospective voters who came to the polls with their new identity cards (cedulas) but who were turned away without being permitted to vote because their names did not appear on the official lists of voters used by election officers at the polling places. The Dominican

Revolutionary Party (PRD) and the Dominican Liberation Party (PLD) claim that the names of most of these disenfranchised individuals were registered on the list provided to the parties by the JCE at an earlier date. These two parties further claim that a disproportionate number of those disenfranchised individuals identified themselves to party delegates at the affected mesas as PRD or PLD supporters.

Under JCE regulations, previously agreed to by the parties, such persons could not vote. The JCE recognized the problem of disenfranchisement. In response to a request by the opposition parties, and following expressions of support by all the international delegations and by the commission established by the Pact of Civility, the JCE issued a resolution that extended the close of voting from 6:00 to 9:00 p.m. and permitted the affected individuals to cast tendered ballots (votos observados).

The resolution was released to the country approximately ten minutes after the polls closed, which substantially negated its impact. Members of the delegation observed that a large number of mesas apparently did not receive notice of the JCE's resolution until well after it was issued. By the time official notice arrived, some of these mesas had started the vote count and refused to permit the affected individuals to vote. In three of the 107 municipalities, these circumstances led the Municipal Electoral Juntas (JMEs) to nullify the elections in their localities.

The delegation observed sufficient number of instances of disenfranchisement to cause serious concern. Moreover, a disproportionate number of the disenfranchisement cases which members of the delegation noted appeared to affect opposition parties.

The delegation does not rule out the possibility that the disenfranchisement took place due to clerical or human error. The pattern of the disenfranchisement, however, suggests the real possibility that a deliberate effort was made to tamper with the electoral process.

It is impossible to specify at this time the exact number of individuals who were deprived of the opportunity to vote because of these circumstances. Nor is it possible to quantify how many of those persons would have voted for a particular candidate. It also is not possible to determine at this time that the number of votes affected by these circumstances and other irregularities will exceed the margin by which the elections are won, once the official results are determined. Nevertheless, the disenfranchisement, given its magnitude and distribution, could affect the outcome of the elections.

Given these circumstances, the delegation urges the appropriate Dominican authorities to investigate the nature and extent of this problem in order to establish (a) why so many individuals obtained cédulas but were not on the official voter lists, (b) who may be responsible for the phenomenon, and (c) what steps are necessary to correct this situation. The delegation recognizes that the Commission established by the Church under the Pact of Civility is working to establish a mechanism to remedy this situation.

The delegation wishes to emphasize that throughout the pre-election and election day period, we have maintained contact with a variety of actors involved in the electoral process. These actors have been invited to provide the delegation with evidence of fraud, manipulation or wide-spread irregularities that could affect the outcome of the elections. The delegation praises the political parties' efforts to settle their electoral disputes by peaceful means in this post-electoral period, and urges that they continue to do so. We believe it is important for Dominicans to resolve all issues and problems that have arisen, and that non-Dominicans should only participate in this process where invited.

Members of the delegation will remain in the Dominican Republic to monitor post-election developments, and NDI will release a more detailed report at a later date.

*Appendix C*

**STATEMENT BY STEPHEN J. SOLARZ  
BEFORE THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS  
OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS  
MAY 24, 1994**

Mr. Chairman, I am Stephen J. Solarz, a former member of the House of Representatives from the 13th District of New York from 1974-1992 and a former member of the House Western Hemisphere Affairs Subcommittee. I first would like to thank you for this opportunity to address the Subcommittee and to see many of my friends and former colleagues on this occasion.

I am here today to speak on behalf of a 26-member international observer delegation that I led to the May 16 elections in the Dominican Republic. The delegation was organized by the National Democratic Institute for International Affairs (NDI), which, as you know, has developed an international reputation for objectivity and professionalism in organizing such delegations. Patrick Merloe, NDI's Senior Associate for Elections Processes, is seated next to me. Mr. Merloe also was a member of the delegation and will be happy to answer any questions you may care to ask.

Our delegation included elected officials, elections experts and regional specialists from Europe, the Middle East, Central America, North America and South America. Dr. Virgilio Godoy, Vice President of the Republic of Nicaragua, and Dr. Fidel Chavez Mena, President of the Christian Democratic Party and former Foreign Minister of El Salvador, were among the delegation's members. A list of the members of the delegation and a copy of our Preliminary Statement of May 18, 1994 are submitted for the record.

The primary purposes of the delegation were to demonstrate the international community's continued support for the democratic process in the Dominican Republic and to provide the international community with an objective assessment of the May 16 elections. We also sought to learn from the Dominican people about the nature of the electoral process and its implications for the further development of the Dominican Republic's democratic institutions.

This was NDI's second international observer delegation to the Dominican Republic. NDI observed the 1990 polling as part of a joint delegation with the Carter Center of Emory University. That delegation was led by former President Jimmy Carter.

For the 1994 electoral process, NDI sent a five-member international delegation to the Dominican Republic from April 19-23 to assess the pre-election environment and preparations for the elections. In addition, there has been a continuous NDI staff presence in the country since May 2, which is now following up upon the delegation's activities. NDI also has worked in close communication with other international observer delegations that monitored the May 16 elections.



The delegation's mandate included the examination of three distinct aspects of the election process: the campaign; election-day proceedings; and the tabulation of results. It is important to note that the tabulation of results and the resolution of electoral complaints have yet to be completed. NDI will continue to monitor developments and will issue a detailed report at a later date.

The delegation arrived in the Dominican Republic on Thursday, May 12. During our stay we met with government and election officials, leaders of the major political parties, representatives of the Catholic Church and Pontifical Catholic University, journalists and others involved in the electoral process in Santo Domingo and in nine other regions around the country. On election day, members of the delegation visited polling stations and municipal electoral boards in rural and urban areas throughout the nation and also monitored activities at the Central Electoral Board (JCE).

The regions observed by the delegation included: Barahona; Comendador; Puerto Plata; La Romana; San Francisco de Macoris; San Juan; San Pedro de Macoris; Santiago; La Vega; and the Santo Domingo area. These regions and the routes chosen by the delegation's teams were coordinated with the observer delegations sponsored by the Organization of American States (OAS) and the International Foundation for electoral Systems (IFES).

I must stress that the delegation was deeply impressed by the enthusiasm of the Dominican people in seeking to vote on election day. Thousands of prospective voters lined up beginning hours before the 6:00 a.m. scheduled opening of the polls. Large numbers of voters turned out and endured long waits in the voting process.

The delegation also noted a number of positive developments in the Dominican electoral process following the 1990 elections. These developments are noted in our Preliminary Statement of May 18. In addition, the contesting political parties were able to communicate with the electorate through the news media, rallies and other avenues leading up to the May 16 elections.

A Pact of Civility was signed by most of the major presidential candidates and formally witnessed by a commission of prominent Dominican leaders (the Civility Commission), in which the candidates promised to respect the official electoral results and restrain from declaring victory prematurely. Monsignor Agripino Nuñez and the Civility Commission have been continually engaged in the election process and are even now addressing issues that have been raised following the elections.

Notwithstanding these and other positive developments noted in the delegation's Preliminary Statement of May 18, a number of features of the electoral process were marred by serious problems and irregularities, which caused deep concern for the delegation. Among the most serious of those delineated in the Preliminary Statement of May 18 were the following.

1) The delegation noted with regret the serious incidents of violence that resulted in a number of deaths during the election campaign.

2) There were numerous reports of difficulties in voters obtaining their new identity cards (cedulas) and in correcting mistakes in the cards which they received. Reportedly, this resulted in more than 200,000 cedulas not being distributed by election day. This problem could have prevented a significant number of prospective voters from exercising their franchise. A number of Dominican actors expressed concern with regard to measures taken to protect the remaining cedulas from potential misuse.

3) There were problems at polling sites (mesas electorales) in adding the results entered onto tally-sheets (actas), which created problems with entering mesa-by-mesa tabulations into computers at the Municipal Electoral Boards (JMEs). This created delays in consolidating national results and raised questions about the effectiveness of the JCE's computerized tabulation process.

4) The delegation also registered its serious concern over the large number of prospective voters who came to the polls with their new identity cards (cedulas) but who were turned away without being permitted to vote because their names did not appear on the official lists of voters used by election officers at the polling places. The Dominican Revolutionary Party (PRD) and the Dominican Liberation Party (PLD) claim that the names of most of these disenfranchised individuals were registered on the list provided to the parties by the JCE at an earlier date. These two parties further claim that a disproportionate number of those disenfranchised individuals identified themselves to party delegates at the affected mesas as PRD or PLD supporters.

Under JCE regulations, previously agreed to by the parties, such persons could not vote. The JCE recognized this problem of disenfranchisement on election day. In response to a request by the opposition parties lodged in the late morning of election day, and following expressions of support by all the international delegations and by the Civility Commission, the JCE issued a resolution that extended the close of voting from 6:00 to 9:00 p.m. and permitted the affected individuals to cast tendered ballots (votos observados). This action was close to the parties' request, which called for extending voting hours and allowing affected persons to cast regular ballots.

The JCE's resolution was released to the country approximately ten minutes after the polls closed, which substantially negated its impact. Members of the delegation observed that a large number of mesas apparently did not receive notice of the JCE's resolution until well after it was issued. By the time official notice arrived, some of these mesas had started the vote count and refused to permit the affected individuals to vote.

In three of the 107 municipalities, these circumstances led the Municipal Electoral Boards (JMEs) to nullify the elections in their localities. These municipalities included Banica, Comendador and El Llano, all in the province of Elias Piña. The Municipal Electoral Board

of Comendador stated in its resolution annulling elections in its jurisdiction that the voter registry of the political parties and the registry used by the electoral officials "contained different entries" and that the percentage of people who did not have the opportunity to exercise the right to vote was "highly significant." The representatives of all political parties, including the ruling party, signed this resolution along with the president of the Municipal Electoral Board (JME).

The delegation itself observed sufficient a number of instances of disenfranchisement to cause serious concern. This problem was particularly evident to our observer teams in areas in and around Barahona, Comendador, La Vega, Puerto Plata, San Francisco de Macoris and Santiago. Moreover, the number of the disenfranchisement cases which members of the delegation noted appeared largely to affect opposition parties. Members of the delegation observed this phenomenon by witnessing instances: where disenfranchised voters approached opposition party agents at the mesas and announced their intention of voting for such parties; and where opposition party agents showed lists of disenfranchised party supporters to observers and party agents from the ruling party and/or mesa election officials agreed that the numbers of disenfranchised persons and their distribution among the parties on these lists were accurate.

The delegation did not rule out the possibility that the disenfranchisement took place due to clerical or human error. The delegation noted that the pattern of the disenfranchisement, however, suggests the real possibility that a deliberate effort was made to tamper with the electoral process.

It remains impossible at this time to specify the exact number of individuals who were deprived of the opportunity to vote because of these circumstances. Nor is it possible to quantify how many of those persons would have voted for a particular candidate. It also is not possible to determine at this time that the number of votes affected by these circumstances and other irregularities will exceed the margin by which the elections are won, once the official results are determined. The delegation concluded that nevertheless, the disenfranchisement, given its magnitude and distribution, could have affected the outcome of this close electoral contest.

Given these circumstances, the delegation urged the appropriate Dominican authorities to investigate the nature and extent of this problem in order to establish (a) why so many individuals obtained cédulas but were not on the official voter lists, (b) who may be responsible for the phenomenon, and (c) what steps are necessary to correct this situation. The delegation recognized that the Civility Commission was working to establish a mechanism to remedy this situation.

NDI is aware that the responsibilities of the delegation did not end with the issuance of a preliminary statement. At the same time NDI recognizes that the appropriate Dominican authorities must exercise their responsibilities to resolve electoral problems. NDI has maintained close cooperation with the other international delegations in the post-election period. IFES also was active in the immediate post-election period. The OAS deserves particular praise for their ongoing activities following the elections.

NDI has maintained communication with the JCE and the Civility Commission to learn of steps being taken in the post-election period and to offer any appropriate assistance. NDI has requested that all political parties supply it with documentation to substantiate their electoral complaints. NDI representatives continue to meet with political parties and to follow complaints. In addition, vote-count information from a number of polling places (mesas) collected by the delegation was compared by a delegation computer expert to the count for those mesas recorded in the JCE's central computer. Also, slightly over half of mesa counts in the JCE's computer were reviewed to determine whether they contained more votes than registered voters. This analysis did not reveal any significant anomalies; however, these were not comprehensive nor scientifically drawn samples.

The Civility Commission continues to work actively in the post-election period. It requested that the tally-sheets (actas) be reviewed and that a re-tabulation be undertaken to correct any inconsistencies in the JCE's tabulation process; at the same time, the Commission called for a careful investigation of irregularities in the election process.

The JCE announced on May 20 that a winner has not yet been declared in the election. This action may provide an opportunity to investigate and take appropriate steps to rectify problems. The JCE further has agreed that beginning Wednesday, May 25: 1) a review of the actas from all mesas will be conducted to verify that they correspond to those given on election day to the political parties and to correct mathematical errors in the actas; 2) a re-tabulation of the vote counts from the actas will be conducted to verify the accuracy of the computerized tabulation process; and 3) an [investigation] will be conducted [into] the official voter registry provided to [the] mesa[s] and the lists provided to the political parties to determine discrepancies.<sup>1</sup>

These are welcome actions. Moreover, throughout the post-election events to date, the political parties have consistently exerted efforts to settle their electoral disputes by peaceful means. They should be encouraged to continue to do so. As the delegation stressed, it is important for the Dominicans to resolve all electoral issues and problems that have arisen. The international community should provide encouragement for a positive resolution and should support steps toward this end.

The JCE has the responsibility to promptly and impartially investigate election complaints. At the same time, parties have the responsibility to adequately document complaints and to pursue their grievances by peaceful means. In calling for remedial actions, such as for new elections, parties must demonstrate that irregularities could have affected the results of the elections.

It is critical that both Dominican and international attention remain focused on the May 16 elections to determine whether actions agreed to are completed. I am reminded of events

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<sup>1</sup> Bracketed language represents oral testimony modifying the prepared statement.

following the 1990 polling in the Dominican Republic, when former President Jimmy Carter and NDI jointly observed that contest. Following those disputed elections, President Carter and the observer delegation recommended a series of steps to resolve disputes before the vote counting was to be finalized. This process was agreed to by the JCE and the political parties. Shortly after the observers departed the country, however, the dispute resolution process was halted and the vote count was completed.

There are some in the Dominican Republic who are now attempting to discredit the integrity of the NDI delegation and other international observer groups, as well as challenging the impartiality of individual observers. This campaign is being waged in newspapers and on television and radio. However, by any objective standard, this effort represents a smokescreen, deflecting attention from real problems associated with the electoral process and from positive actions being taken to resolve these problems.

Mr. Chairman, in conclusion, may I say that I am proud of the role played by NDI's delegation, which operated in keeping with the Institute's experience in monitoring more than 25 elections over the past eight years. Our delegation fulfilled its responsibility by reporting in a careful and objective manner on the electoral processes surrounding the May 16 elections in the Dominican Republic. Our Preliminary Statement of May 18 is the product of more than nine hours of debriefing sessions, the conclusion of which was the unanimous adoption of the Preliminary Statement.

In discharging our responsibilities, we worked in close cooperation with other international observer delegations from the OAS and IFES. As the statements of these delegations demonstrate, it is remarkable that so many observers reached similar conclusions.

Thank you very much. I will be pleased to answer any questions.

The Washington Post  
Friday, July 8, 1994

*Stephen J. Solarz*

## Meanwhile, on The Other Side Of the Island—

Does a fraudulent election represent as grievous an affront to universal democratic standards as a coup d'état that ousts a freely elected president? This is an issue that the international community may soon confront on Hispaniola, the Caribbean island shared by Haiti and the Dominican Republic.

The United Nations, the Organization of American States and the United States are rightfully engaged on several fronts in trying to restore Jean-Bertrand Aristide, the first freely elected president of Haiti, who was deposed by the military in 1991. Severe economic sanctions are in place, and military action is being considered.

If the issue in Haiti is democracy, then the international community must also remain resolute against efforts to subvert democratic processes in the Dominican Republic. The elections there on May 16 were marred by serious irregularities that may be responsible for the narrow reelection of the incumbent, Joaquin Balaguer. Because of the closeness of the vote and the allegations of chicanery, the election results have not yet been certified, and various reviews are continuing.

With the presidential inauguration scheduled for Aug. 16, however, there is imminent danger that these reviews will be protracted, insincere and inconclusive—and that Balaguer will be quietly sworn in while the rest of the world is on holiday. This is what happened in 1990, when Balaguer claimed victory after a similarly close and disputed election.

On that occasion, former president Jimmy Carter mediated and helped Dominicans agree to a recount in which the validity of contested ballots would be scrutinized. But once the handful of international observers departed, the dilatory review process was abandoned and Balaguer was proclaimed the winner.

This time, scores of international observers were present throughout the country and personally witnessed the problems as they unfolded. These observers were sponsored by the Organization of American States, the National Democratic Institute and the International Foundation for Electoral Systems, among others.

While voting in the capital, Santo Domingo, proceeded without significant problems, by mid-morning observers in the provinces witnessed numerous voters with credentials in hand being turned away from the polling stations because their names did not appear on the official registration lists. Either by some strange coincidence or, more likely, by deliberate design, the legions of frustrated voters appeared overwhelmingly to be supporters of the main opposition party, the Dominican Revolutionary Party (PRD), led by Jose Francisco Peña Gomez, former mayor of Santo Domingo.

The first sign of trouble may have come when the election commission mysteriously closed its

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## *Were the elections stolen in the Dominican Republic?*

computer center for several days in early May, when the official voter lists were being prepared. Neither international consultants nor political party agents were allowed in during this period.

When these official lists were distributed to polling sites on the eve of the election, they omitted the names of tens of thousands of voters—principally from the opposition—whose names had appeared on lists given out earlier to the political parties. Even President Balaguer's party poll watchers acknowledged as much to international observers at various sites. After all, their own voter lists contained the names; only the official lists omitted them.

The multinational delegation that I led announced on May 18 that "the pattern of disenfranchisement" that unarguably occurred on Election Day "suggests the real possibility that a deliberate effort was made to tamper with the electoral process." Even so, the issue would be moot if the margin of apparent victory vastly exceeded the number of disenfranchised voters. However, the results show Balaguer ahead of Peña Gomez by 30,000 votes—about one percent. And independent experts have estimated that the number of disenfranchised voters exceeds that margin.

All the relevant data to determine the magnitude of the disenfranchisement is available to the Dominican authorities—if they wish to resolve the matter honestly. The fact that they have yet to do so suggests that they may have no intention of upsetting the Balaguer apple cart.

Most impartial observers now agree that the only way to clear the air is with new elections. That is true, and it also may not happen. The Aug. 16 inauguration date is fast approaching.

For his part, Peña Gomez has made clear his determination to pursue his grievances through legal channels and political negotiations. It is in the interest of the United States and the other democracies in the hemisphere to encourage the peaceful resolution of this dispute by making it clear they are committed to an honest electoral process in the Dominican Republic.

Balaguer's inauguration in the current circumstances should trigger action by the OAS under Resolution 1080, which obliges foreign ministers from throughout the hemisphere to convene *within 10 days* of any "interruption of democratic political processes . . . in any of the Organization's member states" to consider a joint response. The U.S. administration and Congress should then review the status of U.S. aid and trade relations with the Dominican Republic.

An important symbolic occasion for shunning an illegitimate Dominican government, should it come to this, would arise in December. President Clinton has invited democratically elected leaders from throughout the hemisphere to a summit of the Americas in Miami that is to focus on "democracy and good governance." So far, only Cuba and the Haitian junta are not invited.

The international community should immediately send a clear and unambiguous message to the Dominican government: In our efforts to restore Haitian democracy, we will not tolerate the subversion of Dominican democracy.

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*The writer, a former Democratic representative from New York, led an international delegation sponsored by the National Democratic Institute for International Affairs to observe the elections in the Dominican Republic.*

*Appendix E*

**Conclusions of the Report by the Verification Commission**

*Editor's Note: This is an unofficial translation of an original document issued in Spanish.*

DOMINICAN REPUBLIC  
CENTRAL ELECTORAL BOARD  
GENERAL CONCLUSIONS

The following is a consolidation of the general conclusions of the work carried out by the Verification Commission in accordance with the mandate received from the Central Electoral Board:

1. Review of the Preliminary Electoral Count
  - a. According to the analysis undertaken by the Commission in view of the bulletins by level of elections received at the Computing Center of the Electoral Board from each Municipal Board and the cumulative bulletins by level of elections generated and announced by the Central Electoral Board, the conclusion is reached that the data contained in the last bulletin issued by the Central Electoral Board for each level of elections corresponds exactly to the data received from the Municipal Boards through the computer network.
  - b. According to an analysis of the review, records of the preliminary electoral count drawn up at the Municipal Electoral Boards, in connection with the last bulletin by level of elections from each Municipal Board received at the Central Electoral Board, insignificant differences were detected.

Notice: This last conclusion is valid for all the municipalities except the National District, Pepillo Salcedo, Postrer Rio, Pedernales and Pimentel, where, at the moment when the respective analyses were made, said documentation had not been received by the Verification Commission.

- c. In connection with the computer network system, the Commission concurs with the conclusions in the report by Dr. Jorge Tirado dated May 27, 1994 regarding the Dominican elections of 1994 that states that "in gathering electoral information problems were recorded as being caused by faults in the detailed design of the system and by errors in programming. These technical faults were resolved in an adequate fashion and within a reasonable period of time."
- d. Given that during the process of registration there was not adequate control over the issuance of registration cards, the Central Electoral Board does not have consistent statistics available on registered voters. Consequently, registered citizens do not appear in the master file of the computer of the Central Electoral Board. For that reason electoral abstention or absenteeism can only be calculated based on the



difference between the total number of votes cast and the total number of registered voters by municipality.

2. Verification of allegations regarding the electoral lists or master lists.
  - a. The electoral list or master list that was submitted by the Central Electoral Board to the electoral polling places for the General Elections of May 16 of this year does not agree in all of the polling places with the list of electors submitted to the political parties.
  - b. From the evidence from the parties received up to the moment of drafting this report, specifically that from the PRD, we have been able to determine that at least 45 municipalities were reported as affected. As a result of the evidence received, we have been able to determine that more than 1,900 polling places have been submitted, of which we have evaluated no less than 1,468 affected polling places with an average of 20 substitutes per polling place. As a result, the total number of private electors deprived of their right to vote is around 45,000, according to the information reported, and no less than 28,672, according to the information evaluated.

\* Note: In the final phase of drafting this report, the Commission received new documentation from the PRD, which according to Point 8 of its communication received on July 11 of this year, at 7:25 p.m. stated: "With all these documents submitted, up to now the total cases of frauds detected in the lists is 53,933 excluded and 46,730 that were added for a total of 100,663 cases of fraud detected in the lists up to now, in more than 3,000 polling places and 63 municipalities, not counting those that were "cleaned" after May 16 before submission to the PRD, from the master lists used in the electoral polling places". This last documentation could not be verified and its results could not be included in this report, as the Commission was preparing the final draft of the same.

The number total of substitutions verified to date of the 1,468 polling places checked, was 28,672. This means that the names, not the number of identity cards, of 28,672 registered persons were excluded from the polling places at which they were supposed to vote and were substituted with other names.

- c. The figures mentioned above do not constitute the totality of cases. They are simply the total of cases verified by the Commission up to the moment of drafting this final report.
- d. In the Electoral Polling Places in which the electoral master list and the list submitted to the political parties did not agree, an average of 20 substitutions of electors per polling place were verified.
- e. The Commission verified that the substitutions did not take place at all the polling places. Of the illustrative sample that the Commission analyzed, 321 polling places from all the municipalities, substitutions were found in only 56 polling places, that is, 17 percent of the sample. This sample is merely illustrative and only serves to verify

that not all of the polling places were affected. Nor were all the municipalities affected. This sample is not useful for making statistical projections that allow the inference of the total number of polling places affected or the total number of electors affected. In order to make this type of inference, another type of sample and another type of study would be required.

- f. It was verified that the persons that substituted for the legitimate electors, in 40 percent of the cases analyzed by the Commission, appear on the register of electors of the Central Electoral Board (master file), and 60 percent of the substitutes do not appear on the electoral register. Additional analyses revealed that these 60 percent also do not appear on other registers that the Board has, such as:
- The previous electoral register
  - The file of non-eligible voters
  - The file of canceled cards, deceased persons and military personnel
- g. It was also verified that:
- With few exceptions, the substitutes did not exercise the right to vote at the electoral polling places at which they appeared substituting for other persons.
  - That among the substitutes there were persons who appeared registered in the electoral register as eligible, but who had not been registered.
  - That among the substitutes, there are persons that the PRD and PRSC claim are members of their parties. The Commission cannot verify the membership of these persons, but it was able to verify that persons submitted by one or another party are among the substitute persons.
- h. In addition to not having the file with which the master list was printed, which is why it cannot reproduce it, the Central Electoral Board also does not have a copy of the master list sent to the electoral polling places. In earlier electoral processes the Central Electoral Board decided to keep in its files a copy of the master list sent to the polling places.
- i. During May 5 and 6 an order was issued to the effect that only officials and employees of the Computing Center could enter its facilities. This measure was extended to the advisors and observers accredited before the Central Electoral Board and the Computing Center. These dates coincided with the beginning of printing of the electoral master list.
- j. Given the explanatory hypotheses for the situation described above, the following conclusions have been reached:
- In connection with the first hypothesis, according to which this situation occurred because of a technical computer error, specifically problems with the

file indexes in the computer, it was determined, according to the report by Dr. Jorge Tirado, that "after multiple evaluations and the investigation of several files and data, added to which is the situation of the substitutes that do not appear, I cannot establish, beyond all reasonable doubt, the theory of the indexes".

The investigations carried out, pointed out at length in the report by the Technical Adviser on Computer Affairs of this Commission, do not allow the disparities between the lists and substitutions of electors to be attributed to technical causes.

The second hypothesis refers to the possibility of some type of improper handling in the processes of creating and distributing the lists, inside or outside the Computing Center. This hypothesis has two versions:

- That the fraudulent information was taken to the Computing Center through a magnetic tape and that once it was in the Center it was processed through a program that read the tape and updated the file of the master list. This version of the hypothesis was evaluated, and there was no evidence established outside all reasonable doubt that determines the veracity or non-veracity of the same. For those purposes the procedures, processes, programs and backup mechanism related to this situation were checked.
- That the lists were prepared outside the Computing Center and were exchanged. In connection with this possibility the process of generation, assembly and distribution of the electoral lists or master lists were investigated.

As a result of the investigation carried out, the Verification Commission has been able to determine that the probabilities that a substitution took place in one of the stages of the process of distribution became more and more difficult and complex with each step in this process of distribution. However, the Verification Commission feels, beyond all reasonable doubt, that the possibility that this substitution could take place cannot be discarded.

To reach more complete conclusions in both versions it would be necessary to carry out more in-depth investigations in the manner deemed most appropriate.

- In connection with the third hypothesis, which consists of the possibility that there was a voluntary or involuntary programming error, the conclusion was reached that:
- An occurrence of this nature would explain the source of dislocation of first and last names of different persons.

- However, this theory cannot be verified because no program with these features is on file.

3. Other irregularities

In connection with double registration, voting by dead persons, the cases of Haitian registered voters, as well as the registration and voting by active military personnel, after the verification that the Verification Commission was able to carry out, it has reached the conclusion that in order to facilitate an objective, in-depth analysis of their charges, the political parties must provide specific, not general, evidence for each case to the Central Electoral Board.

The evidence submitted to the Commission by the political parties did not allow it to determine the absolute veracity or lack of veracity of their charges.

[signature]

Dr. Julio Brea Franco  
President

[signature]

Dr. Adalberto Maldonado

[signature]

Mr. Francisco L. García Olivo

[signature]

Dr. Radhamés Mejía  
Member-Delegate of the  
witnesses of the Pact of  
Civility

[signature]

Lic. Rafael Toribio  
Member-Delegate of the witnesses of the Pact of  
Civility

Santo Domingo, National District  
July 12, 1994

Appendix F

Results of the Challenged Ballots

VOTOS OBSERVADOS VALIDADOS POR PARTIDOS

DEMARCAACION GEOGRAFICA	PLD Y ALIADOS	PRSC Y ALIADOS	PRD Y ALIADOS	PRI	MIUCA	Total de observados validados
TOTAL	799	1,666	7,749	127	32	10,373
(01) ESPAILLAT	34	34	257	6	0	311
(01.1) MOCA	22	25	180	3	0	
(01.2) CAYETANO GERMOSEN	12	6	56	3	0	
(01.3) GASPAR HERNANDEZ	0	3	1	0	0	
(02) LA VEGA.	80	88	324	1	9	502
(02.1) LA VEGA	71	63	275	0	0	
(02.2) CONSTANZA	0	6	6	0	0	
(02.3) JARABACOA	9	19	43	1	9	
(03) NONSEÑOR NOVEL	1	3	1	0	0	5
(03.1) NONSEÑOR NOVEL	0	0	0	0	0	
(03.2) MAIMON	1	2	1	0	9	
(03.3) PIEDRA BLANCA	0	1	0	0	0	
(04) PUERTO PLATA	28	67	255	17	0	367
(04.1) PUERTO PLATA	14	41	120	12	0	
(04.2) VILLA ISABELA	0	0	0	0	0	
(04.3) ALTAMIRA	0	0	0	0	0	
(04.4) IMBERT	0	3	2	0	0	
(04.5) LOS HIDALGOS	0	2	2	0	0	
(04.6) LUPERON	0	1	1	0	0	
(04.7) SOSUA	14	16	128	5	0	
(04.8) GUANANICO	0	4	2	0	0	
(0.5) SANTIAGO	140	270	734	19	4	1,167
(05.1) SANTIAGO	38	67	90	3	1	
(05.2) JANICO	3	21	24	0	0	
(05.3) SAN JOSE DE LAS MATAS	12	36	194	3	1	
(05.4) TAMBORIL	6	16	17	2	2	
(05.5) LICEY AL MEDIO	0	0	0	0	0	
(05.6) BISONO	6	21	52	0	0	
(05.7) VILLA GONZALEZ	75	109	357	11	0	
(06) DUARTE	73	101	950	11	0	1,135
(06.1) SAN FRANCISCO DE MACORIS	0	0	0	0	0	
(06.2) CASTILLO	17	45	220	5	0	
(06.3) PIMENTEL	17	18	145	2	0	
(06.4) VILLA RIVA	39	38	585	4	0	
(07) MARIA TRINIDAD SANCHEZ	26	79	928	4	4	1,041
(07.1) MAGUA	11	25	199	1	0	
(07.2) EL FACTOR	6	19	240	1	2	

## VOTOS OBSERVADOS VALIDADOS POR PARTIDOS

DEMARCAACION GEOGRAFICA	PLD Y ALIADOS	PRSC Y ALIADOS	PRD Y ALIADOS	PRI	MIUCA	Total de observados validados
(07.3) CABRERA	7	30	419	2	2	
(07.4) RIO SAN JUAN	2	5	70	0	0	
(08) SALCEDO	33	51	137	0	0	221
(08.1) SALCEDO	0	0	0	0	0	
(08.2) TENARES	4	3	2	0	0	
(08.3) VILLA TAPIA	29	48	135	0	0	
(09) SAMANA	6	28	109	0	0	143
(09.1) SAMANA	0	0	0	0	0	
(09.2) SANCHEZ	6	28	109	0	0	
(10) SANCHEZ RAMIREZ	22	110	518	7	5	662
(10.1) COTUI	10	58	172	0	1	
(10.2) CEVICOS	3	29	231	5	0	
(10.3) FANTINO	9	23	115	2	4	
(11) DAJABON	0	2	4	0	0	6
(11.1) DAJABON	0	0	0	0	0	
(11.2) LOMA DE CABRERA	0	1	2	0	0	
(11.3) RESTAURACION	0	1	2	0	0	
(12) MONTECRISTI	31	89	508	11	1	640
(12.1) MONTECRISTI	0	0	0	0	0	
(12.2) CASTANUELAS	10	57	220	8	0	
(12.3) GUAYUBIN	0	0	0	0	0	
(12.4) LAS MATAS DE SANTA CRUZ	11	15	130	1	1	
(12.5) PEPILLO SALCEDO	9	17	155	2	0	
(12.6) VILLA VASQUEZ	1	0	3	0	0	
(13) SANTIAGO RODRIGUEZ	0	1	0	0	0	1
(13.1) SAN IGNACIO DE SABANETA	0	0	0	0	0	
(13.2) MONCION	0	1	0	0	0	
(14) VALVERDE	6	54	120	2	0	182
(14.1) MAO	4	17	56	1	0	
(14.2) ESPERANZA	2	11	64	1	0	
(14.3) LAGUNA SALADA	0	26	0	0	0	
(15) BAHORUCO	30	34	405	2	5	476
(15.1) NEIBA	0	0	0	0	0	
(15.2) TAMAYO	11	14	165	2	0	
(15.3) VILLA JARAGUA	19	20	240	0	5	
(16) BARAHONA	69	134	780	16	1	1,000

## VOTOS OBSERVADOS VALIDADOS POR PARTIDOS

DEMARCAACION GEOGRAFICA	PLD Y ALIADOS	PRSC Y ALIADOS	PRD Y ALIADOS	PRI	MIUCA	Total de observados validados
(16.1) BARAMONA	12	29	108	2	0	
(16.2) CABRAL	4	8	8	0	0	
(16.3) ENRIQUILLO	9	40	290	3	0	
(16.4) PARAISO	6	30	197	3	0	
(16.5) VICENTE NOBLE	38	27	177	8	1	
(17) INDEPENDENCIA	8	9	154	6	0	177
(17.1) JIMANI	0	1	1	0	0	
(17.2) DUVERGE	0	0	0	0	0	
(17.3) LA DESCUBIERTA	8	8	152	6	0	
(17.4) POSTRER RIO	0	0	1	0	0	
(18) PEDERNALES	23	51	211	4	0	289
(18.1) PEDERNALES	18	30	141	0	0	
(18.2) OVIEDO	5	21	70	4	0	
(19) AZUA	0	2	4	0	0	6
(19.1) AZUA	0	0	0	0	0	
(19.2) PADRE LAS CASAS	0	2	4	0	0	
(19.3) PERALTA	0	0	0	0	0	
(20) ELIAS PINA	41	17	42	2	0	102
(20.1) COMENDADOR	0	0	0	0	0	
(20.2) BANICA	8	5	12	0	0	
(20.3) EL LLANO	26	6	23	2	0	
(20.3) HONDO VALLE	7	6	7	0	0	
(20.4) PEDRO SANTANA	0	0	0	0	0	
(21) SAN JUAN	22	59	194	6	1	282
(21.1) SAN JUAN DE LA MAGUANA	4	7	4	0	0	
(21.2) BOHECHIO	0	0	0	0	0	
(21.3) EL CERCADO	0	1	2	0	0	
(21.4) LAS MATAS DE FARFAN	1	3	4	0	0	
(21.5) VALLEJUELO	17	48	184	6	1	
(21.6) JUAN DE HERRERA	0	0	0	0	0	
(22) DISTRITO NACIONAL	0	0	0	0	0	0
(22.1) DISTRITO NACIONAL	0	0	0	0	0	
(23) PERAVIA	9	23	29	2	2	65
(23.1) BANI	7	11	14	0	2	
(23.2) NIZAO	1	3	8	1	0	
(23.3) SAN JOSE DE OCCA	1	9	7	1	0	
(24) SAN CRISTOBAL	1	5	2	0	0	8

## VOTOS OBSERVADOS VALIDADOS POR PARTIDOS

DEMARCACION GEOGRAFICA	PLD Y ALIADOS	PRSC Y ALIADOS	PRD Y ALIADOS	PRI	MIUCA	Total de observados validados
(24.1) SAN CRISTOBAL	0	0	0	0	0	
(24.2) CAMBITA GARABITOS	0	2	1	0	0	
(24.3) BAJOS DE HAINA	0	0	0	0	0	
(24.4) VILLA ALTAGRACIA	1	3	1	0	0	
(24.5) YAGUATE	0	0	0	0	0	
(25) MONTE PLATA	1	9	28	0	0	38
(25.1) MONTE PLATA	0	3	8	0	0	
(25.2) BAYAGUANA	1	1	1	0	0	
(25.3) SABANA GRANDE DE BOYA	0	4	16	0	0	
(25.4) YAMASA	0	1	3	0	0	
(26) EL SEIBO	20	59	305	1	0	385
(26.1) EL SEIBO	13	24	104	0	0	
(26.2) NICHES	7	35	201	1	0	
(27) HATO MAYOR	16	51	124	3	0	194
(27.1) HATO MAYOR	1	5	6	1	0	
(27.2) EL VALLE	15	46	118	2	0	
(27.3) SABANA DE LA MAR	0	0	0	0	0	
(28) LA ALTAGRACIA	78	228	636	7	0	949
(28.1) HIGUEY	72	214	582	6	0	
(28.2) SAN RAFAEL DEL YUMA	6	14	54	1	0	
(29) LA ROMANA	0	0	0	0	0	0
(29.1) LA ROMANA	0	0	0	0	0	
(29.2) GUAYMATE	0	0	0	0	0	
(30) SAN PEDRO DE MACORIS	1	8	10	0	0	19
(30.1) SAN PEDRO DE MACORIS	1	8	10	0	0	
(30.2) LOS LLANOS	0	0	0	0	0	
(30.3) RAMON SANTANA	0	0	0	0	0	
TOTALES GENERALES	799	1,666	7,749	127	32	10,373
PORCENTAJES	7.70	16.06	74.70	1.22	0.31	100.00



*Appendix G*

*Editor's Note: This is an unofficial translation of an original document issued in Spanish*

**Letter from the President of the Central Electoral Board**

DOMINICAN REPUBLIC  
CENTRAL ELECTORAL BOARD

Santo Domingo, National District  
May 4, 1994

Number. 0661

To: Head of the Computer Center of the Central Electoral Board

Regarding: Restricted access to the installations of this Center

1. As of this date, and until new instructions are issued, access to the computer center of the Central Electoral Board will only be permitted to officials and employees of the Center, who will have to be properly identified. Information required by advisors and officials from other departments should be solicited or requested in writing through your office, without physically going to the computer center.

2. I recommend that a watchman be placed at the entrance doors of the respective offices with lists of officials and employees that work during the different work shifts.

3. This also excludes [from entering] the accredited political party technical observers who will only have access to designated areas.

Sincerely,

Dr. Manuel R. García Lizardo,  
President of the Central Electoral Board

MRGL  
ADC/mb.

cc: Members of the JCE;  
Director of Elections;  
Administrative Director;  
Head of Departments and Sections;  
Advisors; and  
Electoral Police Supervisor