

# HONDURAS

## THE GENERAL ELECTIONS OF 2013

### I. General Elections of 2013

On November 24, 2013, the Honduran people will elect a new president, three vice presidents, the members of the Honduran National Congress and the mayors of all the municipalities. Contrary to what occurs in other countries, in Honduras there is no second round. The elected candidates will assume their positions in the month of January of 2014 and will hold their positions for a duration of 4 years from the year 2014 to the year 2018.

The president and the three vice presidents are elected directly by a simple plurality of votes, meaning one more vote than their closest rival (under Honduran law, this is referred to as simple majority). The requirements to be president or vice presidents are i) to be Honduran by birth; ii) to be 30 years or older; iii) to enjoy all rights as citizen of Honduras; iv) to be a civilian.<sup>1</sup>

The National Congress has only one chamber with 128 congressmen, each with its corresponding alternate representative. The congressmen are elected by direct vote and may be reelected successively for any number of periods. The congressmen represent the people and their apportionment in Congress is based on the quotient of the population that resides in each of the 18 departments of the country. Thus, the department with the largest number of inhabitants has also the largest number of seats in the Congress. In order to be elected Congressman one must: i) be Honduran by birth; ii) one must have turned 21 years of age; iii) enjoy all rights as citizen of Honduras; iv) one must be a civilian; v) one must have been born in the department one is running in or have lived in the department at least five years prior to the date of the call for elections.<sup>2</sup>

### II. The General Elections of 2013 in Numbers.<sup>3</sup>

- There are 5.3 million people that are registered as voters in the National Electoral Census
- 755,112 of the 5.3 million are new voters.
- There are 1.2 million young voters between the ages of 18 and 25 (22.4%).
- There are 2.7 million women voters (51%).
- There are 46,331 voters abroad in the United States which may vote in the following seven cities: Miami, New Orleans, Houston, New York, Washington, D.C., Los Angeles and Atlanta. (This is approximately 10,000 more voters than in the last electoral process)
- In total, 16.5 million electoral ballots will be printed.
- There will be 16,000 electoral tables, located in 5,437 voting centers.
- 5,364 citizens will manage the Municipal Electoral Tribunals
- 300,000 citizens will be assigned to the electoral tables on the day of the elections.
- 8 candidates from 9 legally registered parties will run for president of Honduras.

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<sup>1</sup> Article 238 of the Constitution. The list of persons who can't be elected President can be found in Article 240 of the Constitution.

<sup>2</sup> Article 198 of the Constitution. The list of persons who may be elected as congressmen is contained in article 199 of the Constitution.

<sup>3</sup> Data obtained from the web page of the Supreme Electoral Tribunal:

[http://www.tse.hn/web/sala\\_prensa/09112013\\_conozca\\_las\\_elecciones\\_generales\\_2013\\_en\\_cifras.pdf](http://www.tse.hn/web/sala_prensa/09112013_conozca_las_elecciones_generales_2013_en_cifras.pdf)

- 24 vice presidential candidates (3 for each of the 8 presidential candidates).
- 298 mayors and 298 vice mayors in 298 municipalities of the country will be elected.
- 2,092 councilmen/women for the 298 municipalities will be elected.
- 128 congressmen and their alternates will be elected in the Honduran Congress
- 20 members of the PARLACEN along with their alternates will be elected.
- There are a total of 27,000 candidates running for position of popular election among the 9 contending parties.
- 294,470 is the total number of people that the Supreme Electoral Tribunal will work with on Election Day.

### **III. Political Parties that will participate in the General Elections of 2013.**

During the 20<sup>th</sup> Century and until the 70's, Honduras had a two party system composed by the Liberal party and the National party. The Liberal party was founded towards the end of the 19<sup>th</sup> Century and the National party was founded during the first quarter of the 20<sup>th</sup> Century. During the 70's the National Innovation and Unity Social Democrat Party (PINU-SD) and the Christian Democratic Party (DC) emerged. In the last decade of the 20<sup>th</sup> Century the Democratic Unification Party (UD) also emerged. Although the system became a multiparty system, bipartisanship maintained its hegemony.

The current electoral process is preceded by seven consecutive electoral processes since 1982, all developed and successfully carried out within the framework of the Honduran Constitution and the law. The current electoral process is undoubtedly the most complex in the history of Honduras since for the first time 9 political parties will participate in the general elections. Four of the nine parties were organized and registered in 2012 with the authorization of the TSE. These new parties are: Anticorruption party (PAC); the Freedom and Refounding party (LIBRE); the Honduran Patriotic Alliance party; and the Political Electoral Ample Front in Resistance party (FAPER).

Because it is a presidential system, the figure of the presidential candidates plays a very important part in attracting the vote. The candidates for the Presidency of the Republic are:

1. Honduran Patriotic Alliance Party: General Romeo Vásquez Velázquez
2. Anti Corruption Party: Salvador Nasralla (engineer)
3. Christian Democratic Party: Orle Solis (attorney at law)
4. Innovation and Unity Party: Jorge Aguilar (engineer)
5. Liberal Party: Mauricio Villeda Bermudez (attorney at law)
6. LIBRE Party: Xiomara Castro de Zelaya
7. National Party: Juan Orlando Hernandez (attorney at law)
8. Democratic Unification Party and Political Electoral Ample front in Resistance Party (FAPER):<sup>4</sup> Andres Pavón (teacher)

### **IV. Actions undertaken by the Government of Honduras and the Supreme Electoral Tribunal (TSE) for the General Elections of 2013**

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<sup>4</sup> Both of these parties formed a political alliance and have proposed a single candidate.

Considering the historic number of political parties and candidates that are running for positions in the upcoming elections, the Government of Honduras and the Supreme Electoral Tribunal (acronym in Spanish, TSE) have given priority to the transparency of the electoral process as the most important objective for the successful conclusion of the general elections next November in order to continue to strengthen representative democracy in Honduras.

In this respect, below are the actions that have been undertaken by the TSE in 2013:

1. The Chronogram of the Electoral Process for the General Elections of 2013 was established a year ago. The Chronogram is strictly followed, is constantly updated and is published in the TSE's web page.<sup>5</sup>
2. On August 23, 2013, the document titled "Compromise of Minimum Guarantees for Electoral Ethics and Transparency in the 2013 General Elections" was signed by all the political parties, the TSE and the National Registry of Persons (RNP). This compromise was strengthened and supported by the G-16 and also by the international organizations present in Honduras. This compromise commits all of the actors in the process to conduct themselves with transparency before, during and after elections day. Other compromises in the document include: a campaign based in the needs of the population, avoid the use of public funds, to comply with transparency and with accountability, reject offers of public funds and positions, incorporate the electoral tables with qualified people, to submit to the Consultative Council technological solutions, channel all accusations through the national and international instances. To follow-up these commitments, the political parties conformed a nine member Commission.
3. The TSE in consensus with all the political parties, has issued regulations to guarantee that the electoral process be carried out in a transparent and equitable manner as well as to increase the number of citizens that may vote. The following regulations are worth noting:<sup>6</sup>
  - a. Regulations for the International and National Observation and International Accompaniment Processes for the General Elections of 2013.
  - b. Regulations for electoral propaganda, polls, public events, and political rallies in the upcoming General Elections of 2013.
  - c. Regulations for the registration of party candidates who will participate in the General Elections of 2013.
  - d. Regulations for the change of electoral domicile for the upcoming elections.
4. In August of 2013, the TSE entered into an Agreement with the Secretary General of the Organization of American States (OAS) regarding the Observation Process of the General Elections of 2013.<sup>7</sup>
5. In August of 2013, the TSE entered into an Agreement with the Jose Cecilio del Valle University, for the National Observation of the General Elections of 2013.
6. The RNP and the TSE, following the mandate of the Electoral and Political Organizations Law, have published the final National Electoral Census for the upcoming elections. Citizens can verify for themselves the voting centers where they must vote, through the TSE's website at: <http://consulta.tse.hn:7778/portal/page/portal/cne2013>. Also, in accordance to the Electoral and Political Organizations Law, a copy of the final National Electoral Census has been handed out to each one of the political parties.

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<sup>5</sup> See: [http://www.tse.hn/web/documents/cronograma\\_2013/cronograma\\_EG2013.pdf](http://www.tse.hn/web/documents/cronograma_2013/cronograma_EG2013.pdf)

<sup>6</sup> Ver: [http://www.tse.hn/web/secretaria/reglamentos\\_2013.html](http://www.tse.hn/web/secretaria/reglamentos_2013.html)

<sup>7</sup> Idem.

## ANNEX I THE HONDURAN ELECTORAL PROCESS

### I. Legal Framework of the Electoral Process

The current electoral process of Honduras is regulated mainly by the Constitution of the Republic of Honduras and by the Electoral and Political Organizations Law.<sup>8</sup> In addition, there are other laws such as the Law of the National Registry of Persons that regulates the National Identity Card and the National Electoral Census. In the international arena, Honduras has subscribed and ratified international treaties that contain principles that strengthen democracy in the country, such as the Inter-American Democratic Charter, the American Declaration of the Rights of Man, and the American Convention of Human Rights of the Organization of American States (OAS).

### II. Electoral Organizations

The Supreme Electoral Tribunal, (acronym in Spanish, TSE), is the institution in charge of implementing the legal framework for the electoral process and therefore is the most important authority within the process. The TSE is composed by 3 magistrates that are elected by 2/3 of the members of Congress for a period of five years.<sup>9</sup>

The magistrates of the TSE elect among themselves the president of the TSE. The presidency of the TSE must rotate annually by disposition of the law.

In addition, the following electoral organizations operate in the electoral process under the supervision and direction of the TSE: the Electoral Departmental Tribunals (acronym in Spanish, TED), the Municipal Electoral Tribunals (acronym in Spanish, TEM) and the Electoral Tables (acronym in Spanish, MER).

The TEDs, TEMs and MERs are integrated by a member and an alternate for each one of the political parties, alliances, and independent candidacies.<sup>10</sup> Once the members and alternates are proposed, the TSE is in charge of authorizing them and distributing their credentials to be able to carry out their duties. The TSE equally distributes among the various political parties, alliances and independent candidacies the positions of president, secretary, and member of the TEDs, TEMs, and MERs. The TSE must distribute the credentials 25 days prior to the celebration of the general elections.<sup>11</sup>

### III. Logistical Support from the Armed Forces

During the electoral process, the Honduran Armed Forces (acronym in Spanish, FFAA) extend additional support to the TSE. The Constitution of the Republic establishes that one of the roles of the FFAA is to defend the constitutional principle of free elections. In this sense the Constitution mandates the following: *“In order to guarantee the free exercise of suffrage, the custody, transportation and supervision of the electoral materials and other security aspects of*

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<sup>8</sup> Decree No. 44-2004.

<sup>9</sup> Article 52 of the Constitution.

<sup>10</sup> Article 19,21 and 24 of the Electoral and Political Organization's Law Decree 44-2004.

<sup>11</sup> Article 27 of the Electoral and Political Organizations Law Decree 44-2004

*the electoral process, the President of the Republic shall place the Armed Forces at the disposal of the TSE, from a month before the elections until the moment a winner is declared.*"<sup>12</sup>

Traditionally for this purpose, the Executive Branch assigns additional funds from the national budget to the FFAA so that the FFAA may carry out their constitutional mandate.

#### **IV. Participation of International Observers**

Honduras allows national and international electoral observance as well international accompaniment. The Regulations for National and International Observation and International Accompaniment for the Electoral Process of 2013, define the function of both figures as the act of observing and evaluating in an objective, impartial, and independent manner the development of the electoral process.

The Observers and the persons who accompany the electoral process must obtain authorization from the TSE to be able to operate as such. Once authorized, the TSE will hand them accreditations (credentials) so that they may act as observers during the electoral process.

The actions of observance and accompaniment are not legally binding, therefore neither the TSE nor any of the country's institutions are bound by the reports that they may issue.<sup>13</sup> The persons who are authorized as observers must submit a copy of their respective reports to the TSE. If they have not submitted a copy of the report to the TSE, they are required to abstain from publishing or distributing the content of their observation reports.<sup>14</sup>

There are some differences between the observers and people who accompany the electoral process. The first difference consists in that anyone may request the TSE for an authorization to participate as an observer of the process. Also, anyone may be invited by the TSE to participate as observers. On the contrary, in the case of persons who accompany, they may only participate as such, if they are invited by the political parties that are participating in the electoral process. The political parties must obtain the corresponding authorization from the TSE for these participants. Another important difference is that there are national and international observers, however, only foreigners can accompany the electoral process.

#### **V. Suffrage**

All Hondurans older than 18 years of age are citizens and have the right to vote. The vote in Honduras is universal, mandatory, equal for all, direct, free and secret. Suffrage in Honduras is a public function; therefore, it is the duty of every citizen to vote.<sup>15</sup>

The National Electoral Census is the registry of all the citizens that have the capacity to vote. The citizens register in the National Electoral Census with their National Identity Card.<sup>16</sup>

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<sup>12</sup> Article 272 of the Constitution

<sup>13</sup> Article 6 of the National and International Observation and International Accompaniment Regulations for the Electoral Process of 2013, Agreement 009-2013.

<sup>14</sup> Articles 5 and 15 literal b) of the Regulations regarding National and International Observation and International Accompaniment for the General Electoral Process of 2013, Agreement 009-2013

<sup>15</sup> Articles 36, 37, 40 and 44 of the Constitution.

<sup>16</sup> Article 44 of the Electoral and Political Organizations law, Decree 44-2004

Therefore the National Identity Card is the document that every citizen must present before the MER at the moment of voting.

Both the National Electoral Census and the National Identity Card are the responsibility of the National Registry of Persons (RNP). This institution has the obligation to produce and issue the cards to the citizens and to update the National Electoral Census and submit it to the TSE at the time of elections.

Seventy five calendar days before the general elections take place, the TSE is obligated by law to hand over an electronic version of the National Electoral Census to the political parties and to the independent candidacies.

## **VI. Regulations Regarding Campaigns, Electoral Propaganda and Publishing of Polls**

The law establishes that electoral propaganda may only take place within 90 calendar days prior to the date when general elections take place. People who violate this provision will be fined between 100 and 500 minimum salaries.<sup>17</sup> The same sanction will be applied to the news media involved in the incident.<sup>18</sup>

In order to be able to publically divulge the polling results, it's necessary that the person or legal entity who is performing the polling and that will issue the results be registered before the TSE. The total or partial results of polls and public opinion polls may not be divulged to the public within 30 calendar days prior to the actual date of the general elections. People who violate this provision will be fined between 200 to 1,000 minimum salaries.

It is worth noting, that the law establishes that 5 days before elections take place, public manifestations, political propaganda, total or partial divulgement of public opinion polls, printed, audiovisual, electronic, radio magnetic, or other material are prohibited. Whoever violates this provision will be fined 40 minimum salaries. The candidates however will be able to utilize the media to explain, divulge and present their government programs.<sup>19</sup>

The results of the exit polls shall be published and distributed to the media two hours after the TSE has declared the closing of the voting process on Election Day.<sup>20</sup> Those who violate this provision will be sanctioned with a fine between 200 to 1,000 minimum salaries.

## **VII. Installation of the Electoral Tables (MER); Opening and Closing of the Voting Process.**

During Election Day, the MER's are the most important electoral organizations since their principal role is to receive and scrutinize the votes, and after the closing of the process they must report the results to the TSE.

For a representative of a MER the day begins at 5:00 a.m. when he/she must report to the voting center where he/she will be assigned the ballot boxes that will be under his/her care. At 6:00 a.m. the MER representative will receive all the materials and must prepare the table to

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<sup>17</sup> The average minimum salary in Honduras is L. 6,530.69 (approximately US\$ 316.20)

<sup>18</sup> Article 144 of the Electoral and Political Organizations Law, Decree No. 44-2004

<sup>19</sup> Article 149 of the Electoral and Political Organizations Law, Decree No. 44-2004

<sup>20</sup> Article 182 of the Electoral and Political Organizations Law, Decree No. 44-2004

begin the voting process at 7:00 a.m. During course of the day, the MER representative will receive the votes and he/she must make sure the electoral process is done in order and with transparency. At 4:00p.m. the ballot boxes will be closed, unless the TSE orders an extension of time to vote.<sup>21</sup> Upon the closing of the voting center, the vote count begins, starting with the votes in the presidential ballot box, following with the votes pertaining to the congressmen, and finishing with the votes for the mayors of each municipality.

### **VIII. Vote Scrutiny**

Below is the text of article 173 of the Electoral and Political Organizations Law, which describes the process of vote scrutiny of each MER:

*“ARTICLE 173. SCRUTINY OF THE TABLE. In order to conduct the scrutiny of the Electoral Table, the President of the Table, in the presence of the other members, shall proceed to count the unused ballots and stamp them with the seal UNUSED registering the total number of unused ballots in the Closing Minutes of the Electoral Table, for each category of elected officials. The total number of ballots received in the Opening Minutes of the Electoral Table shall also be registered in the Closing Minutes of the Electoral Table; as well as the leftover unused ballots; the ballots of all those voters who voted according to the regulations established in the preceding article, as well as the number of members of the electoral tables who voted.*

*Immediately following, they will proceed to open the ballot boxes one by one in the following order:*

- a) President of the Republic, Vice presidents and congressmen to the Central American Parliament (PARLACEN);*
- b) CANCELLED*
- c) Congressmen to the National Congress*
- d) Mayors*

*The ballot boxes will be opened and their condition will be described in the incidents sheet. The ballots will be removed and examined one by one by the person doing the scrutiny in order to make sure that they have not been altered; he/she will proceed to hand the ballot over to the President, who will in turn show the ballots to the other members of the Table. In case alterations to the ballot are observed the vote or marks must be rendered invalid.*

*When ballots of a different color are found in a ballot box where they don't belong, the person in charge of the scrutiny will remove them and show them to the President of the Table, who in the presence of the rest of the members, will retain them so that they can be scrutinized at the time when the ballot box of the ballots' color is opened; however, if the ballots of that ballot box has already been scrutinized, the ballot will be checked, read and the votes accredited to the corresponding candidates, registering such circumstance in the incidents sheet. The Secretary of the Electoral Table will take note of the votes and marks and will arrange the ballots in separate independent groups in the following manner:*

- a) President of the Republic, Vice presidents, Congressmen to the Central American Parliament (PARLACEN)*

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<sup>21</sup> Article 172 of the Electoral and Political Organizations Law, Decree no. 44-2004

- b) *Congressmen in the National Congress*
- c) *Mayors*

*For each electoral category, the members of the Electoral Table will organize groups of blank and invalid votes.*

*The Closing Minutes of the Electoral Table will be filled until that time when the scrutiny and counting of the votes has been finished in all three electoral categories.*

*The scrutiny will take place counting every vote or mark. Each ballot counted will be sealed "COUNTED"; the ballots that don't have a mark additionally will be sealed "BLANK"; the ballots rendered invalid by the members of the Electoral Table will additionally be sealed "VOID". The ballots sealed with void, will be packed in a special bag for each electoral category and a review of them shall be made if the number of invalid votes is higher than the margin of difference between the winner and losing candidate. In all other cases the ballots marked are considered valid and shall be additionally sealed "VALID".*

*If a ballot with poor impression, stained or sealed "VOID" without a justified cause, contains a mark that is visible, it shall be considered valid ballots or marks, and shall be stamped with the seal of "RATIFIED".*

*The ballots will be counted to verify if their numbers correspond to the number of citizens that voted, according the Voting Notebook and such circumstance will be indicated in the Closing Minutes of the Electoral Table. The Closing Minutes will detail the number of voters and the number of marks obtained by each one of the political parties for each electoral category; invalid, blank, and unused ballots will be registered along with the incidents and the protests that transpired during the voting process and scrutiny of the votes.*

*The Closing Minutes of the Electoral Table must be signed by all the members of the Electoral Table. The Supreme Electoral Tribunal (TSE) will request from the Electoral Table the minutes for each electoral category as follows:*

- 1) Minutes for the level of President of the Republic, Vice presidents and Congressmen to the Central American Parliament (PARLACEN)*
- 2) Minutes for the Congressmen elected to the National Congress*
- 3) Minutes for the elected Mayors*

## **IX. Information of Results**

The TSE will begin reporting the results of the scrutiny rendered by the MER through a new mechanism of transmission of electoral results known as Integrated System of Scrutiny and Electoral Information (SIEDE).<sup>22</sup>

The SIEDE will utilize a scanning system (digitalized) for the transmission of electoral results originating at the voting center.

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<sup>22</sup> In the past this system was known as the Transmission System of Preliminary Results (TREP).

The results of the MERs are preliminary and only meet the purpose of informing the population regarding the partial results of the voting process.

The TSE will prepare a final report with the results obtained in the Minutes of the 18 Departments submitted by the TED's which will serve to be able to officially declare the winners of the general election.

#### **X. Declaration of the Results of the Election**

The declaration of elections will be determined by taking the number of valid votes obtained for each one of the political parties, blank votes and invalid votes. A President and his Vicepresidents will be declared elected from the party which wins by a simple plurality of votes, meaning one more vote than their closest rival (under Honduran law, this is referred to as simple majority).

The TSE will officially declare the winners of the elections no later than 30 calendar days after the date of the general elections and will order its publication in the Official Government Newspaper the following day.

## ANNEX II EXAMPLE OF THE ELECTORAL BALLOTS<sup>23</sup>

### PRESIDENTIAL BALLOT

**FORMULA PRESIDENCIAL Y AL PARLAMENTO CENTROAMERICANO**

<b>PAPELETA N° TSE</b> MUNICIPIO: TSE	  <b>ORLE ANIBAL SOLIS MERAZ</b>	 <b>ROMEO ORLANDO VASQUEZ VELASQUEZ</b>	 <b>MAURICIO VILLEDA BERMUDEZ</b>	 <b>SALVADOR ALEJANDRO CESAR NASRALLA SALUM</b>	  <b>IRIS XIOMARA CASTRO SARMIENTO</b>	  <b>ANDRES PAVON MURILLO</b>	  <b>JORGE RAFAEL AGUILAR PAREDES</b>	  <b>JUAN ORLANDO HERNANDEZ ALVARADO</b>	
	M	U	E	S	T	R	A	T	S

**MER N° TSE**  
 CENTRO DE VOTACION: TSE  
 DEPARTAMENTO:

### CONGRESSIONAL BALLOT FOR THE DEPARTMENT OF FRANCISCO MORAZAN

**08 PLANILLA DE DIPUTADOS DEPARTAMENTO DE FRANCISCO MORAZAN**

HACER UN MAXIMO DE 23 MARCAS

<b>PAPELETA N° TSE</b> MUNICIPIO: TSE  <b>MER N° TSE</b> CENTRO DE VOTACION: TSE DEPARTAMENTO:																									
	<b>DC</b>																								
	<b>libre</b>																								
	<b>PARTIDO NACIONAL</b>																								

### BALLOT FOR CANDIDATES FOR MAYOR IN THE CENTRAL DISTRICT

<sup>23</sup> In order to view an image of the other ballots, refer to: [http://www.tse.hn/web/elecciones\\_2013/papeletas\\_2013/index.html](http://www.tse.hn/web/elecciones_2013/papeletas_2013/index.html)

PAPELETA N°  
MUNICIPIO:

MER N°  
CENTRO DE VOTACION:  
DEPARTAMENTO:

**DISTRITO CENTRAL - FRANCISCO MORAZAN**

**0801**

**PLANILLA CORPORACION MUNICIPAL**

  MARIO ROLANDO SUAZO COSIGUENA ALCALDE LUNA JULISA OSORIO SALVADO VICE ALCALDESA	  CARLOS ALBERTO ANDINO REINTEZ ALCALDE JONNA CELESTINA RUIZ CASTELLANO VICE ALCALDESA	  MARIO FRANCISCO FERRERA SERRA ALCALDE NILDA ROMELA SOLANO MELLENDEZ VICE ALCALDESA	  MARCA PACURSE ANCHON ALCALDESA FERNANDO ANTONIO FORTIN VILLAS VICE ALCALDE	  JOSE CARLETON SAAVA MONTECARMEN ALCALDE JESUS ERNESTO TURCO REJASQUE VICE ALCALDE	  RAFAEL EDUARDO RAMAHOVA OSORIO ALCALDE HECTOR ENRIQUE SANDOVAL CRUZ VICE ALCALDE	  GUACALUPZ CEBELLO DURON ALCALDESA CARLOS ANTONIO MARQUEZ JARA VICE ALCALDE	  CARLOS ALBERTO WIRTHEN PASCOPAN ALCALDE MIRNA ELIZABETH AGUILERA AGUILERA VICE ALCALDESA	  MARRY JUAN AZU-PINA ZARAH ALCALDE JUAN CARLOS GARCIA MEDINA VICE ALCALDE
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PAPELETA ACTUALIZADA 11/09/2013