

The Dominican Republic: political agreement in response to demands for the right to vote from abroad

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As a result of a wide-ranging agreement reached between the main political and social forces on a thorough reform of the political and electoral system, as well as to correct the fraud that was widely believed to have characterized the general elections of 1994, the electoral law of the Dominican Republic, Law no. 275-97, was promulgated in December 1997. It incorporated significant changes and innovations, and article 82 made it possible for Dominican citizens who were resident abroad to vote—although only in elections for the presidency and vice-presidency of the republic.

Two main factors assisted the recognition of the right to vote from abroad. First, establishing it in the electoral legislation did not require any constitutional reform: the constitutional norms relating to the ownership and exercise of political rights do not require the vote to be cast within the national territory or in any determined electoral district. Second, it was a justifiable demand made by the different organized groups of Dominican residents abroad to which the main political forces of the country were very sensitive.

To realize this right, article 83 of Law no. 275 of 1997 authorized the electoral authority, the Central Electoral Board (CEB), to put in place the necessary measures to guarantee the implementation of external voting, and article 84 regulated its form and the related procedures. The law specified that its implementation would be considered for the presidential election of 2000 but it was up to the electoral authority to decide when it would come into effect. The CEB decided that it would not be in a position to regulate and guarantee the application of the right to vote abroad in time for the 2000 presidential election, but that it would do everything necessary to ensure its implementation for the presidential election of 2004.

With the electoral process of 2000 concluded, one of the first and main initiatives the CEB took to fulfil its commitment was to set up a commission to study voting by Dominicans from abroad. The commission was charged not only with examining the subject exhaustively, including organizing discussion forums and consultation processes with the political parties, interested sectors and so on, but also with establishing coordination mechanisms with the executive agencies the participation of which was

indispensable to running the voting abroad—especially the Ministry of Foreign Relations and its consular offices.

From the different opinions expressed in these forums and consultation processes it was clear that in order to guarantee broad participation by potential voters abroad—almost all of them migrant workers—it was essential for the legal regulation to include three basic principles—the total security of the vote, the freedom of the vote, and total respect for the integrity of voters abroad.

On this basis, in June 2001 the CEB approved the Regulation for the Registration of Electors Residing Abroad, which stipulated that registration centres would be established in the countries where Dominicans were resident and where there were consular or diplomatic offices of the Foreign Ministry, and previous consultation with the legally recognized political parties. Under this regulation, and working from the results of the consultation process with the political parties and the available information on the numbers and locations of the Dominican population abroad, the countries and cities where efforts would be focused for the registration and voting abroad were gradually defined, on the basis that there would be personal voting only.

Although the regulation emphasized that all electors had the right to vote in the 2004 presidential elections, the exceptions to this should be also emphasized. They include, for example, Dominicans found guilty of a criminal offence in the country of residence until they are rehabilitated. It is also important to note that the regulation provides specifically for persons with dual citizenship, so that Dominicans who have acquired another nationality can exercise the right to vote in Dominican elections so long as they fulfil the legal requirements, and so long as the country whose nationality they have adopted does not specifically ban the exercise of this right within its territory.

Finally, in January 2004, the CEB issued the Regulation on the Suffrage of the Dominican Abroad, which affirmed the requirements for voters abroad as well as the precise arrangements for the organization and logistics of the electoral process abroad.

Registration of electors and the implementation of voting from abroad

Essentially, to be able to vote from abroad, the citizen must (a) be in possession of a current identity and electoral card (which is issued by the electoral authority, but only within the national territory, although an update or replacement may be requested abroad); and (b) register within the correct time period for the register of electors abroad, for which electoral registry abroad offices (ERAOs) were set up.

In October 2001 the first ERAO opened in New York City, which is the foreign city with the largest number of Dominican residents. During 2002 registration offices opened in two other US cities (Miami and Boston), Canada (Montreal), Spain (Barcelona and Madrid), Puerto Rico (San Juan) and Venezuela (Caracas), and in 2003 the last two were opened in the United States (New Jersey and Lawrence). The countries and cities where the great majority of Dominican residents abroad lived were now covered. At the same time, and in order to direct, coordinate and follow up the plans and necessary programmes for the implementation of external voting, in October 2002 the Central Electoral Board set up the Division for the Vote of the Dominican Abroad. Although in principle the CEB anticipated closing the period for registration abroad in mid-

December 2003, it finally decided to extend it until 26 January 2004—less than four months before the date set for the election—in order to give Dominicans abroad greater opportunity to process their registration. At the end of this period, 52,431 electors were registered abroad.

Dominican citizens who were enrolled in the definitive register of electors residing abroad were disqualified from voting inside the Dominican Republic in the 2004 presidential election, but once that election was over they were again qualified to vote in the legislative and municipal elections to be held in 2006, in which voting from abroad was not to be allowed.

On the other hand, the 2004 Regulation on the Suffrage for the Dominican Abroad confirms that only those Dominicans who have registered at the ERAO in time and appear in the definitive register of electors residing abroad can take part in presidential elections.

For organizing the voting abroad, the regulation stipulated the creation of logistic coordination offices (LCOs), which were in charge, along with the Division for the Vote of the Dominican Abroad and after consultation with the political parties, of identifying the premises where the electoral logistical plan would be carried out—receiving, keeping and sending out election material such as the ballot papers and ballot boxes—as well as those where the polling stations would be located. The LCOs were also responsible for identifying, recruiting, training and selecting the people who would actually manage the polling stations abroad.

It is important to note that, by agreement of the electoral authority and the political parties, the polling stations abroad were installed not on the premises of diplomatic and consular representations but in nearby and easily accessible locations. The polling stations were organized in the same way as they were in-country and their staff had to meet the same requirements as are demanded in the Dominican Republic, but in addition they had to be enrolled in the registry of the district where they would carry out their functions. For the promotional and informational tasks of the registry, as well as for the identification and negotiation of the locations where the registration centres and polling stations were to be placed, the support offered by organized groups of Dominicans abroad was very important.

For election day, 16 May 2004, the CEB issued a resolution regarding the schedules for the voting from abroad. After consultation with the political parties, it decided to define a special voting schedule for the cities of Barcelona and Madrid: the polling stations would open at 09.00 hours and close at 20.00 hours local time. In other countries and cities voting would be according to the same schedule as in the Dominican Republic, from 06.00 to 16.00 hours (always local time). Except for this variation, the voting abroad was carried out according to the same principles and on the basis of the same organization as in the national territory: Dominicans abroad who were properly authorized to participate in the presidential election would go to their corresponding polling stations and mark their preference on the ballot paper by means of the free and secret suffrage. Once the voting was concluded, polling station staff, in the presence of delegates of the political parties, carried out the counting of the ballot papers and the results were set down in formal protocols which were then taken to the LCOs. Each of these offices received the protocols of the polling stations under their jurisdiction and

counted the results from all of them to transmit them to the CEB central offices in the Dominican Republic, where the final count was done.

Thus, for the presidential elections of 16 May 2004, 101 polling stations were installed in 11 cities, seven of them in the United States, and 35,042 of the 52,431 registered electors voted—a participation rate of 66.8 per cent, as the table shows.

Table: External voting in the Dominican Republic presidential election of 16 May 2004

City	No. of registered citizens	No. of valid votes	No. of votes cast	Turnout (%)
Barcelona	2,989	1,329	1,336	44.70
Boston	4,202	3,491	3,536	84.15
Madrid	5,944	2,913	2,913	49.01
Miami	2,399	1,745	1,776	74.03
Montreal	404	303	306	75.74
New Jersey	6,418	4,439	4,502	70.15
New York	24,343	16,369	16,608	68.22
Orlando	282	190	191	67.73
Puerto Rico	4,622	3,225	3,300	71.40
Tampa	261	203	205	78.54
Caracas	567	369	369	64.06
Total	52,431	34,576	35,042	66.83

Source: <<http://www.jce.do/stor/boletines/2004/Boletines2004/BExterior.asp>>.

To meet the expenses that the electoral process abroad implied, the CEB produced a budget which was submitted for consideration and approval to the executive branch and the two chambers of the legislature. The budget approved for the elections abroad was 114,581,115 Dominican pesos (DOP—c. 2.6 million US dollars (USD)).

In this, the country's first experience of voting from abroad, the main difficulties involved in organizing the voting by citizens abroad related to the logistical aspects, and specifically the shipment and distribution of election material to all the registration and voting sites. Another difficulty was linked to the need to consider the legislation of the countries where the voting abroad was carried out, and to introduce the necessary adjustments to facilitate the organization of the voting abroad.

After the 2004 external voting experience, Dominicans abroad and political parties are still interested in improving this mechanism in order to allow more citizens to participate in the 2008 presidential election. The ERAO continues to register Dominicans in the register of electors residing abroad, but there are many citizens interested in voting who do not have the necessary identity and electoral cards which, as is mentioned above,

can only be obtained for the first time within the national territory. As a compensatory measure, currently Dominicans abroad can register on the national territory and receive photographic proof of identity which they can take to the ERAO in the city where they reside to obtain their ID and electoral card. Nevertheless this subject continues to be debated, and the electoral authority has worked on a new project that proposes to modify the procedures for obtaining an identity card. This project, which must be approved by the plenary of the CEB, aims to increase to almost 300,000 the total number of citizens registered by 2008. After the 2004 elections and as of 4 December 2006, 7,027 additional citizens had registered on the list of Dominicans abroad.

Finally, it is important to note that there is currently no debate on the political agenda about modifying or improving the current arrangements.