

Honduras: a decision based on political calculations

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As a fundamental part of the process of democratic change in Honduras which took place when power was transferred from a military to a civilian government, the Electoral and Political Organizations Law was approved in November 1979. This law was to govern the election of members of the Constituent National Assembly, who were trusted with writing a new constitutional text.

Article 10 of that law recognized specifically that Honduran citizens residing abroad would have the opportunity to vote in the election for deputies to the Constituent National Assembly as long as they were in the country on election day and were registered in the National Electoral Census—which cannot be considered as external voting in the strict sense of the term.

However, external voting in the true sense was provided for two years later. The Constituent National Assembly, installed in June 1980, not only wrote the new constitutional text, which was promulgated in January 1982, but also issued a new Electoral and Political Organizations Law with the purpose of calling the Honduran people to general elections to the presidency, to be held in November 1981. In the new electoral legislation, the vote for Honduran citizens who were resident outside the national territory was considered again, and this time specifically voting from abroad. However, its implementation was put on hold until the appropriate conditions in the organization of electoral affairs were in place (article 11) and until the electoral management body (the National Electoral Tribunal) was able to decide on the detailed regulation of external voting by a unanimous vote of its members.

The provision in fact was not implemented for almost 20 years because the right conditions never occurred for the electoral authority (the National Electoral Tribunal became the Supreme Electoral Tribunal in 2004) to proceed with its effective assessment and regulation. By initiative of the then ruling party, the Liberal Party of Honduras, the Congress, at the end of 2000, approved a decree that gave the National Electoral Tribunal three months in which to regulate the voting by Hondurans abroad within the terms of article 11 of the electoral law. The decree stipulated that if the electoral body did not fulfil this mandate within that time frame it would be up to the National Congress to develop and decide on the regulation.

The members of the National Electoral Tribunal did not reach unanimous agreement within the time stipulated, and the responsibility of preparing the regulation was indeed transferred to the Congress. Accordingly, it was the president of the Congress (who at the time was virtually a candidate for the presidency of the republic, expected to stand as the candidate of the National Party) to take the initiative on the regulation of voting for abroad, which, if approved, would be applied for the presidential election to be held in late 2001.

In spite of objections by the opposition and counter-arguments related to the high financial cost of external voting and to the lack of consultation with other interested sectors, by the end of May 2001 a majority in the Congress had approved the Special Law for the Exercise of Suffrage of Hondurans Abroad, thereby restoring this potential benefit for nearly 600,000 Honduran citizens who were permanently resident abroad.

This was clearly the result of a political calculation by the ruling party. There is also no doubt that the amount of money remitted to Honduras by residents abroad (known as the 'economic mattress', and estimated at the time at 1 billion US dollars (USD) per year), was also influential in the decision to approve this law.

The special law established that external voting for Hondurans living abroad will only apply for presidential elections; that the consular offices will be considered as auxiliary electoral bodies, which implies that voting will be in-person in these precincts (postal voting from abroad is not possible), and that it is up to the electoral authority to select the cities where electors will be able to vote. In spite of all of the above, it was decided that in the presidential election of 2001 external voting would be carried out but only in six cities in the United States—New Orleans, Miami, Washington, New York, Los Angeles and Houston. These cities were selected because it was estimated that they were home to the great majority of Hondurans living abroad. The same cities were chosen to organize external voting in the presidential election of 2005, although it was not possible to offer it in all of them.

Voter registration and electoral logistics abroad

For the implementation of external voting by Hondurans abroad in the 2001 and 2005 presidential elections, a Local Electoral Board was established in each of the consular offices of the six US cities selected. These boards were formed by a representative of the consular office plus a representative of each legally recognized political party (there were only five at the time) and were to administer and supervise the entire electoral process, including the establishment of the electoral register.

The law establishes that to vote from outside the national territory Honduran citizens residing abroad must be registered in the National Electoral Census. To achieve this, they must present themselves at the corresponding consulate, register on a preliminary list, and provide their general information, current address and identity card number. It is important to note that potential voters must possess an identity card in order to register and vote abroad.

For the 2001 presidential election, Honduran residents abroad in those jurisdictions had a period of over a month, from 1 July to 5 August, in which to request registration on the preliminary electoral register. For the 2005 election the registration period also finished in early August, since the Special Law for the Exercise of Suffrage of Hondurans

Abroad states that all consulates must issue the preliminary list of electors abroad before 25 August of the year of the election. In both the 2001 and the 2005 elections there were complaints about the short time allowed to register. Many Honduran citizens abroad do not have a Honduran identity card, so, in accordance with the Special Law, the office of the electoral authority which was in charge of issuing the unique identity cards sent specialist technical personnel in to the six selected cities where voting was to take place to deal with all requests for the granting, renewal or replacement of identity cards. All requests are sent to the national registry which issues the ID cards and then sent them back to the consulates in September and October to be delivered to the citizens concerned.

Citizens of Honduran origin who are naturalized in the USA or in another country and have not recovered their Honduran citizenship, according to the provisions of the constitution, cannot participate in this process.

The National Electoral Tribunal is responsible for integrating the definitive list of electors abroad and sending it, together with all the materials and electoral documentation, via the Foreign Ministry, to those consular offices that are qualified to act as auxiliary election bodies one month before polling day. The law establishes that if the name of an elector does not appear in the definitive list prepared by the electoral authority, that person cannot cast a vote.

According to the special law, the polling abroad is carried out the same day as the general elections in Honduras.

The law does not include specific provisions concerning election campaign activities abroad, but these take place by means of personal contacts, printed campaign literature, and messages in some Spanish-language broadcasts.

Turnout

The definitive register of electors abroad for the 2001 election included 10,826 Hondurans, of whom only 4,541, or 42 per cent, voted. The table shows how they were distributed.

Table 1: Voting by Hondurans abroad in the 2001 presidential election

City	No. of registered electors	No. of votes cast
Miami	3,590	1,770
Houston	1,599	519
Washington	982	399
New York	2,196	676
Los Angeles	1,665	678
New Orleans	794	499
Total	10,826	3,931

At the time of the most recent presidential election, in 2005, it was estimated that a total of 1 million Hondurans were living in the United States, most of whom held ID cards. At 11,590, the total number of external electors registered was not much larger than the total in 2001. Moreover, even when the electoral authority knew about the apathy or lack of interest on the part of Hondurans living abroad in voting, they did not expect the very low turnout obtained in this second experience.

On this occasion, only 336 valid external votes were cast. This situation was caused by more than one factor. First, the external voting in New Orleans was cancelled because of Hurricane Katrina in August 2005. In New York the electoral officer of the two polling stations experienced problems and decided to suspend the election. Then the Miami and Washington ballot papers were not certificated, so they could not be taken to the data processing centre. The number of votes cast in these cities was estimated at 400. Of the two ballot boxes installed in Houston, only one was considered valid. So, in the end, only one urn from Houston and the ballot papers from Los Angeles were counted.

Table 2: Voting by Hondurans abroad in the 2005 presidential election

Political party	Houston	Los Angeles	
Pinu	5	2	
National Party	50	115	
Liberal Party	58	92	
Democratic Unification (UD)	1	4	
Christian Democracy (DC)	2	7	
Total	116	220	336

The costs of external voting

The costs of the first implementation of voting abroad—in 2001—amounted to 10 million lempiras (HNL—c. 600,000 USD). The high costs, the low rates of registration and participation, and the presumed discord or political polarization in the Honduran communities abroad as a result of the electoral competition, have given rise to different criticisms and demands for this regulation to be reviewed, and even repealed. The Supreme Electoral Tribunal recognizes that the second experience of external voting was a failure. Improving this mechanism is a major challenge for the electoral authority. However, even though there has been talk of abolishing the Special Law for the Exercise of Suffrage of Hondurans Abroad, the introduction of external voting by post for the next election is still being considered.