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REPORT ON THE OAS ELECTORAL OBSERVATION MISSION
PRESIDENTIAL ELECTIONS IN THE DOMINICAN REPUBLIC 2004

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April 18, 2005

Excellency:

I have the honor to address Your Excellency to request your kind assistance in having distributed to the members of the Permanent Council the attached report of the OAS Electoral Observation Mission in the Dominican Republic.

The report reflects the activities undertaken by the Mission during the observation of the Presidential Elections in the Dominican Republic held on May 16, 2004.

Accept, Excellency, the renewed assurances of my highest consideration.

Luigi R. Einaudi
Acting Secretary General

His Excellency
Alfonso Alberto Borea Odría
Ambassador, Permanent Representative of Peru
Chairman of the Permanent Council of the
Organization of American States
Washington, D.C.

ORGANIZATION OF AMERICAN STATES

**REPORT ON THE
OAS ELECTORAL OBSERVATION MISSION
PRESIDENTIAL ELECTIONS IN THE DOMINICAN REPUBLIC 2004**

Department of Democratic and Political Affairs

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CHAPTER I. INTRODUCTION

In addition to being the predominant political system in the American continent, democracy is conducive to the furtherance of their economic and social development by guaranteeing stability, participation, dialogue and respect for the human rights of its citizens.

Practically since the institutionalization of its common mechanisms, the inter-American community has sought to promote democratic ideals and principles. In 1948, the Bogotá Charter which established the Organization of American States (OAS), announced that “the solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy.” In 1998 the Protocol of Cartagena de Indias reaffirmed this principle and the main purposes of the Organization including the promotion and consolidation of representative democracy.

Accordingly, on 11 September 2001, in Lima, Peru the Ministers of Foreign Affairs of the Americas the commitment to democracy adopting in the Inter-American Democratic Charter in 1998 which stated the will of all the OAS member States to continue to promote democracy in the region by preserving certain conditions, such as respect for human rights and fundamental freedoms; the ability for peoples to elect their rulers and express their will through fair elections; the transparency and rectitude of State institutions and those made accountable for such aspects; the existence of opportunities and mechanisms designed to involve the people directly in defining their own development; and the strengthening of political parties and organizations as means of expressing the will of the people.

It is within that spirit that the OAS supports the member States in their endeavor to strengthen and consolidate democratic institutions. During the electoral organization process, technical assistance and advice are given to national electoral bodies through the Area for Strengthening Electoral Procedures and Systems (AFSPE). Electoral observation missions are also organized and dispatched to the member States that request the Secretary General of the OAS for them.

These activities are based on the conviction that electoral processes are key to the region’s democratic consolidation, being the basis for citizens’ participation and the starting point from which the people can exercise their civil and political rights and ensure that their economic, social, cultural, environmental and other collective rights are respected.

The purpose of electoral observation is to witness the electoral exercise of the peoples of the inter-American system through their presence and thereby help generate a climate of transparency, trust and legitimacy during the electoral process, while demonstrating strict respect for the principle of non-intervention in the internal affairs of States; as well as encouraging citizens to participate, discouraging possible attempts at electoral manipulation, serving as an informal conduit to achieve consensus in cases of conflict between the players in the process, and formulating recommendations on how to improve the voting system.

It was within that context that the OAS accepted Dominican Republic’s invitation to send an Electoral Observation Mission (EOM) for the Ordinary Presidential Elections to be held on 16 May 2004. It was of fundamental importance to the inter-American community that the Mission

accompany the people and the government of the Dominican Republic in this process. This was yet another step towards attaining one of the principles of representative democracy: ability for power to be alternated, following a second process of political reforms - constitutional as well as electoral - reforms which, for the first time in Dominican political history, had led to the consecutive re-election of a president, ironing out a complex political process and testing the willingness of the governors and the governed to respect the will of the people expressed in a ballot.

CHAPTER II. THE ELECTORAL OBSERVATION MISSION

The Electoral Observation Mission (EOM) of the Organization of American States (OAS) was set up at the invitation of the Government of the Dominican Republic by the then Secretary General, César Gaviria, on 22 January 2004.

The Mission was formally created on 27 February 2004, approximately a month after the Central Election Board (JCE), published an Electoral Proclamation or Invitation on 20 January 2004 announcing that an Ordinary Presidential Election would be held on Sunday 16 May 2004, and giving it a mandate to observe the development of the process leading to the election of the President and Vice-President of the Republic.

The Secretary General of the OAS appointed Santiago Murray, Special Advisor to the OAS General Secretariat General, as Chief of Mission. Pursuant to Article 24 of the Inter-American Democratic Charter, on 4 May 2004, the Dominican authorities and the Mission signed the Agreement on the Privileges and Immunities of Observers. The Minister of Foreign Affairs, Francisco Guerrero Prats signed on behalf of the Dominican Republic, and the Chief of Mission signed on behalf of the General Secretariat of the OAS.

That same day too, the Agreement on the Electoral Observation Procedure was signed by the president of the JCE, Luis Arias Núñez, and the Chief of Mission, Santiago Murray.

The Mission started to follow the development of the Dominican electoral process in February 2004, three months prior to the election itself, enabling the Mission to form a clear picture of all the political and technical aspects of its organization and the work of all the players involved, including political organizations, electoral authorities, other government authorities, representatives of civil society, the media and society in general.

A. OBJECTIVES OF ELECTORAL OBSERVATION IN THE DOMINICAN REPUBLIC

The overall objective of the Electoral Observation Mission (EOM-OAS) was to follow the development of all the phases of the electoral process, from the registration of voters and the enrolment of candidates to voting and official tabulation of the results, verifying that the right to political participation was being exercised, and international norms and standards of legitimacy and transparency were being complied with, with a view to ensuring to ensure the integrity, impartiality and reliability of the elections.

The EOM's specific objectives included:

- Observing the behavior of the main players in the electoral process to ascertain that it met the electoral standards applicable;

- Assisting the government and electoral authorities, political parties and the general population to ensure the integrity, impartiality and reliability of the electoral process;
- Contributing to the consolidation of a climate of trust and tranquility;
- Dissuading any possible attempt at electoral manipulation;
- Supporting the involvement of citizens;
- Serving as an informal conduit for seeking and building consensus in case of conflict between the different participants in the electoral process;
- Expressing and promoting international support for the electoral process;
- Formulating recommendations in order to contribute towards the improvement of the Dominican voting system.

The EOM envisaged the fulfillment of these objectives through a series of actions, the main ones being:

- Ongoing follow-up of the legal and electoral process envisaged in the electoral calendar. This involved integrating an international group of experts, specialists and technicians in different fields to the Mission.
- Going to the different provinces and municipalities in the country to find out on site how the overall electoral process was evolving.
- Permanent follow-up of the media to obtain information on the process itself and on the media's behavior in relation to the process.
- Setting up an ongoing line of communication with all the political and social sectors involved in the electoral process.

B. STRUCTURE OF THE MISSION

To comply with its objectives and its planned course of action, the EOM followed a strategy which consisted of gradually incorporating international observers and specialists in different electoral areas, at four specific points in time during the process:

- A group of international experts and observers was sent from 27 February to 12 April 2004 to follow up and cover the different stages of the process from its outset.
- A second group of international observers, experts and analysts on complaints, legal investigation, training, information technology and electoral organization was sent from 13 April to 4 May.
- The last group of international observers, totaling around 165 on election day, was sent from 4 to 20 de May. These came from member countries of the inter-American system, such as Argentina, Brazil, Canada, Chile, Colombia, Ecuador, El Salvador, Guatemala, Nicaragua, United States, Uruguay, Panama, Peru and Venezuela, as well as countries in Europe and Asia. They covered the entire national territory through 8 regional offices and 10 observation routes. The Mission's main headquarters was set up in the capital, Santo Domingo, in order to focalize its presence and centralize the concerns of the different political players in the Dominican Republic's 31 provinces.

As soon as the Mission was set up, it made contact with the government and the electoral authorities, representatives of the diplomatic missions accredited in the country, members of the international community and the media, as well as civil society in general, and it maintained these contacts throughout its stay.

The meetings held were intended to establish a frank open dialogue with all the political players in the country in order gauge their opinions first hand and listen to their concerns regarding the political and electoral environment; both in the run-up to the elections and in the days that followed.

For the second time in the history of Dominican elections, the OAS successfully applied an observation method that had been tried tested in Guatemala and had proved very positive. It consisted in joining forces with foreigners who for one reason or another were already in the Dominican Republic, either conducting academic research or working with international organizations or non-governmental organizations.

It is important to point out that the voluntary observers were selected based on the same criteria as those applied when choosing the observers for the Mission, in other words following a rigorous study of their professional abilities and knowledge in order to guarantee impartiality, discretion, objectivity, analytical capacity, teamwork, knowledge of inter-American political, economic and social reality, but particularly of Dominican reality, as well as knowledge and experience of electoral processes in the region.

Hence more than 100 people, including diplomats, academics and officials from different foreign institutions in the Dominican Republic, joined the Mission as voluntary international observers, especially in the run-up to the elections. As in the Guatemalan electoral process of 2003, this scheme was an opportunity to benefit from the experience and knowledge of people who were already in the country. It also enabled more people from other parts of the world to participate. A positive impact was that it significantly reduced the cost of travel and accommodation for staff. Additionally it enabled the EOM to increase its presence all over the country.

It should be mentioned too that support was also received from the government and electoral authorities and the citizens who provided information cooperated with the teams at the different regional offices. This was instrumental in building a relationship of trust and mutual support.

Also worthy of mention is the effective and efficient work of each and every one of the members of the observation team who conducted themselves with a high level of professionalism, discretion, neutrality, transparency and responsibility.

CHAPTER III. ORGANIZATION OF THE DOMINICAN ELECTIONS

In terms of its organization, the 2004 process in the Dominican Republic was characterized by various innovations in electoral legislation. The two most important were the expansion of the number of members on the Central Election Board (JCE), which increased from five to nine, and the constitutional amendment that changed the election dynamics by allowing the direct re-election of the President of the Republic, thus permitting the then president Hipólito Mejía to stand for election immediately.

The EOM-OAS was aware that these changes were major variables in determining the efficacy and efficiency of the electoral procedures and compliance with current electoral legislation by all the political players. This chapter paints a clear picture of Dominican electoral legislation and the workings of the electoral bodies.

A. ELECTORAL LAWS

Electoral processes in the Dominican Republic are based on and regulated by five legal instruments. These are: the Political Constitution of the Republic of 14 August 1997; Election Law No. 275-97 of 21 December 1997; Laws 12-2000 and 13-2000 of 2 and 8 March 2000 respectively, on the female quota, and the respective regulations permanently governing each of these instruments.

Additionally, in each electoral process a series of temporary and specific Resolutions are issued on different topics and aspects.

B. THE ELECTORAL AUTHORITIES

The following electoral bodies are responsible for organizing, supervising and holding electoral processes in keeping with the provisions of the Election Law:

1. The Central Election Board (JCE)

The JCE is the highest electoral authority. It is based in the capital city and its jurisdiction covers the whole of the Republic. It is a public-law entity with legal personality, and its assets cannot be seized. It has the power to carry out any legal acts that may help it fulfill its objectives, under the conditions provided for by the Constitution, the laws and their regulations.

It is made up of two Electoral Courts: one Administrative and the other Contentious, which exercise the attributions conferred upon them by the Election Law. The JCE comprises nine people: the president and eight members, and an alternate for each of them. They are elected by the Senate of the Republic for a four-year term. The Administrative Court has three members and the Contentious Court has five. The Plenary of the JCE is made up of representatives of both Courts and its the president of the JCE.

The JCE's functions are exercised through the Administrative Court, the Contentious Court and the Plenary and are as follows:

a. *The Administrative Court:*

- Recommends the appointment by the Plenary of all the officials and employees of the JCE and its dependencies and establishes their remuneration. The Director of Elections, Director of Vote Counting, the National Director of the Civil Registry and the Director of Identity and Electoral Cards which comes under the Electoral Registry, will be appointed subject to consultation with the political parties;
- Every six months, it must make available to the recognized parties, at the latest fifteen days after the closing of electoral registrations, the databases of the registry containing the updated lists of the personal data on voters, new registrations, transfers and cancellations, as well as the vote counting program used;
- Use whatever means are deemed necessary to settle any difficulty arising in the development of the electoral process and issue, subject to the attributions conferred upon it by the law, any instructions considered necessary and/or advisable, in order to guarantee the integrity of the election and enable citizens to exercise their right to vote. These measures are transitory and can only be issued during, and apply to, the electoral period in question;
- Create as many Electoral Colleges (CE's) or polling stations as are deemed necessary for each election and determine their location and jurisdiction in the country; arrange the transfer, re-opening or elimination of polling stations as appropriate;
- Ensure the proper functioning of the Election Boards (JE's) so that the pertinent legal and regulatory provisions may be correctly applied;
- Facilitate the acquisition, preparation and supply of the equipment and print-outs, materials and tools of any kind that may be necessary for the enforcement of the Election Law, and the proper functioning of the JE's and CE's;
- See that the JE's meet as often as necessary to carry out their functions;
- Inspect, whenever considered necessary or advisable, on its own initiative or upon request, the meetings and conventions held by the parties to elect their authorities and/or appoint their candidates to electoral positions.

b. *The Contentious Court:*

- Objections and rejections by the members of the JE's, pursuant to the Election Law; suspends anyone from exercising their functions if they have been objected to or rejected, until a final decision has been reached, in cases of manifest urgency and severity;
- Objections and other actions foreseen in the Election Law and initiated in accordance with the procedures established therein;
- Internal conflicts occurring in the recognized political parties and organizations, based on appropriation by one or more of the parties involved, with their intervention always being limited to cases involving the infringement of the provisions of the Constitution, the law, the regulations issued by the Central Election Board (JCE) or political party platforms;
- Arrange, at a single or final level, the holding of new elections if the ones held in a given CE have been annulled, in cases where voting there is liable to affect the result of the election.

As a second and last instance jurisdiction:

- Decide to annul the elections in one or more CE, if such annulment has been declared by the respective JE;
- Hear and decide on objections, appeals, protests, complaints or other recourses brought as a result of first instance rulings by the JE;

c. *The Plenary of the JCE shall have the following attributions:*

- Issue, within the terms indicated for that purpose, the announcement that elections will be held;
- Declare the winners of the elections and grant the corresponding certificates to the elected President and Vice-President of the Republic, as well as the Senators and Deputies elected;
- Call extraordinary elections when appropriate, in accordance with the Constitution and the law, making an announcement to that effect;
- Issue any regulations and instructions considered pertinent to ensure the correct application of the provisions of the Constitution and election legislation and regulate their development;
- Regulate all matters regarding the public financing of political parties and their use of the State media;
- Regulate propaganda in the media in order to avoid distortions, slanderous or libelous references likely to affect the honor or consideration of political candidates or leaders, as well as any mention liable to cause unrest or confusion among the population;
- Regulate everything concerning the activities of the electoral observers;
- Regulate and provide for all matters concerning the creation, purging and conservation of the electoral registry;
- Through an administrative resolution, modify the aspect of the identity and electoral card, even before the ten-yearly revision of the electoral registry;
- Decide whether to recognize or terminate political parties;
- Decide on coalitions or mergers of political parties;
- Take appropriate measures to guarantee the free exercise of the rights of movement, freedom to meet, equal access to the State and private media, and all the rights and obligations related to the electoral campaign envisaged in this law;
- Take control of broadcasts related to the electoral process, during and after election day, through the preemptive broadcast of State radio and television channels. Private media that wish to, may link up to those preemptive broadcasts. The private media are forbidden from broadcasting news, information, messages, communiqués or other electoral broadcasts liable to disturb the normal course of the electoral process;
- Undertake the direction and control of the police force or Electoral Military Police at polling stations, under the supervision of a General Officer appointed by the Executive;
- Hear objections and rejections concerning members of the JCE, in accordance with the law, and suspend from their functions members who have been objected to or rejected, until a firm decision has been reached in that regard, in cases of manifest urgency and severity;

As already indicated, in 2002 the number of magistrates of the JCE was increased from five to nine, through a constitutional and electoral legislation reform process under the initiative of the official party, the Revolutionary Democratic Party (PRD), and promoted especially by the President

of the Republic, Hipólito Mejía. This reform also contemplated consecutive presidential re-election, which enabled the president himself to run again as a candidate in the 2004 electoral process.

In the case of the JCE, the increase from five to nine Magistrates was undertaken with professionals proposed by the PRD bench in the Senate who were in some way linked to the official party. This situation had repercussions on the confidence of the different political players in the electoral body which, as has been seen, carries out practically all the functions related to the organization of elections, ranging from distribution of the polling stations to regulation of financing for political campaigns and even keeping public order.

2. The Electoral Boards (JE)

These are permanent bodies dependent on the JCE. They are in charge of the electoral process in their jurisdiction. There is one Election Board in the National District and one in each municipality. The National District's JE has a president and four spokesmen. The other JE's have a president and two spokesmen. Each person has two alternates. They are appointed by the JCE, which may remove them from office and accept their resignation.

To deal with administrative matters, each JE is assisted by a secretary appointed by the JCE. The members may be neither secretaries of the same JE, nor people related to each other by blood or affinity up to and including the second degree, or to candidates or members of managing bodies or delegates of political parties acting in the jurisdiction of the electoral body to which they belong. People who belong to any of the branches of the State or to municipal organizations cannot be members of a JE.

The JE have the following attributions:

a. Administrative

- Appoint the members and secretaries of the CE's to operate in their jurisdiction, as well as the secretaries' alternates;
- Organize the premises where the CE's of their jurisdiction are to function;
- Arrange the efficient and timely distribution of electoral equipment and materials;
- Check the vote counting at each election, in light of the ratios obtained by the CE's and in accordance with the provisions established in the Election Law to that effect;
- Formulate, based on the count obtained in accordance with the previous paragraph, the general voting ratio in the municipality and the ratio of candidates elected to provincial and municipal offices;
- Issue the corresponding election certificates to the candidates elected to municipal offices and announcing their appointment;
- Fulfill and enforce, within their jurisdiction the constitutional, legal and regulatory provisions concerning them, as well as the provisions issued by the JCE.

b. Contentious

- Hear and decide, at a single level, on cases in which protests were brought before the CE's on the voting process;

- Hear and decide on objections, protests and other actions;
- Annul elections held in one or more colleges within its jurisdiction if there is due cause.

Anyone appointed to office as principal or alternate members of the JE must accept that appointment. Nobody may refuse such appointment nor abstain from holding and exercising it, nor resign from it, except for serious and properly justified reasons. The presidents and other members of JE may receive permanent salaries, payable during given periods, as provided for by the JCE.

The secretaries of the JE's are paid permanent salaries under the Public Expenditure Budget and Law. Auxiliary and other staff required by the JCE shall also receive salaries which can be permanent or temporary, depending on its needs.

3. Electoral Colleges (CE's) or Polling Stations

Electoral Colleges (CE's) are polling stations set up by the JCE, depending on conditions, where citizens assemble to vote when an election is called, having first produced proof of their identity.

There are 31 provinces in the Dominican Republic made up of a total of 134 municipalities. For electoral purposes, each of these provinces comprises one Electoral District, and the Capital, Santo Domingo, comprises a single District. This makes a total of 32 Electoral Districts.

In the provinces a total of 3,820 Electoral Precincts were prepared for the presidential elections of 16 de May de 2004. Each electoral precinct was made up of several Electoral Colleges (CE) or polling stations, totaling 12,102 for that electoral process. There were more than 60 thousand members in all. The electoral legislation in force provides for a maximum capacity of 600 voters per polling station.

C. ELECTION PROVISIONS

1. Electoral Registry

Each CE has a definitive electoral registry with the names of citizens eligible to vote. The registry gives their identity and electoral card number and any other general information considered by the JCE to be relevant.

The electoral registry for the Presidential Elections of 16 May 2004 grew 9 per cent, compared with the one used for the Congressional and Municipal Elections of May 2002, according to data provided by the la JCE. The segment that grew the most since the May 2002 elections was the people who became eligible to vote (8%), while the number of people no longer eligible to vote grew by 3%. One of the novelties of the 2004 electoral process was the incorporation of the voter's photograph on the electoral registry. The following chapter will look at the performance of the electoral authority in this task.

Composition	Electoral registry 2002	Electoral registry 2004
A) Eligible to vote	4,647,838	5,020,703
B) Not eligible to vote * <ul style="list-style-type: none"> ✓ Military ✓ Problems involving forged identity cards ✓ Deceased ✓ People who have been convicted of felonies or who have other problems with the law ✓ Voting abroad ** 	147,814	202,458
TOTAL	4,795,652	5,223,161

Source: EOM-OAS, with information provided by the Central Election Board.

* Those not eligible to vote are subdivided into the categories described and appear as an appendix on the electoral registry.

** Active voters residing abroad who appear as not eligible to vote in the Dominican Republic, but not in the cities of other countries where they live. Their ineligibility to vote in the Dominican Republic is temporary, since they could vote at the next Congressional and Municipal elections if they are in the country at that time.

2. Resolutions and regulations issued by the JCE on the occasion of the Ordinary Presidential Elections of 16 May 2004

On the occasion of the Ordinary Presidential Elections of 16 May 2004, the JCE issued 18 Resolutions including the Electoral Proclamation, as well as others on various subjects, such as:

- Minors who will have come of age by 16 May 2004
- Political delegates to the Polling Stations;
- Various presidential candidacies admitted;
- Denial of the appeal to review the election of the presidential candidacy of the Social Christian Reformist Party (PRSC);
- Several refusals to accept certain organizations as political parties and agreement to recognize the following organizations as political parties: National Solidarity Movement (MSN), Party for Authentic Democracy (PAD);
- Order in which the political parties taking part in the Ordinary Presidential Elections of 16 May 2004 will be listed;
- Restructuring of the Electoral Boards of Quisqueya, Pimentel, Vicente de Noble, Banica, Pedro Santana, Bohechio, Las Matas de Farfán, El Llano, Villa Vásquez; observers from Citizen Participation (Participación Ciudadana); acceptance of the Dominican Humanist Party (PHD);

- Voting timetable for voting abroad;
- Null votes;
- Alliance pacts;
- Acceptance of the presidential candidacy of the New Alternative Party (PNA);
- Resolution on electoral voting.

The JCE issued the following regulations:

- Regulation for delegates of political parties to the National Directorate of Elections (DNE);
- Regulation on Electoral Observation;
- Regulation on political parties' electoral propaganda;
- Regulation on breakdown of the State's contribution;
- Regulation on mergers, alliances and coalitions;
- Regulation for technical observers at the Directorate of Information Technology;
- Regulation on voting by Dominicans abroad.

The Mission's international observation activities were subject to the above Regulations on Electoral Observation issued by the JCE.

D. POLITICAL ORGANIZATIONS AND PARTICIPATING ALLIANCES

1. Legally recognized parties

A total of 24 parties received legal recognition from the Central Election Board (JCE) on the occasion of the Ordinary Presidential Elections of 16 May 2004. Twenty-three of these parties took part in the elections. The Movement for Independence, Unity and Change (MIUCA) was withdrawn from the election.

Political parties legally registered with and recognized by the JCE, and their order on the ballot in the Ordinary General Elections of 16 May 2004

Order on the ballot	Political Parties	Valid votes obtained on 16 Mayo 2002
1	Dominican Revolutionary Party (PRD)	936,563
2	Dominican Liberation Party (PLD)	622,559
3	Social Christian Reformist Party (PRSC)	543,039
4	Quisqueyano Democratic Party (PQD)	29,969
5	Independent Revolutionary Party (PRI)	26,592
6	Social Democratic Institutional Bloc (BIS)	25,839
7	National Renaissance Party (PRN)	13,080
8	Popular Christian Party (PPC)	12,492
9	National Veterans and Civilians Party (PNVC)	12,310
10	Dominican Social Alliance Party (ASD)	11,839
11	Alliance for Democracy Party (APD)	9,260
12	Dominican Workers Party (PTD)	6,966
13	Revolutionary Force (FR)	5,278
14	National Unity Party (PUN)	5,028

15	Movement for Independence, Unity and Change (MIUCA)	4,986
16	Christian Democratic Union (UDC)	4,946
17	Popular Democratic Party (PDP)	4,845
18	New Alternative Party (PNA)	4,305
	By order of recognition	Dates
19	Democratic Unity (UD)	13 December 1984
20	Liberal Party of the Dominican Republic (PLRD)	25 June 1985
21	National Progressive Force (FNP)	23 June 1989
22	National Solidarity Movement (MSN)	3 February 2004
23	Party for Authentic Democracy (PAD)	3 February 2004
24	Dominican Humanist Party (PHD)	25 February 2004

Source: Produced in house based on JCE data and resolutions.

2. Political party coalitions and alliances for the Ordinary General Presidential Elections of 16 May 2004

According to the Election Law in force, an Alliance is defined as “*an agreement between two or more parties to participate together in one or more levels of election and one or more electoral demarcations.*” The same legislation defines a coalition as “*a group of parties that put forward the same candidates and established electoral alliances with one or more of its the members, but not necessarily with all of them, provided they have a party in common that personifies them.*”

Both the above definitions are temporary and, within them, each of the allied or associated parties maintains its legal status, which is limited by the alliance or coalition agreement to its rules, the conservation of its staff and the cohesion of its affiliates. When putting forward common candidates and any other agreements, the allied or associated parties will be a single entity with a common representation in the Electoral Boards and Polling Stations, equal to that of the other parties.

In accordance with these provisions, the participating alliances for these Presidential Elections of 16 May, approved by the JCE through Resolution No. 13/2004, were:

- Social Christian Reformist Party and National Veterans and Civilians Party
- Dominican Revolutionary Party, Quisqueyano Democratic Party, Democratic Unity Party, National Renaissance Party, Dominican Humanist Party and National Unity Party
- Dominican Liberation Party, Dominican Workers Party, Christian Democratic Union Party, Social Democratic Institutional Bloc, Liberal Party of the Dominican Republic, Alliance for Democracy Party, National Progressive Force.

3. Participating presidential candidates

For the Presidential Elections of 16 May, the JCE approved 11 candidacies in which the participating political parties and the alliances created were set up as in the following manner:

**Presidential and vice-presidential candidates participating by political party
Ordinary General Presidential Elections of 16 May 2004**

Political party	Presidential candidate	Vice-presidential candidate
1. PRD	Hipólito Mejía	Rafael Suberví
2. PLD	Leonel Fernández	Rafael Albuquerque
3. PRSC	Eduardo Estrella	
4. PRI	Trajano Santana	Migdalia Ventura de Guzmán
5. ASD	Carlos Ramón Bencosme	María Villamán Fernández
6. PDP	Ramón Didiez Nadal	Maribel García Reyes
7. PPC	Héctor Peguero Méndez	Eddy Lora Ruiz
8. PNA	Ramón María Almanzar	Enrique Amparo Paulino
9. FR	Rafael Flores Estrella	Secundino Palacio Flores
10. MNS	Ramón Emilio Concepción	Humberto Arias Almonte
11. PAD	Raúl Pérez Peña	Marina Valera Regús

Source: Produced in house based on JCE data.

CHAPTER IV. THE PREELECTION PERIOD

The Electoral Observation Mission has maintained an active presence in the Dominican territory since February 2004 in order to assist the government and its people in observing the entire presidential election process. This chapter presents an analysis of the development of the process, taking its most relevant aspects, such as the development of political campaigns, performance of the electoral authorities, the media and other political players.

Three important factors were determinant in this election. Firstly, the recent constitutional reforms (see previous chapter) which made immediate reelection possible, in addition to modifying the structure of the Central Election Board; secondly, a degree of mistrust of the electoral authority by the political parties running for elections, resulting from the reelection amendment, and lastly, some political violence between the three main parties. These factors were reflected by complaints, confrontations and disagreements between the electoral authorities, the government and the political parties, which permeated the climate of the campaign.

A. DEVELOPMENT OF THE ELECTORAL CAMPAIGN

The electoral campaign was characterized, in the first place, by critical heated verbal confrontations between the three main presidential candidates participating in the election. The Mission took note of the statements made by the country's different organized civil sectors and the superficial nature of the different government programs and plans presented during the electoral campaign by the various political options.

In view of the circumstances, the EOM held a meeting with representatives of the participating political parties and their presidential candidates in an endeavor to promote a climate of cordiality, tolerance, dialogue and participation. At the meeting the EOM took note of the political organizations' commitment to the electoral legislation in force and their willingness to respect the will of the people.

During the electoral process, the EOM-OAS witnessed some acts of violence and confrontations by principally by the three main parties participating in the presidential election, during the pre-election phase as well as on the day of the elections. Unfortunately there were incidents where firearms were used in which five people were killed.

Urged by the international community, including the EOM- OAS, national civil society organizations, the political organizations and the population in general, the climate of confrontation cooled down towards the end of the electoral campaign.

In the last two weeks of the electoral campaign increased efforts were made to create opportunities for debate among the three main candidates so they could make their plans and proposals known. It is important to note that the presidential candidates of PRD, PLD and PRSC were encouraged by the Commission to Follow Up the Activities of the Central Election Board in this National Dialogue and each, on a different day, put forward their government plans and proposals at the facilities of the Universidad Católica Madre Maestra (UCAMAYMA).

This exercise was publicized by the country's three main newspapers and broadcast on State and private television. The EOM-OAS congratulated the participants on the debate saying that this type of exercise promotes the development and democratic consolidation of peoples, by fostering tolerance, dialogue and cooperation.

As a result of the different incidents of political and electoral violence during this process and the desire of the political players to avoid further incidents, on 16 April, one month before election day, the three main presidential candidates running on behalf of PRD, PLD and PRSC, Hipólito Mejía, Leonel Fernández and Eduardo Estrella, respectively, signed the *"Commitment for a Civilized Electoral Campaign and Strengthening Democracy."*

This agreement followed the one reached on 13 April by the Campaign Chiefs of those same parties on coordinating campaign and propaganda activities to prevent future problems and regrettable incidents.

Although the agreements were not respected to the letter and some violent incidents and verbal confrontations between the candidates occurred even after they were signed, they did set a precedent for the future by showing that the population expects electoral campaigns to evolve in a climate of respect where proposals are debated and political competence is both tolerant and transparent.

B. ACTIVITIES OF ORGANIZED CIVIL SOCIETY

During their stay in the Dominican Republic, the EOM-OAS kept in close contact with different civil society organizations, verifying the level of participation and follow-up of the electoral process under way and their endorsement of a social audit and their interest in participating in its political-electoral dynamics.

Without a doubt, the existence of such organizations as the Social Fora and the National Dialogue helped mitigate the climate of confrontation that characterized the first phase of the elections, with both institutions encouraging the three main presidential candidates to take steps to enable the Dominican Republic to hold a more proactive electoral process in an environment of trust

and transparency. Their campaigns and activities to promote conscious and responsible voting had positive results.

The EOM-OAS noted the concerns of organizations such as the Coalition for Transparency which comprises more than 80 political and social institutions, on the need for the JCE and the political parties to create the conditions to allow broad sectors of society to play a proactive part in national decisions and political processes such as elections. One of the organizations belonging to the coalition Citizen Participation carried out an election observation exercise.

Another body set up specifically to monitor the activities of the JCE was the Commission to Follow Up the Activities of the JCE (the Follow-Up Commission). Its role in monitoring the process through which the electoral registry was created is particularly worthy of mention.

The promotion of democracy in the Americas has certainly been enriched by the active involvement of organizations representing civil society which have demonstrated a firm commitment to values such as participation, plurality, transparency and the fostering of confidence among the political players. In the case of the Dominican Republic, the activities of such organizations has added value to the country's democratic consolidation by helping to quell the climate of political confrontation, and thus strengthen Dominican democracy.

C. THE MEDIA AND THE SURVEYS

Without a doubt, the media played the leading role in the development of the electoral process. The EOM-OAS verified access by the various political options participating in the electoral processes media to the media. Some inequity in the access to propaganda and political information was observed. This was concentrated among the three leading presidential candidates in the surveys, to the detriment of the other eight.

It also took note of the remarks made by social institutions regarding the use of some media by the official party to favor the presidential candidate standing for reelection. It clearly failed to comply with subparagraphs a), b), c) and d) of Article 94 of the Election Law in force regarding Equal Access to the Media. The Mission pointed out the need for the country to reconsider the role the media should be expected to play in future Dominican elections.

Lastly, the EOM-OAS observed that on 14 May, in keeping with Article 108 of the Election Law in force, election propaganda in the press, on radio and television and in public events effectively ceased.

D. PERFORMANCE OF THE ELECTORAL AUTHORITY

1. Electoral Registry

It has already been mentioned that with the changes in identity cards, the electoral authority had to work hard to update the electoral registry. At the end of March 2004, the JCE hired the US firm Identix to carry out an audit on 10 percent of the electoral registry, including the photograph of the voters.

The audit was done on a sample of 502,245 citizens and included a study and manual comparison of 2,500 voters on the 2002 and 2004 electoral registries with the data on the physical files of these people currently in the JCE's archives.

According to information published in the national media, the results of that audit on 15 April, one month before presidential election day, were as follows:

- 0.014 percent, equivalent to 6,908 citizens registered, had more than one identity card.

The conclusion drawn from this is that because the JCE does not have a system based on biometric technology, such as fingerprints and facial recognition, a person was able to register and obtain more than one identity and electoral card. This is proven by the fact that for the 2002 elections, some 5,483 people were disqualified on the basis of duplicate registration, while for 2004, a total of 23,905 were disqualified for the same reason; that is an increase of 18,422.

- There was no photograph available for 1 percent, equivalent to 45,709 citizens registered;
- The quality of the photographs supplied by the JCE was good; only 0.78 percent were rejected due to poor quality;
- When individual photographs of 19,249 people on the 2004 electoral registry were compared with the 2002 electoral registry, where changes had been made for one reason or another, there were only 23 cases of people differing between one electoral registry and another.
- In the physical audit of the 2,500 files reviewed, there were 20 cases of discrepancies in the first names and surnames, while there were 13 inconsistencies regarding the sex of the person, and 8 where there was no photograph.

The subject of the electoral registry raised doubts among the political players representing organized civil society and the general public, particularly in cases where voters had been moved to a different polling stations from the one shown on the identity card. This situation occurred in 2000, when the whole population was issued with new identity cards, and voters were added to the electoral registry as each new ID card was issued. It was then that once all the polling stations in the precinct to which they originally belonged were full, some people were moved to other electoral precincts.

On 10 May, as a result of some doubts arising in relation to the electoral registry, the Dominican Revolutionary Party (PRD) requested a print-out from the JCE. That evening the JCE provided the copy and the Dominican Liberation Party (PLD) asked the EOM to participate in comparing the CDs that contained the electoral registry that had been delivered to the political parties, with the information used to print the Polling Stations' lists.

The EOM asked the Plenary Of the JCE to provide the CDs officially to the OAS so that it could make this comparison, as requested by the political organizations, However, a new proposal was made by the political parties recommending that the Follow-Up Commission undertake this task since it had been set up expressly to monitor the activities of the JCE and already had an official copy of the electoral registry delivered by the JCE.

On 13 May a Resolution was issued with a methodology for comparing the physical copies of the electoral registries that had been delivered to the JEM and the polling stations, with the copies the political parties had, using the following procedure:

**Procedure established by the JCE to compare the electoral registry
of the polling stations with that of the political parties**

- Before commencing the voting on 16 May in all the polling stations, in the installation phase the President of each CE was to request that the electoral registry in the ballot box of that CE be compared with the one submitted by the political delegates of the PRD, PLD and PRSC parties.
- The following procedure was established for this comparison:
 - a. Verify that it was the same CE;
 - b. That this CE had the same number of eligible voters and the same number of disqualified voters;
 - c. Each political delegate present from the parties mentioned had to choose three voters at random from each page, in addition to three people from the pages of disqualified voters.
- The voting would begin with the official electoral registry deposited in the ballot box when, after comparing it, it coincided with the copies of at least two of the three parties mentioned above;
- If after the comparison, the electoral registry of the CE differed from the copies of at least two of the above-mentioned parties, the voting would not begin until the official copy kept by the corresponding Municipal Electoral Board (JEM) was obtained. In that case, that electoral registry would have to undergo the comparison procedure already described.
- If the result of this comparison of the electoral registry of the corresponding JEM did not coincide with the copies of at least two of the parties indicated above, the JCE would be asked to print out a new copy.

**Procedure established by the JCE for comparing the electoral registry of the
Municipal Electoral Boards with that of the political parties**

In the polling stations, six electoral registries per municipality had to be compared with two registries of each of the following political parties: PRD, PLD and PRSC.

The following procedure was established:

- Verify that it was the same CE;
- That it contained the same number of eligible voters and the same number of disqualified voters;
- Each delegate of the political parties mentioned would choose at random one voter from each page, as well as one person from the pages of disqualified voters;
- The secretaries of each JEM would draw up a report on compliance with the verification process or comparison of electoral registries, which would be signed by everyone present and sent the same day to the JCE.

This comparison of electoral registries took place on 15 May 2004, in the morning.

The EOM technicians participated as observers in the comparison of the information on the CDs of the Political Parties and the Follow-Up Commission. This process did not reveal any differences between the databases. The EOM observers also checked the comparisons between the physical electoral registry of the JEM's on election day and no discrepancies were found. The activity was thus considered successful and it was deemed to have generated greater confidence among the political players on election day.

The JCE therefore issued an official communiqué on the following two provisions on 12 May 2004:

- Citizens whose identity and electoral card showed a different polling station from the one on the official electoral registry could vote at any polling station where they appeared as registered;
- People whose photograph was not on the official electoral registry, could vote provided they could produce an identity and electoral card or another document proving their identity, such as a passport, drivers license or credit card.

With these activities undertaken by the JCE prior to 16 May and the comparison of electoral registries in the hours leading up to the election and described in detail later on, the subject of the electoral registry was clarified and any doubts that a large number of people would be unable to exercise their right to vote were allayed.

2. Identity Cards

The JCE organized 53 temporary centers for issuing identity cards, seven of which issued duplicates.

To encourage people to vote, the JCE allowed the general public to hand in their old identity cards, obtained prior to the re-identification process, free of charge, in exchange for the new ones which showed the polling station given on the electoral registry that would be delivered to each polling station for election day.

3. Verification Campaign

The JCE informed the public of the polling station they should vote at by making the political parties' databases and reports available by telephone and the Internet. One month before election day, on 17 and 18 April, it ran a nationwide campaign so that the people could go to the electoral precincts to check the exact location of their respective polling station. This activity was conducted in the presence of the political parties.

Simple instructions on how voters could check this information were published and included general information on the elections. On election day the JCE also made sure facilitators would be present at the electoral precincts to help any citizens who still did not have their new identity card to locate their respective polling station.

4. Voting Abroad

The May 2004 Presidential Election was the first time that Dominicans resident abroad were able to vote in a Dominican election. They were only entitled to vote for President and Vice-President, but not for any other authorities.

The election processes for Dominican residents voting abroad took place in 11 cities in four countries: three in the American continent and one in Europe. Over 52 thousand Dominicans were on the registry for 37 precincts and more than 100 polling station comprising around 500 members.

Country	State	Electoral Precincts	Polling Stations	Voters Registered	Members
CANADA		1	1	404	5
	MONTREAL	1	1	404	5
SPAIN		4	16	8,965	80
	BARCELONA	1	5	3,012	25
	MADRID	3	11	5,953	55
UNITED STATES		28	75	37,871	375
	BOSTON	5	10	4,204	50
	MIAMI	1	4	2,400	20
	NEW JERSEY	4	12	6,392	60
	NEW YORK	16	47	24,333	235
	ORLANDO	1	1	318	5
	TAMPA	1	1	224	5
PUERTO RICO		3	8	4,624	40
	PUERTO RICO	3	8	4,624	40
VENEZUELA		1	1	576	5
	VENEZUELA	1	1	576	5
Grand Total		37	101	52,440	505

Source: EOM-OAS, using data provided by the JCE.

5. Training the Electoral Boards

The general training process for the Ordinary Presidential Elections of 16 May 2004 began in January 2004 with meetings of JCE authorities on 20 and 22 January with the 134 secretaries of the Electoral Boards, in order to train them on the electoral education process and the electoral process in general.

On 14 and 15 February 2004 meetings were held with the prospective trainers of poll workers to explain what their work would entail. Around 400 trainers participated in this initial meeting and at the end of the two days, approximately 360 were chosen.

The JCE's Directorate of Information Technology drew up the Vote Counting Procedure for the members of the JEM, with instructions on the entire procedure to be followed to produce the electoral results bulletins.

6. Training poll workers

The training of poll workers began on 6 March 2004. The JCE, through the National Directorate of Elections, prepared an educational pamphlet as support for the poll workers. This

pamphlet explained the meaning of a polling station and defined the functions of poll workers on election day.

The training process involved some 70 thousand people belonging to the polling stations, chosen as a result of two agreements: the first one signed between the JCE and the Coalition for Transparency; and the second between the JCE and the Universities.

Between 6 and 10 May a final training and reinforcement stage was held for the polling station presidents and secretaries.

Key points related to the management of the voting process were dealt with at these reinforcement workshops, as well as the functions of members, activities prior to and during the voting and tabulation. Explanations were given on the handling of the electoral registry, especially as regards the category of disqualified voters, i.e. voters abroad, deceased voters, members of the military, prison inmates, etc.

Once this process was concluded, the Municipal Electoral Boards (JEM's) were to set up the polling stations and staff them with this personnel. This process was scheduled to end on 30 April, which it did.

Training of the facilitators who would provide information for voters on 16 May at the precincts, continued. This included preparation of the Facilitator's Manual. According to the electoral calendar, training was scheduled to finish on 12 May, which it did.

7. Composition of the Polling Stations

On 30 April, the first organization stage of the 12,102 polling stations, with five members each, ended: one president, one secretary, two spokespeople and one alternate secretary, totaling 60,510 people. On 11 May, the process for integrating all the polling stations, which was 95 percent complete, ended on 14 May, two days before the elections.

As already mentioned, the members included staff from Citizen Participation, the Universities and Civil Society, 1,713 people in all, with around 1,656 ultimately being included in the polling stations.

8. Delivery of Electoral Materials

In keeping with the electoral calendar, between 12 and 14 May the JEM delivered electoral kits to the presidents and secretaries of the polling stations.

Out of the total 5.7 million ballots, 5,671,000 were delivered at the 12,102 polling stations in the provinces and the 101 polling stations abroad. The remaining 28,000 ballots were held in a security vault for use in the event of contingencies.

One contingency did arise and was solved by the JCE. It was in relation to the ballot which had already been printed and involved a mistake in the name of the candidate for the Party for Authentic Democracy (PAD), Raúl Pérez Peña, which was changed to Rafael Pérez Peña.

Some of the media mentioned that the JCE had to decide whether to reprint the 5.6 million ballots. In the end the JCE issued a resolution in which it publicly announced that a mistake had been made so voters were aware of the change.

By 11 May, the National Election Directorate of the Central Election Board (JCE) had satisfactorily transported all the JEM's electoral material for the country's 134 municipalities, prior to the deadline.

The last provinces to receive the electoral material were Altagracia and San Pedro La Romana. As a contingency, two large supply points for any material that might be needed by a particular polling station were planned for the province of Santiago and the capital, Santo Domingo, to be coordinated through: CE-Inspectors-JEM-JCE, in that order. Two helicopters would be standing by in each of these districts. Subsequently, on 14 May the last electoral material distribution phase took place when they were delivered to the presidents and secretaries of the polling stations.

EOM-OAS observers monitored the preparation and delivery of materials, noting a high level of organization, professionalism and transparency in the process, all of which contributed to its efficiency.

9. Information Technology

As already mentioned, the OAS Electoral Observation Mission included a team of technicians whose job would be to observe the IT aspects of electoral organization, particularly the tools to be used for transmitting the results.

The EOM technicians held several meetings with those responsible for systems at the JCE, the technicians of the Follow-Up Commission, as well as the technical delegates of the political organizations. Throughout this process, they saw that the meetings between the technicians of the JCE and the political parties were constant and fluid. They also verified that the Follow-Up Commission had checked the technological components used to organize the elections, and drew up recommendations on how the system could be improved, mainly as regards technological security.

The involvement of the Follow-Up Commission in the most technical aspects of electoral organization is innovative in the field of civil society's involvement in following through the electoral processes. The EOM feels that other countries should emulate that innovation, since IT aspects of an election are probably among the most difficult and require transparency the most, in order to guarantee that the process evolves in accordance with democratic principles and values.

The EOM tested the data capturing system, reviewed the documentation on the use of the system and the flow analysis of the Statement of Results within the vote counting system and data transmission from the JEM's to the JCE. In all the examples and tests, the quality and security of the data entered could be seen.

From December 2003, the JCE had considered doing a dry run on 23 and 24 April to test all the components to be used on election day. This simulation was planned so that an integrated test could be run on all the technological infrastructure to be used in the electoral process; including the process for capturing the statements of poll, consolidation and transmission of the results and

instruction to the technical and legal representatives of the political organizations that would be in the JEM's on the procedure to be followed on election day.

The JCE used this dry run to inform the representatives of the political parties and observers about the processes and technological infrastructure, but it did not allow the vote counting systems, contingency plans, physical security and training of users to be fully evaluated and tested. Technicians and delegates from the political parties could be seen participating in the validation of bulletins. Delegates from Citizen Participation, the Central District and the Central Election Board also participated.

The readiness of the electoral authority to accept the recommendations of the EOM-OAS and the Follow-Up Commission, and the effort to hold a public simulation in which the political players willingly participated, are factors that had a positive effect on the transparency, efficacy and efficiency of the procedures related to the use of the technology on election day, and demonstrates the awareness among Dominican political sectors of the importance of optimizing electoral procedures to strengthen the electoral process, which, if it functions properly, is one of the pillars of a mature democracy.

10. JCE Citizen Information Campaigns

The EOM-OAS observed that the Central Election Board demonstrated a clear and open attitude towards citizen information and made every effort to ensure that people could exercise their right to vote on 16 May to elect the new President and Vice-President of the Dominican Republic for the 2004-2008 term.

In order to do so, it issued instructions and provisions and held activities on the subject. The main ones were:

- ☐ Resolution to include immediately on the electoral registry minors who would come of age before 16 May 2004;
- ☐ Publication in the media of the List of New Polling Stations and their location so that citizens would know where they should go to cast their votes;
- ☐ Provide the means to enable citizens to check their registration by phone or the Internet (PCs at supermarkets and in main squares);
- ☐ Communication of the list of citizens who are eligible to voter, by municipality and province;
- ☐ Access to the electoral registry on the Internet in order to find the location of polling stations;
- ☐ Advertising Campaign addressed at citizens which included: a) Easy Voting advertising campaign; b) Posters and advertisements; and, c) Different publications on the 2004 Elections;
- ☐ Adoption of the Resolution that specified that it was sufficient for a person to be on the photographic registry in order to be able to vote, even if the address on the identity card did not coincide with the polling station, because this might mean that the citizen had not changed his or her identity card.

CHAPTER V. THE ELECTION DAY

The EOM-OAS was present in the majority of the provinces in the country on election day and, based on former observation work, it systematized the state of the components of the electoral organization undertaken by the electoral authorities for the elections.

A. THE ELECTORAL REGISTRY

In order to demonstrate that no changes had been made to the electoral registry after it was formally closed, and that it had been delivered to the political parties and the Follow-Up Commission, the Central Board undertook three tasks so that the citizens could witness the reliability of the instrument. This, it should be noted, was done under considerable pressure, only hours before election day:

- ☐ Comparison of data between the electoral registry kept by the JCE on its data services with the data kept by the Follow-Up Commission;
- ☐ Random comparison of data from the electoral registry of the political parties with the data kept by the JEM.
- ☐ Random comparison of data from the electoral registry of the political parties with the data kept at each polling station.

The political parties were present during the three exercises. All the comparisons showed that the data on the JCE's electoral registry, the data kept by the political parties and the data by the Follow-Up Commission were exactly the same.

The third activity caused some polling stations to open late, which caused temporary unrest at those stations.

B. EVENTS ON ELECTION DAY

The observers checked all aspects of the organization and development of the elections, stressing the following:

1. Electoral materials

On 16 May they saw that the electoral materials arrived in time, although there were some exceptions.

2. Composition of the polling stations

The EOM-OAS observed that over 60 percent of the delegates of the political parties at the polling stations were not those originally appointed; the parties had made last minute changes and the JCE was unable to prevent those situations or apply sanctions.

3. Setting up and opening the polling stations

The observation carried out by the EOM-OAS saw that at nearly 75 percent of the polling stations on 16 May voting began at 06:00 hours, as stipulated in the Election Law.

4. Voting

Around 88 percent of the polling stations offered voters good facilities and conditions, including security. About 95 percent of the centers observed provided security.

There were some exceptions in the case of infringements of certain provisions stipulated by the JCE, such as the existence of political propaganda at polling stations. Ninety-two percent of polling stations contained propaganda on the political organizations participating in the election.

5. Poll closing

Ninety-eight percent of the polling stations at which the EOM was present closed at the stipulated time: 6:00 p.m.

6. Tabulation and preparation of statements of poll at polling stations

The political organizations participating were present at approximately one third of the polling stations observed by the EOM when votes were tabulated and statements of poll prepared.

7. Transmission of results

No data transmission problems were observed. The JCE had adopted several measures to ensure the data traveled across a Secure Private Network.

8. Technical monitoring

The JCE monitored the data networks on a national scale to see if any of the JEM's had faults and if they had, to enable specialized technical staff to provide technical support immediately. No major faults were found in the system on the day of the election.

9. Receipt of the ballot box by the JEM's

It should be mentioned that the non-automated processes, and approval of the statements of poll that had to be scanned by the Verification Commission (a problem that occurred basically because ballot boxes arrived open), and the checking of voting ratios (which were digitized in the system by the technical delegates of the Political Parties), were slow, which meant that results were not transmitted quickly to the JCE for consolidation.

The delay in obtaining the results was mainly due to steps taken by the members of the polling station to deliver the electoral documents to their respective JEM. Verification of materials was exhaustive and slow, and consisted of several possible steps, mainly for those polling stations that did not deliver all the material, or because the statements of poll had not been produced entirely correctly.

All the bulletins of consolidated results on a national scale were delivered to the political parties as data and scanned images from each of the statements of poll comprising the bulletin.

About four hours after polling closed, the EOM-OAS, through the Deputy Secretary General of the OAS, Luigi Einaudi, and the Chief of Mission, Santiago Murray, issued a communiqué reporting that the elections had gone very well and allowed the Dominican people to express themselves freely, in an organized manner and with respect for voting secrecy. It also acknowledged that the electoral process was adequately managed and organized by the electoral authorities.

The Mission congratulated the Follow-Up Commission on its efforts to support and supervise the JCE's efforts to guarantee and protect the Dominicans' right to vote. It also stressed the importance of its role in the post-election phase and the observation work of Citizen Participation which contributed without a doubt to the credibility of the elections and revealed the challenges the Dominican voting system will face in the future.

The Mission also commended the civic commitment of the members of the polling stations and the delegates of the political parties on May 16, the day of the General Election.

It did, nevertheless, deplore the events that occurred in the Province of Barahona during the voting and the fact that although the nature of the dispute was personal, it undoubtedly had a political impact. The Mission it expressed its hope that such episodes would not be repeated and that dialogue, tolerance and a peaceful solution to the conflicts would prevail..

Within that context it reported that during the election a number of complaints had reached it related to the different phases of the process, and forwarded to the respective electoral authorities for action, while the Mission concluded its follow-up of the processes to validate, consolidate and transmit the results obtained in the JEM, so that the results could be published.

The Mission therefore called upon the candidates, leaders of the political parties and militants and their followers to accept the results of the will of the people as expressed in the ballot

This last request by the Mission, which went hand in hand with similar ones made by the diplomatic representations in the country, and representatives of the Monitoring Commission and Citizen Participation, reduced the expectations generated in the political environment after poll closing, given the JCE's delay in publishing the first official bulletin of results.

It was symptomatic that a few minutes after this joint conference of diplomatic representations in the country and international and national observers, Hipólito Mejía acknowledged the victory of Leonel Fernández, the candidate for the PLD, and the JCE published the first results which then confirmed the trend of the final figures. This attitude helped to generate a climate of conciliation and dialogue and contributed towards the authentication of the final results.

Significantly, as the JCE published the final results between 15 and 17 May, they gradually confirmed those obtained in the Mission's quick count between poll closing and publication of the communiqué by the Deputy Secretary General of the OAS, Ambassador Einaudi and the Chief of Mission.

An initial factor of the interpretation of the results in the race for the Presidency of the Republic points to a displacement of the Dominican Republic's two main political forces - the PRD and the PRSC - by the Dominican Liberation Party (PLD) and its victorious presidential candidate.

**Dominican Republic: Results of the Ordinary Presidential Elections held on 16 May 2004,
by the political parties and party alliances in the elections**

Political parties and party alliances	Acronym	Valid votes	% of valid votes
DOMINICAN REVOLUTIONARY PARTY AND ALLIES	PRD	1,215,928	33.65
DOMINICAN REVOLUTIONARY PARTY	PRD	1,108,400	30.67
QUISQUEYANO CHRISTIAN DEMOCRATIC PARTY	PQDC	27,520	0.76
NATIONAL RENAISSANCE PARTY	PRN	11,087	0.31
NATIONAL UNITY PARTY	PUN	44,720	1.24
DEMOCRATAIC UNITY	UD	18,898	0.52
DOMINICAN HUMANIST PARTY	PHD	5,303	0.15
DOMINICAN LIBERATION PARTY AND ALLIES	PLD	2,063,871	57.11
DOMINICAN LIBERATION PARTY	PLD	1,771,377	49.02
SOCIAL DEMOCRATIC INSTITUTIONAL BLOC	BIS	98,278	2.72
ALLIANCE FOR DEMOCRACY PARTY	APD	84,566	2.34
DOMINICAN WORKERS PARTY	PTD	24,714	0.68
CHRISTIAN DEMOCRATIC UNION	UDC	32,223	0.89
LIBERAL PARTY OF THE DOMINICAN REPUBLIC	PLRD	14,037	0.39
NATIONAL PROGRESSIVE FORCE	FNP	38,676	1.07
CHRISTIAN SOCIAL REFORMIST PARTY AND ALLIES	PRSC	312,493	8.65
CHRISTIAN SOCIAL REFORMIST PARTY	PRSC	294,033	8.14
NATIONAL VETERAN AND CIVILIAN PARTY	PNVC	18,460	0.51
INDEPENDENT REVOLUTIONARY PARTY	PRI	3,994	0.11
POPULAR CHRISTIAN PARTY	PPC	3,383	0.09
DOMINICAN SOCIAL ALLIANCE	ASD	1,043	0.03
REVOLUTIONARY FORCE	FR	4,737	0.13
POPULAR DEMOCRATIC PARTY	PDP	772	0.02
NEW ALTERNATIVE PARTY	PNA	4,195	0.12
NATIONAL SOLIDARITY MOVEMENT	MSN	1,450	0.04
PARTY FOR AUTHENTIC DEMOCRACY	PAD	1,834	0.05

Source: Prepared in house based on official figures published by the JCE .

**Dominican Republic: Voting by Citizens at the
Ordinary Presidential Elections held on 16 May 2004**

Item	Absolute figures	Percentages
Electoral registry	5,020,703	100.0 %
Total votes cast	3,656,850	72.84 %
Total valid votes	3,613,700	98.82 %
Null votes	42,314	1.16 %
Votes observed	836	72.84 %
Absenteeism	1,363,853	27.16 %

Source: EOM-OAS, with information provided by the JCE.

CHAPTER VI. COMPLAINTS

One of the OAS Electoral Observation Mission's most important tasks is to receive complaints from political players and citizens in general about problems and irregularities in the voting processes so it can bring them to the attention of the competent authorities to enable problems and inconsistencies to be solved as well as possible, for the benefit of the democratic spirit and transparency that should predominate in all the procedures involved in each and every election .

On the occasion of the electoral observation deployed in the Dominican Republic, the EOM heeded the complaints of citizens in general, representatives of political parties and organizations, and the organized civil sectors. Its acted as a vehicle so that the appropriate authorities could deal with these complaints on a timely basis.

Complaints tended to be connected with the presumed use of State funds for the re-election campaign of current President, Hipólito Mejía; refusal by the JCE to recognize Partido Nacional Cañero (PNC) as a political party, which prevented it from taking part in the presidential election; the organization of the elections and the behavior of the electoral authorities; behavior of government officials backing the government party; buying of votes; behavior of candidates and followers, and violence associated with the election.

This chapter systematically presents the complaints brought throughout the 2004 electoral process, during its pre-electoral phase and on the actual day of the elections.

A. COMPLAINTS DURING THE PREELECTION PHASE

The Mission followed up several complaints brought and then channeled them to the Contentious Court of the JCE.

As the electoral process evolved, the nature of the complaints changed. The most frequent during the pre-election period were cases related to the "purchase and/or retention of identity cards" and the use of State funds for the government party's election campaign..

In the latter instance, the Mission noted that such cases have never been punished in the country by the judicial bodies. Nor has any a procedure existed specifically to control funds delivered to political parties to finance their election campaigns

Regarding the possible use of State funds for campaigning, the Mission channeled a report from the PLD to the electoral authority concerning accusations of abuse in the use of State resources for the electoral campaign of the current President, Hipólito Mejía, who was standing for re-election, through which he gave away motorcycles to “motoconchistas” (motorcycle taxi/delivery drivers) at public events.

Another complaint followed up by the Mission was presented by Partido Nacional Cañero (PNC). It stated that Article 6, Paragraph 2 of Election Law 275-97 on the recognition of parties had been infringed. Note that the JCE refused to register this organization as a political party.

Legal considerations regarding the use of State resources in the election campaign

When the Mission followed up the report presented to it by the Dominican Liberation Party (PLD) regarding complaints about the use of State funds for the political-electoral campaign of the President of the Republic who was standing for office on behalf of the Dominican Revolutionary Party (PRD), and which was channeled to the plenary of the JCE, it took note of the following arguments by different sectors of the country indicating that:

- ☐ Current legislation does not contemplate the application of timely and preventive policies and sanctions for acts of government corruption.
- ☐ Several bills that might help prevent and punish acts of corruption are pending approval by Congress: Law on the Creation of an Independent Comptrollership General’s Office; Law on the Creation of the National Anti-corruption Prosecutor; and Law on the Creation of the Civil Servant’s Code of Ethics.
- ☐ In the case of the activity of political parties and electoral campaigns, this framework has repercussions in that there are no fast and effective mechanisms to ensure the ethical, appropriate and legal use of public funds allocated to the political parties through the Election Law.
- ☐ There are no records or evidence of the use of public funds in electoral campaigns ever being sanctioned by the judicial bodies. Neither is there any type of control over funds delivered to political parties by private individuals, contrary to Article 52 of the Election Law, which states that political parties must set up an accounting system in accordance with legally accepted principles and document incoming and outgoing party revenues.
- ☐ Article 47 of the Election Law bans political parties, their leaders, militants or persons related thereto from receiving any kind of exoneration, donation or gift from any branch of the State and prohibits parties from using State funds either directly or indirectly for their campaigning.
- ☐ The JCE is authorized to intervene, annul any operation related to these prohibitions, and even provisionally seize State property, or take any precautionary measure on it, with the help of the police force. The same body is also empowered to cease any illicit use of State funds or resources immediately.
- ☐ The JCE is authorized to use, through auditors appointed by it, the examination of the documents on the income and expenditure of the political parties since the last elections,

depending on the circumstances and public interest. This examination can be verified at the State's expense. (Article 45, Paragraph 4).

B. COMPLAINTS ON ELECTION DAY

As a result of the nationwide deployment of more than 150 observers from the EOM-OAS on election day, any events liable to affect electoral order were monitored and the following were received:

Type of complaint	Number
Election Propaganda	3
Intimidation	4
Electoral Registry	8
Buying of votes	1
Fraud	2

Source: Produced in house using data from OAS electoral observers.

The Mission channeled these complaints to the electoral bodies and the JCE authorities in charge of investigating these cases, particularly the Secretariat of the plenary of the JCE, given that there is no Prosecutor's Office or specialized body on the matter.

The EOM's handling of complaints was most helpful in painting a clear picture of the kind of irregularities that are most distressing for Dominicans. The most frequent were related to concern over the use of public resources and transparency in purging the electoral registry.

The vast majority of the complaints received were dealt with by the electoral authority which handled the May 2004 very transparently, particularly as far as application of legislative innovation and due attention to the concerns of the political parties regarding the electoral registry were concerned.

CHAPTER VII. CONCLUSIONS AND RECOMMENDATIONS

Some important conclusions can be drawn from the EOM's observation, both for the Dominican Republic and for all the member States of the inter-American system, and particularly as regards the consolidation and strengthening of a rule of law in which security, democracy and development are essential components.

This chapter presents the conclusions of the observation exercise, as well as some recommendations to the State and the Dominican electoral authorities on aspects the EOM feels could be optimized to make future elections more efficient and effective.

A. ORGANIZATION AND ELECTORAL LOGISTICS

- ☐ The National Directorate of Elections has little control over events that occur in the territory insofar as electoral issues are concerned. This is because it was decided to give the Municipal Electoral Boards (JEM) greater functional autonomy to comply with their attributions under the Election Law. This includes administering the electoral process in their territory. Although the Boards act within a framework of legality, the authorities

need to consider the possibility of increasing their interaction with the National Directorate of Elections to improve the process and make it more comprehensive.

- The DNE was therefore advised to exercise greater control over compliance with the electoral calendar and coordinate with the other Directorates such as the Civil Registry, the Electoral Registry, Information Technology and the 134 JEM's as well.
- The JCE was unable to prevent the political parties changing many of their political delegates at the polling stations at the eleventh hour. In future electoral processes, it would therefore do well to monitor and observe compliance with the minimum requisites on political members at the polling stations, and their removal if necessary, to prevent such situations from jeopardizing the quality of elections.
- The introduction of the role of "facilitator" was less beneficial than expected, as the facilitators did not have organizational functions in the electoral precincts. For example, in the large majority of cases the facilitators did not filter the entry of citizens into the precincts, or the locations within them. There was a notorious lack of coordination with the presidents and secretaries of the polling stations, the excuse being that they were not authorized to make any changes to the way the CE functioned.
- It is recommended that the electoral authority and the different political organizations jointly evaluate the role of the facilitator, and the usefulness of a facilitator in future electoral processes. A number of discrepancies were observed within the Central Election Board (JCE), and at the intermediate management levels of the electoral authority and in the JEM, in the interpretation of the law and in the decision-making processes. These discrepancies tend to be linked to the identification of their staff with a particular political party.
- It is recommended that a regulation be issued to prepare an Electoral Organization Manual. This manual would cover all the functions of the DNE and its link with the JEM, to enable organization plans to be implemented so that the calendar and electoral process may be adhered to as scheduled.
- The JCE may assess the need of the members of the polling stations to return all the electoral material when it is taken to the respective JEM. It may, for instance, evaluate the need to return the Electoral Law, pencils, seals and other items which could be given away or destroyed at the polling station. This would speed up the receipt of documentation, ease the handling of the ballot box, and save money that would otherwise have to be spent on storage for documentation or materials that could not be used in another election.
- On the day of the elections, delegates of the political parties could be seen in each electoral precinct wearing large credentials with photographs of their candidates. This political propaganda in the precinct violated the electoral provisions. Other people accredited by the PRD, PLD and PRSC, apparently as coordinators, delegates, logistical staff, supervisors and facilitators, wore credentials but had no specific function at the polling station.
- At future elections the electoral authority would do well to establish a credential specifically for the political parties. It should be the same size for everybody and contain no political propaganda, making clear that they are the only representatives of the political parties allowed to enter the precinct. This would prevent people from the same party with different credentials being inside the precinct.

B. INFORMATION TECHNOLOGY AND TRANSMISSION OF RESULTS

- There were no significant IT contingencies during the transmission of the results, which demonstrated the security of the equipment. In the case of tabulation procedures, counting of data and transmission of results, there were unnecessary delays in the process for counting the statements of poll from the technical point of view. The procedures would be more efficient if the logistics in the receipt of polling stations' electoral documents by the JEM were improved.
- The results obtained in each bulletin were delivered to the delegates of the political parties accredited by the JCE, together with consolidated and detailed information. The representatives of the political parties took part in the technological tasks undertaken by the JCE, demonstrating an excellent climate of trust.
- It is also important to stress the active participation of the Follow-Up Commission in its capacity as observer of the procedures related to information technology and the transmission of results, as well as the willingness of the electoral authorities and the political parties to take their suggestions and opinions into account. Certainly the interaction between civil society and the political players in this aspect of election organization is not usual and is extremely beneficial in boosting the transparency, efficiency and efficacy of the technical procedures in the process. This makes the Dominican experience worthy of being emulated in other countries of the continent.

The following recommendations are therefore to:

- Promote meetings between the Follow-Up Commission and the political parties' technical staff so that the JCE and the political organizations may make a concerted effort to find solutions to the problems encountered;
- Review and test contingency plans before the electoral process, carrying out simulations with the entire technological and procedural platform that would be used on election day, to see if any aspects need to be improved.
- Review the process by which the political organizations validate the statements of poll, to make sure that the data input is transmitted quickly to the JCE. It could be agreed with the political organizations to validate the data after the bulletins are issued, or look at more efficient ways for the political parties to check the data.
- Improve organization of receipt of the ballot box and its contents by the JEM. This would make for better organization and speed up the announcement of the election results.

C. IDENTIFICATION PROCESSES

- It is considered fundamental that the JCE continue with the campaign to allow citizens to request their new identity cards showing the polling station to which they are assigned in order to minimize or eliminate any suspicion of voters being transferred to a different polling station from the one on the identity card. This, in addition to avoiding having to run checking campaigns, would ease the work of facilitators.

D. ELECTORAL TRAINING PROCESSES

- The JCE designed a Training Plan for everyone involved in the electoral process. Starting in February, it was staggered in different parts of the country. Members of the electoral colleges were also trained a week before election day in an exercise that proved to be positive. For the training, a large amount of educational material was distributed among the different participants in the process, facilitators, coordinators, members of the polling stations.
- However, it is recommended that the educational material and instructions for presidential elections be shorter and simplified, using graphics or other methods. This should make it easier for the members of the polling stations and the JEM's to do their work.
- Another similar recommendation designed to optimize resources for a forthcoming election, is to consider designing a single, clear set of practical instructions for the members of the CE.
- In that same vein, the amount of forms, eleven in all, that officials have to use for receipt and delivery of material , etc., is excessive

E. POLITICAL PLAYERS

- The Mission took note on several occasions of the questions raised by the political organizations, organized civil society and the general public of the work of the Central Election Board. Since the electoral authority was expanded, the length of time taken in responding to verbal confrontations between the three presidential candidates has been criticized, as has the lack of a unified response on the violent incidents that occurred in the weeks leading up to the election and on the accusation that public funds had been diverted to finance the government candidate's campaign.

The Mission trusts that this criticism has generated sufficient thought within the Central Election Board for them to give it due consideration, since its role in consolidating Dominican democracy consists precisely in acting as an impartial and objective arbiter in these processes. The JCE must use the mechanisms available to fulfill its principal role, i.e. to lay the foundations and provide the conditions that will allow all the political players and the general public to participate in the elections in keeping with the principles of tolerance, transparency, dialogue and agreement expected in a democracy.

The Mission wishes to emphasize the role of the Dominican electoral authorities at all levels, the Central Board, the Municipal Boards and the polling stations for their contribution to the success of this election exercise. Without a doubt their effort was instrumental in its successful conclusion, and the experience gained will prove valuable in improving the quality of the Dominican Republic's democratic institutions. Likewise, the group of observers wishes to express its acknowledgement to the civil society organizations, and the Follow-Up Commission in particular, for working together with the Central Board throughout the process to guarantee transparency and commends it on its determination to improve it in the future.

Recognition by the Mission must also be extended to the political players which gradually abandoned the confrontations to give way to a dialogue and discussion of the most relevant topics of

the national agenda. Most especially the Observers wish to congratulate the Dominican people for their active, organized, responsible, civic participation in the 2004 electoral process. Lastly, the EOM and all its members would like to thank the Dominican authorities, the candidates, the representatives of the political parties, civil society and the citizens' organizations, for welcoming the Mission and sharing their concerns.

There is no doubt that the joint work of the national bodies and collaboration with international organizations, such as the Organization of American States, will be fundamental in helping to further the consolidation of democracy in the region.

By and large, the organization of the elections was conducted adequately, which helped to boost confidence between all the political players. Unfortunately this performance did not entirely allay the distrust of the electoral authority, as already mentioned. The EOM noted the criticisms voiced regarding untimely response to the political confrontations that occurred, the presumed use of public resources for campaigning and the violent incidents in the weeks leading up to the election.

The EOM also feels it will be important to keep striving to optimize the different electoral procedures, but also to seek the best way to improve those aspects of the Board's performance that are related to interaction among the political aspects, based on principles of transparency , tolerance, dialogue and participation.

CHAPTER VIII. FINANCIAL REPORTS

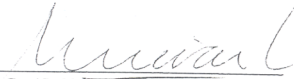
ORGANIZATION OF AMERICAN STATES OFFICE FOR THE PROMOTION OF DEMOCRACY



CONTRIBUTION FROM THE GOVERNMENT OF THE UNITED STATES Electoral Observation Mission - Dominican Republic 2004

STATEMENT OF CHANGES IN FUND BALANCE (preliminary and unaudited) From Award Inception (April 23, 2004) to December 31, 2004

Increases		
<i>Contribution</i>	\$	138,950
Decreases		
<i>Transfers to Other Agencies</i>	\$	34,000
<i>Expenditures</i>		
Equipment, Supplies and Maintenance	480	
Performance Contracts	39,542	
Other Expenses	5,109	
Total Decreases		<u>79,131</u>
Net change during period		<u>59,819</u>
Unliquidated Obligations		3,144
Fund balance at end of period	\$	<u><u>56,675</u></u>


 Certified by: Alfonso Munevar, Director
 Office of Budgetary and Financial Services

Project: UPD-EOM/026
 Award: USAID04/04


ORGANIZATION OF AMERICAN STATES
DEPARTMENT FOR DEMOCRATIC AND POLITICAL AFFAIRS



CONTRIBUTION FROM THE EUROPEAN ECONOMIC UNION
Electoral Observation Mission - Dominican Republic 2004

STATEMENT OF CHANGES IN FUND BALANCE
From Award Inception (April 23, 2004) to August 31, 2004

	US Dollars	EUROS
Increases		
<i>Contribution</i>	\$ 183,757 *	€ 156,957
Decreases		
<i>Expenditures and Obligations</i>		
Travel	49,186	42,013
Equipment, Supplies and Maintenance	30,179	25,778
Performance Contracts	9,313	7,955
Other Expenses	5,358	4,576
Total Decreases	94,036	80,322 **
Net change during period	89,721	76,635
Conversion Expense (exchange rate loss)	-	(3,418)
Fund balance at end of period	\$ 89,721	€ 73,217 ***

 9-29-04
Certified by: Javier Goldin, Chief of Division
Financial Reporting and Policy Division
Office of Financial and Budgetary Services

* An exchange rate of 1.17075 (US\$ to Eur) was used when the contribution was received.
** An exchange rate of 1.17075 (US\$ to Eur) was used for expenses as the agreement stipulates.
*** An exchange rate of 1.22539 (US\$ to Eur) is the actual rate as of September 14, 2004.

Project UPD-EOM/026
Award EEC04/01

**ORGANIZATION OF AMERICAN STATES
OFFICE FOR THE PROMOTION OF DEMOCRACY**



**CONTRIBUTION FROM THE GOVERNMENT OF THE UNITED STATES
Electoral Observation Mission- Dominican Republic 2004**

**STATEMENT OF CHANGES IN FUND BALANCE
From Inception (February 20, 2004) to August 31, 2004**

Increases

<i>Contribution</i>	\$ 100,000
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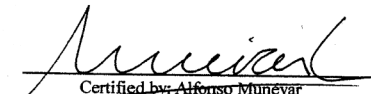
Decreases

Expenditures & Obligations

Travel	\$ 26,049
Equipment, Supplies and Maintenance	8,913
Building and Maintenance	472
Performance Contracts	61,412
Other Expenses	<u>2,966</u>
Total Decreases	<u>99,812</u>

Fund balance at end of period

\$ 188


 Certified by: Alfonso Munevar
 Director
 Office of Financial and Budgetary Services

Project: UPD-EOM/026
Award: USDEP04/01

**ORGANIZATION OF AMERICAN STATES
DEPARTMENT FOR DEMOCRATIC AND POLITICAL AFFAIRS**

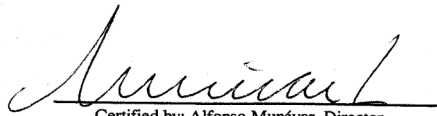


**CONTRIBUTION FROM THE GOVERNMENT OF CANADA
2004 Electoral Observation Mission in the Dominican Republic**

**STATEMENT OF CHANGES IN FUND BALANCE
(Preliminary and Unaudited)**

From Inception (February 20, 2004) to December 31, 2004

Increases		
<i>Contribution</i>	\$	17,255
Decreases		
<i>Expenditures</i>		
Travel	\$	1,870
Performance Contracts		15,075
Total Decreases		<u>16,945</u>
Net change during period		310
Unliquidated Obligations		<u>310</u>
Fund balance at end of period	\$	<u>-</u>


 Certified by: Alfonso Munguía, Director
 Office of Budgetary and Financial Services

Project UPD-EOM/026
Award CIDA04/02

APPENDIX I
LETTERS OF INVITATION AND ACCEPTANCE

.004 03:44 PM

P. 02



1824

Santo Domingo, D.N.
22 de enero del 2004.

Señor Secretario General:

Tengo el agrado de dirigirme a Vuestra Excelencia en ocasión de extenderle una cordial invitación, a fin de que de que nos honre, presidiendo la Misión de Observación de la Organización de los Estados Americanos que tendría a bien acompañarnos durante el proceso electoral y participar en calidad de observadores internacionales, de las "Elecciones Ordinarias Generales Presidenciales y Vicepresidenciales" que se celebrarán el próximo 16 de mayo del presente año.

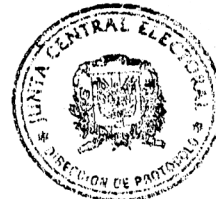
En los comicios que la Junta Central Electoral organiza en la fecha señalada, el pueblo dominicano elegirá a su presidente y vicepresidente para el período de gobierno del 2004 al 2008. Es el contexto de este nuevo torneo electoral, que nos complace contar, como de costumbre, con la presencia de una misión de observación de la OEA, bajo el entendido de que el elevado nivel de prestancia y capacidad técnica de sus integrantes, en una observación temprana contribuyen a reforzar la diáfanidad de los comicios electorales y el libre ejercicio del sufragio en la República Dominicana.

En este tenor, y para los fines de acreditación, la Junta Central Electoral quedará muy reconocida de Vuestra Excelencia, si le puede comunicar lo antes posible, los nombres, cargos, nacionalidades y números de pasaportes de las personas que serán designados observadores de la Organización de Estados Americanos que tan dignamente representa; así como el calendario de las visitas a nuestro país.

Hago provecho de la oportunidad para reiterarle las seguridades de mi más alta consideración.


DR. LUIS ARIAS NÚÑEZ
Presidente de la Junta Central Electoral

Excelentísimo Señor
Dr. César Gaviria
Secretario General de la
Organización de Estados Americanos.



RECEIVED
2004-01-29 01:01 P 5:30

MISION PERMANENTE DE LA REPUBLICA DOMINICANA
ANTE LA ORGANIZACION DE ESTADOS AMERICANOS
1715 22ND STREET, N.W.
WASHINGTON, D.C. 20008
(202) 332-9142 (202) 232-5038 (FAX)

MP-RD-OEA
059-04

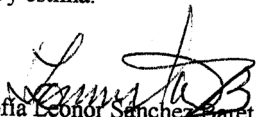
29 de enero de 2004.

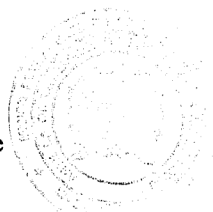
Señor Secretario General:

Tengo el honor de dirigirme a usted en ocasión de transmitir la Nota No. 1824 del 22 de enero de 2004, del Honorable Dr. Luis Arias Núñez, Presidente de la Junta Central Electoral de la República Dominicana, mediante la cual extiende formal invitación para que la Organización de los Estados Americanos, si así lo estima conveniente, designe una Misión que participe en calidad de observador durante las elecciones presidenciales y vicepresidenciales que se celebrarán en el país el próximo 16 de mayo de 2004.

Como es de lugar, la Junta Central Electoral ofrecerá a los miembros de la Misión de Observación Electoral el apoyo necesario para el cumplimiento de sus objetivos, así como las atenciones protocolares de lugar.

Al agradecer la acogida que merezca la presente solicitud, se despide con sentimientos de alta consideración y estima.


Sofia Leonor Sanchez Baret
Embajadora, Representante Permanente



Excelentísimo Señor
César Gaviria
Secretario General
Organización de los Estados Americanos
Washington, D.C.

Anexo: citado



Organización de los Estados Americanos
 Organização dos Estados Americanos
 Organisation des États américains
 Organization of American States

27 de febrero de 2004

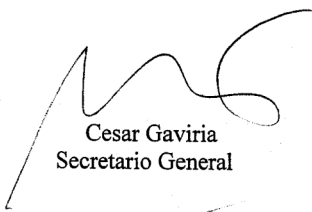
SG/UPD - 138 /04

Distinguida señora Embajadora:

Por medio de la presente me permito acusar recibo de la comunicación MP-RD-OEA 059-04 que bien tiene Vuestra Excelencia hacer llegar a la Secretaría General de la Organización de los Estados Americanos (OEA), mediante la cual el Honorable Dr. Luis Arias Nuñez, Presidente de la Junta Central Electoral de la República Dominicana invita a esta Secretaría General a conformar una Misión de Observación Electoral para las Elecciones Ordinarias Generales Presidenciales y Vicepresidenciales que tendrán lugar el próximo 16 de mayo.

Al respecto me permito informarle que la Secretaría General acoge con interés la invitación y anticipa su disposición favorable para organizar la misión solicitada. Al respecto, procedo a informar que ha sido designado como jefe de la Misión de Observación el señor Santiago Murray de la Unidad para la Promoción de la Democracia (UPD) de la Secretaría. Asimismo, es oportuno señalar que de conformidad a las disposiciones vigentes, el envío de la misma está condicionado a la obtención de recursos externos para su financiamiento.

Hago propicia esta ocasión para expresar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.


 Cesar Gaviria
 Secretario General

Excelentísima Embajadora
 Sofía Leonor Sánchez Baret
 Misión Permanente de la República Dominicana
 ante la Organización de los Estados Americanos
 Washington, D.C. 20008

Organización de los Estados Americanos
 17th Street & Constitution Ave. N.W.
 Washington, DC 20006-4499



Organización de los Estados Americanos
 Organização dos Estados Americanos
 Organisation des États américains
 Organization of American States

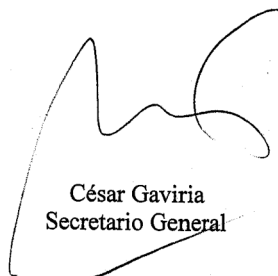
27 de febrero de 2004

Distinguido señor Presidente:

Tengo el honor de dirigirme al señor Presidente en respuesta a su atenta nota de fecha 22 de enero de 2004, mediante la cual invita a la Secretaría General de la Organización de los Estados Americanos (OEA) a conformar una Misión de Observación Electoral para las Elecciones Ordinarias Generales Presidenciales y Vicepresidenciales que tendrán lugar el próximo 16 de mayo.

Sobre el particular, me complace manifestarle, que la Secretaría General acoge con interés la invitación y anticipa su disposición favorable para organizar la misión solicitada. Al respecto, procedo a informar que ha sido designado como jefe de la Misión el señor Santiago Murray de la Unidad para la Promoción de la Democracia de la Secretaría. Asimismo, es oportuno señalar que de conformidad a las disposiciones vigentes, el envío de la misma está condicionado a la obtención de recursos externos para su financiamiento.

Hago propicia esta ocasión para expresar al señor Presidente el testimonio de mi más alta y distinguida consideración.



César Gaviria
 Secretario General

Excelentísimo señor
 Luis Arias Nuñez
 Presidente de la Junta Central Electoral
 Santo Domingo, República Dominicana

Organización de los Estados Americanos
 17th Street & Constitution Ave. N.W.
 Washington, DC 20006-4499

APPENDIX II

**AGREEMENT REGARDING THE PROCEDURE FOR THE
OBSERVATION OF THE ELECTION**

ACUERDO
ENTRE
LA JUNTA CENTRAL ELECTORAL DE LA REPÚBLICA DOMINICANA
Y
LA SECRETARÍA GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS
AMERICANOS
SOBRE EL PROCEDIMIENTO DE OBSERVACIÓN ELECTORAL DE LAS
ELECCIONES ORDINARIAS GENERALES PRESIDENCIALES Y
VICEPRESIDENCIALES A CELEBRARSE EL 16 DE MAYO DE 2004

La Junta Central Electoral de la República Dominicana (en adelante la JCE) y la Secretaría General de la Organización de los Estados Americanos (en adelante la SG/OEA),

CONSIDERANDO:

Que el Gobierno de la República Dominicana (en adelante el Gobierno), por medio de una comunicación dirigida al Secretario General de la OEA, con fecha 22 de enero de 2004, solicitó la asistencia de una Misión de Observación Electoral de la OEA para las Elecciones Ordinarias Generales Presidenciales y Vicepresidenciales que se llevarán a cabo el 16 de mayo de 2004;

Que la SG/OEA acogió la solicitud del Gobierno, disponiendo el 27 de febrero de 2004 el envío de una Misión de Observación Electoral de la OEA a la República Dominicana (en adelante la Misión) con el objetivo de realizar la observación del proceso electoral a llevarse a cabo el 16 de mayo de 2004;

Que en la Resolución AG/Res. 991 (XIX-O/89) la Asamblea General de la OEA reiteró al Secretario General la recomendación de "organizar y enviar misiones a aquellos Estados miembros que, en ejercicio de su soberanía, lo soliciten, con el propósito de observar el desarrollo, de ser posible en todas sus etapas, de cada uno de los respectivos procesos electorales"; y

Que la Carta Democrática Interamericana, en su artículo 24, establece lo siguiente: "Las misiones de observación electoral se llevarán a cabo por solicitud del Estado Miembro interesado. Con tal finalidad, el gobierno de dicho Estado y el Secretario General celebrarán un convenio que determine el alcance y la cobertura de la misión de observación electoral de que se trate. El Estado Miembro deberá garantizar las condiciones de seguridad, libre acceso a la información y amplia cooperación con la misión de observación electoral ...",

ACUERDAN:

Primero: Garantías:

- a) La JCE garantiza a la Misión todas las facilidades para el cumplimiento adecuado de su misión de observación de las elecciones en la República Dominicana del 16 de mayo de 2004, de conformidad con las normas vigentes en la República Dominicana y los términos de este Acuerdo.

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- b) La JCE garantiza a la Misión el pleno ejercicio de sus funciones en las fases pre-comiciales, comiciales y post-comiciales del proceso electoral, hasta la asunción de las autoridades elegidas en los comicios. La presencia de la Misión en el país podrá ser extendida cuando las circunstancias así lo requieran, previo acuerdo con la JCE.
- c) La JCE, durante el día de los comicios, y los períodos pre-comiciales y post-comiciales, garantizará a la Misión el libre desplazamiento y movimiento en todo el territorio dominicano así como el acceso de sus observadores a todas las áreas de los organismos que conforman el sistema electoral, desde la instalación de las mesas electorales hasta la terminación del escrutinio a nivel nacional.
- d) La JCE garantizará a la Misión el pleno acceso a los locales de votación, a los órganos electorales que tienen a su cargo las actividades de votación, escrutinio y totalización de votos.
- e) La Misión acompañará el proceso electoral en sus distintas etapas, enfatizando sus actividades de observación en aspectos tales como:
 - i) La difusión de los mensajes que cada uno de los candidatos generales ofrezca al país.
 - ii) Los programas y planes de seguridad ciudadana, que se instrumenten con el fin de permitir a los electores ejercer el sufragio de conformidad con el marco jurídico aplicable en el país.
 - iii) Los procedimientos aplicados a la organización y administración electoral.

Segundo: Información:

- a) La JCE suministrará a la Misión toda la información referente a la organización, dirección y supervisión del proceso electoral. La Misión podrá solicitar a la JCE, información adicional necesaria para el ejercicio de sus funciones.
- b) La Misión informará a la JCE acerca de las irregularidades e interferencias que observe o que le fueran comunicadas. Asimismo, la Misión podrá solicitar a la JCE información sobre las medidas que al respecto se hubieren tomado.
- c) La JCE facilitará a la Misión información relativa a los padrones electorales y a los datos contenidos en sus sistemas automatizados referente al mismo. Asimismo, proveerá toda otra información relativa al sistema de cómputos para el día de las elecciones y ofrecerá demostraciones de su operación; Igualmente, la JCE suministrará información acerca de las condiciones de orden público existentes en el territorio nacional durante las distintas etapas del proceso electoral.

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- d) La JCE garantizará a la Misión información sobre el cómputo provisional y el cómputo definitivo. Para tal efecto, la JCE garantizará el acceso de la Misión a los respectivos Centros de Cómputos.
- e) La Misión podrá emitir informes públicos y periódicos como resultado de la observación *in situ* de este proceso electoral.

Tercero:Disposiciones Generales:

- a) El Secretario General de la OEA designará al Jefe de la Misión, quien representará a la Misión y a sus integrantes frente a las distintas instituciones del Estado y frente al Gobierno.
- b) La SG/OEA comunicará al Presidente de la JCE los nombres de las personas que integrarán la Misión, los que estarán debidamente identificados con una credencial de identificación de la OEA y de la JCE, elaborados especialmente para la Misión.
- c) La Misión deberá actuar con imparcialidad, objetividad e independencia en el cumplimiento de su cometido.
- d) El Secretario General de la OEA remitirá a la JCE una copia del informe final de la Misión.
- e) La JCE hará conocer y difundirá entre todos los organismos con responsabilidad en el proceso electoral el contenido de este Acuerdo.

Cuarto:Privilegios e Inmunidades:

Ninguna disposición en este Acuerdo se entenderá como una renuncia a los privilegios e inmunidades de los que gozan la OEA, sus órganos, su personal y sus bienes conforme a la Carta de la OEA, cuyo instrumento de ratificación fue depositado por el Gobierno el xx de abril de xxx, al Acuerdo entre la SG/OEA y el Gobierno sobre el Funcionamiento de la Oficina de la SG/OEA en República Dominicana, suscrito el xx de xxx de xxxx, y en su Protocolo Adicional, suscrito el xx de xxxx de xxxx, y al Acuerdo entre el Gobierno y la SG/OEA relativo a los privilegios e inmunidades de los observadores de las elecciones Ordinarias Generales Presidenciales y Vicepresidenciales a celebrarse el 16 de mayo de 2004, firmado el ____ de ____ de 2004, y a los principios y prácticas del derecho internacional.

Quinto: Solución de Controversias:

Las Partes procurarán resolver mediante negociaciones directas cualquier controversia que surja respecto a la interpretación y/o aplicación de este Acuerdo. Si

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ello no fuera posible, la cuestión será sometida a arbitraje mediante el procedimiento que al efecto se acuerde.

EN FE DE LO CUAL, los representantes de las Partes firman el presente documento en dos originales igualmente válidos en la ciudad de Santo Domingo a los ____ días del mes de _____ del año dos mil cuatro.

**POR LA JUNTA CENTRAL ELECTORAL
DE LA REPÚBLICA DOMINICANA**

**POR LA SECRETARÍA GENERAL
DE LA ORGANIZACIÓN DE LOS
ESTADOS AMERICANOS**

Luis Arias Nuñez
Presidente

Santiago Murray
Jefe de Misión