



# NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

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## 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 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.

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 delegation 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.





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## NDI INTERNATIONAL OBSERVER DELEGATION NATIONAL ELECTIONS

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May 12-18, 1994

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