

Haitian Diaspora External Voting Framework

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Presented

By

United Front



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From now on, the Haitian Diaspora must vote

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THE UNITED FRONT

The United Front of the Haitian Diaspora is an International non-profit coalition of willing federations, organizations, and committed individuals in the United States, the Caribbean, Canada, Dominican Republic, Europe and other parts of the world that evolved as a continuum of decades of prior efforts of Haitian activists to build a sustainable democratic movement in order to accomplish the following mission which we believe will fortify Haiti and improve the quality of life of its people.

Our mission aims to mobilize ourselves as Haitians living in the Diaspora to reintegrate into Haitian society to work and make our contributions so we can help Haiti, the source of our humanity, develop into a stable, peaceful, prosperous and democratic nation where every Haitian can achieve a good quality of life.

The United Front is made up of the following organizations:

The Haitian American Grassroots Coalition (HAGC) of Miami, Florida; the Haitian Diaspora Working Group of Miami, Florida; National Haitian Student Alliance, Florida; the Haitian Georgia Alliance, Georgia; National Haitian American Elected Officials Network (NHAEON), New Jersey; Haiti Renewal Alliance, Washington DC; Regroupement International des Causes Sociales, Montréal, Canada, National Organization for the Advancement of Haitians (NOAH), Washington, DC; Haitian Resources Development Foundation, Florida; Rethink Haiti, Florida; the Haitian Congress to Fortify Haiti, Chicago; Haiti-Jamaica Society, Jamaica; Global Syndicates, NY; Federation des Haitiens d'Europe (FEDHE), the Haitian Federation of the West and the Midwest (HFWM); Fondation Hyppolite, DR; Fondation Zile, DR; Jane & Julia Foundation, Haiti; We Care for Haiti, Haiti; Haitian-American Chamber of Commerce, (HACCOF), FL, Haitian Research Society, NY; Haitian Alliance and Land Trust, GA.

PREAMBLE

In the past fifty years or so, we have seen an increase migration of Haitians to many nations throughout the world. The greatest population losses came when a number of Haitians fled the political persecution of the Duvalier regimes (1957-1986). This was a period of intense persecution during which members of death squads sought out, murdered and extinguish all actual and suspected oppositions to the regime, including the execution of whole families. During this period of time, Haiti lost many professionals, artists, professors, writers, intellectuals, engineers, lawyers, academics, doctors, plumbers, tailors, carpenters and so forth. Such massive

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flight resulted in economic hardships and instability that have followed over the last few decades.

The leadership of the Duvalier regime was overthrown in 1986. However, his cadre of military, legislative and civilian leadership remained in power. They promulgated a constitution that stripped victims of the dictatorship who fled and became naturalized citizens of other nations of all their civil and political rights via its Article 13 that states “Haitian nationality is lost by naturalization in a foreign country.” No longer considered citizens in their own place of birth, these Haitians became “foreigners” and were rejected altogether. Article 15 further extinguished the right of those Haitians to regain their haitian citizenship by stating that “Dual citizenship is not allowed in any case.”

In spite of this constitutional limitation, Haitians living outside of Haiti remained connected to their families and hometowns. They had now become the Haitian Diaspora, dispersed all over the world and sending more than \$2 billion annually back home (per 2018 Report of the National Bank of Haiti/BRH). Such remittances fund comes into Haiti on a daily basis at the rate of more than \$5.5 Millions per day to supply money for the consumption of goods and services for the population. The Diaspora sends children to school; funds marriages; baptisms; funerals; pays for doctor bills, medications, telephones services, etc.

These traceable dollars, not including the support transferred directly via family visits, represent close to a 1/3 of Haiti’s GDP and far outstrip all international aid combined. In fact, it is more than three (3) times the value of foreign donations as a whole (Per report of BRH).

Nevertheless, the policies of the nation have not yet matured to the level of recognizing the value of restoring the civil rights of these loyal sons and daughters of Haiti, including the exercise of their right to vote, their representation and full reintegration into Haitian society. Every inch of right Haitians in the Diaspora have been able to regain, came as a result of a long protracted struggle. They fought from 2005 to 2012 to finally have the Haitian Constitution of 1987 amended, get rid of Article 13 and 15 and enact Article 11 which correctly states that:

“Any person born of a Haitian father or Haitian mother who are themselves native-born Haitians and have never renounced their nationality possesses Haitian nationality at the time of birth.”

This amendment was and is a step in the right direction to undo the tremendous harm done to the nation as a result of the dictatorship. However, lifting Haiti from the bottom status of being the poorest nation of the western hemisphere, perhaps of the world, and defending it from its enemies, foreign and domestic, will require a lot more and certainly the maximum intentional

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and strategic collaboration of all of Haiti's children of goodwill, whether they are living inside or outside of Haiti.

The Republic of Haiti did not get to its current economic degradable position by accident. Haiti is a special nation with a unique and special history. Because of its audacity to fight and win its independence by overthrowing the yoke of slavery, Haiti has paid and is still paying a price. Among some of the most important consequences includes the fact that the US organized an embargo against Haiti and sought to choke it out of existence when it declared its independence. Moreover, the US refused to recognize the new nation until it became politically expedient to do so in 1862, when Abraham Lincoln seriously considered the strategy of Negro deportation from the US to Haiti. In 1825, twenty-one (21) years after their military defeat, France returned to Haiti with gunboats menacingly at its shore and with the support of the US to force the new nation, weary of war and isolation, to sign an agreement to pay France reparations in the amount of 150 Million francs in gold bullion. This ransom was eventually reduced to 90 millions. To make the first payment, Haiti had to borrow a third of the ransom from a French commercial bank at a 33% interest rate. It took Haiti from 1825 to 1947 to pay off this ransom, which absorbed its entire economy. Actuaries have valued the amount of the ransom at the equivalence of \$22 Billion in today's value.

Ten short years after Haiti completed the payment of this ransom, it saw the rise of the brutal Duvalier regime in 1957. For more than half of a century since, Haiti has experienced a devastating crisis of human resources. Like a tree watching powerlessly the departure of its leaves during the fall season, Haiti, since the late 1950s has been witnessing the exodus of its sons and daughters, many of whom hope to return home one day.

Today, there are approximately 4.5 Million native-born Haitians living outside of the country, and that's about 1/3 of the population of Haiti. According to World Bank statistics, 84% of all Haitian professionals live outside of Haiti, many in the United States. Anecdotally, it is said that one (1) out of every ten (10) black doctors and one (1) out of every nine (9) black engineers in the United States is a Haitian. Not only did Haiti lose such professionals, but it has also lost its teachers, tailors, plumbers, carpenters, agronomists, managers, nurses, etc. To this date, many of its abled-body and intelligent young men and women are fleeing the country to Chile, Brazil and elsewhere.

As a consequence, Haiti has declined at breakneck speed in all indices of social health & development. It has 80% unemployment with a population that is anxious to work. During this period, Haiti went from being a nation that was not only self-sufficient but also a net exporter of sugar, coffee and other agricultural products, to a consumer nation that imports everything. Three-fifth (3/5) of its population of nearly 10 million people relies on subsistence farming to survive and many operate small individual business to withstand. Its economy has declined as

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most manufacturers fled to neighboring nations. Haiti's Gross Domestic Product, which represents the total dollar value of all goods and services produced, has declined significantly.

According, again, to the World Bank's figures, Haiti has a 50% literacy rate, a life expectancy of 62 years of age and a 10% infant mortality rate. Its per capita income is less than \$2.00 per day. Its environment has degraded to such an extent that Haiti has lost 99% of its forest. Rivers are drying up. Its shorelines on the Caribbean ocean are receding and the fishery is diminishing, according to a 1999 Florida Sun Sentinel study.

Today, Haiti has lost most of its capacity to resolve its own problems. Whether we are asking for help to resolve crises created by political or natural disasters aggravated by our own incapacity, recent memory tells us that Haiti has maintained a steadfast monopoly over the category of poorest. It used to be the poorest nation in the Western Hemisphere. Now, it is competing for the poorest nation in the world. A little over two hundred years ago, it was the "Pearl of the Antilles and the richest colony in the western hemisphere" providing for the livelihood of a significant percentage of the population of France.

Haiti has the potential to revive, feed its people and regain its place as one of the most significant nations in the world if it would restore to its citizens their rights and reintegrate its human resources that are distributed throughout the world. They are anxious to participate in all aspects of the society. The \$2.7 billion remittances come from a number of Haitians living abroad. What if we could mobilize a larger percentage of Haiti's Diaspora? What if we could organize a greater share of our collective resources, not just financial, into targeted interventions in service of our homeland?

Haiti has began the process with the amendment of its 1987 Constitution. As noted above, this Constitution should have been a progressive stage in the development of the nation which sought to depart from a very dark and regressive period. While it allegedly excluded the *tonton macoutes* who were members of the nefarious death squad of the dictatorial regime, it also excluded the victims of the dictatorship by stripping them of their rights and their Haitian nationality, thus, continuing the same crimes against the humanity of the Haitians who had fled for their lives and the lives of their families.

Through concerted effort of Haitians living in the Diaspora under the leadership of the Haitian Congress to Fortify Haïti (HCFH), on June 19, 2012, we completed a sustained campaign of 6 years to get the Haitian Constitution amended and achieve dual/multi-nationality. As a result, Haitians in the Diaspora who had become naturalized citizens of their host nations and foreign-born children of a Haitian mother or a Haitian father recovered their Haitian citizenship rights. The dual citizenship drive was mainly the concern of Haitians who had lost their Haitian citizenship ipso facto through naturalization abroad. After fighting so hard to lift that barrier, and

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regain our fundamental rights, it is imperative that we join in unity to determine the best way forward to the Diaspora's effective reintegration in the national life of the country. After all, this is Haiti's best asset to achieve self-determination, sustained economic development, prosperity and stability.

However, many barriers still exist that impede the Haitian Diaspora to fully contribute to the affairs of the country. As a matter of fact, since the amendment of the constitution on July 19, 2012, there are no specific laws that provide for Haitians living outside of Haiti in general to vote in national elections. Article 52.1 requires Haitian citizens to exercise their civic duty, including voting. The Constitutional restrictions being removed, all that remains to be done is the articulation and authorization of specific regulations and the allocation of resources to effectuate the Diaspora vote outside of the country.

It is time for Haiti to join the modern world and start engaging its diaspora in a meaningful way to revolutionize its election processes by allowing external voting abroad. "External voting has two main purposes: it is a means of ensuring the realization of political rights for people living outside their country, and it is a means of increasing political participation and thereby building trust and confidence in electoral processes and the democratic governments they produce."¹ By establishing external voting for the Haitian Diaspora, Haiti would have achieved both of these much needed goals, and would join the company of many developed countries who already offer such voting to their citizens living abroad. More and more countries are implementing laws that would make voting abroad possible. "External voting is currently allowed by 115 countries and territories in the world, which represents more than 50 percent of the world's democracies.

Twenty-eight (28) African countries and 16 countries in the Americas have external voting. A fairly high number of European countries (41) allow it, as well as ten in Oceania and 20 in Asia.
2

By allowing their Diaspora to participate in the elections, these countries eliminate discrimination among their citizens who are treated the same, regardless of their place of residence. The United Front categorizes this type of differential treatment as discrimination based on location or where we, in the Diaspora, live. This is unconstitutional. We don't believe that there is a concerted effort by anyone or by any actors of the government to discriminate against its diaspora, simply that there has not been the political will to remedy this issue.

¹ Brett Lacy Voting Abroad, page 137, see <https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

² See <https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

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The United Front and its allies make a case here to take all necessary disposition to make voting abroad possible for the Haitian Diaspora so it can exercise its voting rights in the national election of 2021 and beyond.

PROPOSED ELECTORAL LAW LANGUAGE

In order to make possible the vote for the Haitian Diaspora, it will be necessary to amend the current electoral law which is, in fact, an electoral decret signed by the ex-President Michel Martelly on June 5, 2015, so they could conduct the last elections. Taken this last known Decret, we propose, among other things, the following amendments or additions to articles 1, 138, and 146:

Table 1 shows the text of the current law and the proposed changes

Current law/decret	Proposed changes	Rational
<p>ARTICLE 1.:</p> <p>The Provisional Electoral Council is an independent and impartial public institution responsible for the organization and control of elections throughout the territory of the Republic. It enjoys administrative and financial autonomy.</p>	<p>ARTICLE 1.:</p> <p>The Permanent Electoral Council is an independent and impartial public institution responsible for the organization and control of elections throughout the physical and virtual territory of the Republic. He enjoys administrative and financial autonomy.</p>	<p>Whether it is temporary or permanent, the Electoral Council has the same mission: to organize and control, in complete independence, all electoral operations throughout the physical and virtual territory of the Republic. Therefore, we propose to form a permanent Electoral Council and an electoral law in accordance with the constitution in order to give lasting stability to the institution.</p> <p>The integration of the Diaspora also generates a virtual expansion of the territory of the Republic (see Article 61.1 of the Constitution: "The law can create any other territorial collectivity").</p>

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<p>ARTICLE 138:</p> <p>The CEP has at least two (2) voting centers on the national territory per communal section. The CEP may establish more than two (2) voting centers in a communal section, if the number or distance of electors justifies the establishment.</p>	<p>ARTICLE 138:</p> <p>The CEP has in the national territory at least two (2) voting centers per communal section, and at least one voting place per country where Haiti has an embassy and / or a consulate. The CEP may establish more than two (2) voting centers in a communal section, if the number or distance of electors justifies the establishment.</p>	<p>The host country is the virtual expansion of the national territory.</p>
<p>ARTICLE 146:</p> <p>Voting takes place in the traditional way.</p>	<p>ARTICLE 146:</p> <p>Voting takes place in the traditional way. Migrants can vote in person in representative institutions of Haiti in host countries such as consulates, embassies and others. In addition, in places where Haiti does not have a consulate or embassy,</p>	<p>Embassies and Consulates represent, according to the Treaty of Vienna, a virtual extension of the national territory. In the return vote, voters in the Diaspora must register in advance, for example, through the embassy or consulate of their country, and return to the</p>

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	<p>expatriates can vote:</p> <p>By return; Send their ballots by post to the consulate under their jurisdiction; By mail; By Internet.</p>	<p>country to vote. This is therefore an inconvenience, given the requirement for voters to travel to the country of origin to file their ballots in person. Hence the need to allow voters to vote by mail. The ballots will be sent to electors abroad who are registered on the electoral lists to be filled in and returned by correspondence for counting. Voters can also be allowed to vote on the Internet by establishing a relatively advanced technological and administrative infrastructure to allow for the safe identification of voters in order not to unnecessarily expose the election to fraud and the perception of fraud.</p>
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THE HAITIAN DIASPORA

Prior to the 1950s, Haitian migration to the United States was very small. For example, “Less than 2,000 Haitians legally immigrated to the United States from 1900 to 1950”³; “only about five hundred Haitians permanently immigrated to the U.S. each year, while another 3,000 came temporarily as tourists, students, or businesspeople.”⁴

Due to many factors, economic and political, the migration of Haitian stated to increase. “The outflow of Haitian immigrants to the United States tripled by 1970, from about 3,000 per year in the mid-1950s to 10,000 per year by 1967, and then to 25,000 in 1970.”⁵ The graph below shows how the number of Haitian Migrants increased over the years in the United States:

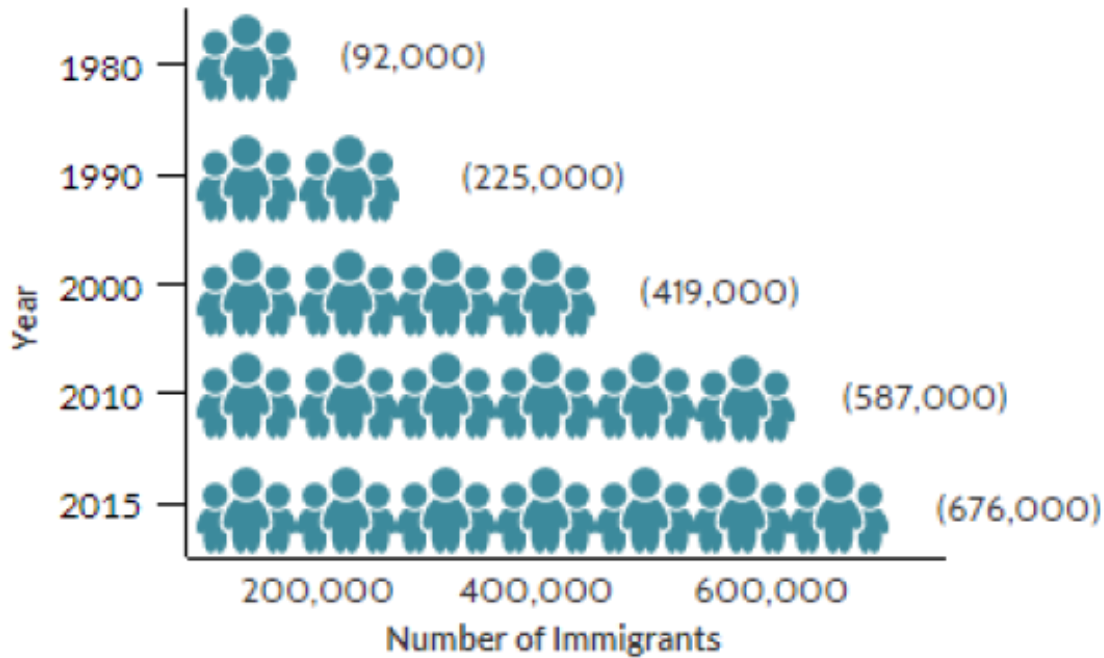
³ T. Wah” Engaging the Haitian Diaspora”, <http://cgsd.columbia.edu/files/2013/07/ENGAGING-THE-HAITIAN-DIASPORA.pdf>

⁴ Haitian Immigration at <http://www.inmotionaame.org/print.cfm?migration=12>

⁵ T. Wah” Engaging the Haitian Diaspora”, <http://cgsd.columbia.edu/files/2013/07/ENGAGING-THE-HAITIAN-DIASPORA.pdf>

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FIGURE 1. Haitian Immigrant Population in the United States, 1980-2015⁶:



SOURCE: Data from U.S. Census Bureau 2010 and 2015 American Community Surveys (ACS), and 1980, 1990, and 2000 Decennial Census.

Haitians have settled in many different countries in the world. However, the majority of Haitian migrants live in these five main countries: the United States, Dominican Republic, Canada, France and the Bahamas. “The United States is home to the largest Haitian migrant population [676,000 according to the US 2010 census and the 2015 American Community Survey], with significant numbers also living in the Dominican Republic (329,000), Canada (93,000), France (74,000), and the Bahamas (28,000). Following the 2010 earthquake, a large number of Haitians also migrated to Brazil to seek work, but amid economic and political turmoil there in the last several years, many have moved on to destinations including Chile and the United States.”⁷

Table 2 shows the demographic break down in the United States

⁶ Jennifer Schulz et al. See Jennifer Schulz et al. “Haitian Immigrants in the United States”, <https://www.migrationpolicy.org/article/haitian-immigrants-united-states>

⁷ See Jennifer Schulz et al. “Haitian Immigrants in the United States”, <https://www.migrationpolicy.org/article/haitian-immigrants-united-states>

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Metropolitan Area	Immigrant Population from Haiti	% of Metro Area Population
Miami-Fort Lauderdale-West Palm Beach, FL	213,000	3.6%
New York-Newark-Jersey City, NY-NJ-PA	165,000	0.8%
Boston-Cambridge-Newton, MA-NH	47,000	1.0%
Orlando-Kissimmee-Sanford, FL	33,000	1.4%
Atlanta-Sandy Springs-Roswell, GA	14,000	0.3%
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	13,000	0.2%
Naples-Immokalee-Marco Island, FL	10,000	3.0%
Bridgeport-Stamford-Norwalk, CT	9,000	0.9%
Tampa-St. Petersburg-Clearwater, FL	7,000	0.3%
Cape Coral-Fort Myers, FL	7,000	1.1%

Source: MPI tabulation of data from the U.S. Census Bureau pooled 2011-15 ACS.

THE IMPORTANCE OF THE HAITIAN DIASPORA TO HAITI'S ECONOMY

The Haitian Diaspora contributes to the Haitian economy in many ways. Most prevalent and talked about is the large remittance the Diaspora sends back every year to their families in Haiti. As of 2016, Haitians send back approximately 2.4 Billion dollars (US) per year. As stated earlier, this is more than triple the international Aid disbursement given to Haiti by all Haiti donor countries (US, Canada, France, EU, etc) combined.

In 2016, the GDP of Haiti was 8.02 Billion US dollars. Therefore, the remittance represents approximately 29.9% of said amount. This is a huge help to the Haitian economy. Beneficiaries use this **money** to pay for food, housing, schooling, health care, and create small businesses. With the lack of job and wealth building opportunities in Haiti, this remittance contributes to the political stability of the country. Without the Diaspora to alleviate the suffering of many in the country, it is certain that the people would take to the street protesting day- in- day- out, threatening the institutions, businesses and people's lives.

HISTORICAL DATA

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- PROJECTIONS**



Remittance is not the only way the Diaspora contributes to the economy and stability of the country. It also plays a significant role that increases export of the country. “The Haitian Diaspora consumes the bulk of Haitian indigenous products exported to the U.S., which comprise mostly food and goods such as mangos, avocados and plantains, and arts and crafts.

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These products account for 15-42 percent of total Haitian exports over the course of the 1990s and early 2000s.”⁸

The Haitian Diaspora is also the biggest group of tourists in the country. In fact, “The tourism sector alone earns Haiti millions of dollars; besides the missionaries and the growing number of international NGOs and their visitors, most tourism earnings derive from the Haitian Diaspora members who come to Haiti as tourists and for family visits. The latest figures are from a 1999 Banque de la République d’Haiti report, showing that Haiti earned \$124 million in 1998 from Haitian Diaspora tourism.”⁹ After the earthquake, many Haitians and their children born in the Diaspora have taken a special interest to visit their country. This is a trend that is increasing year after year.

The Haitian Diaspora also contributes to Haiti each time there is a natural disaster. Most notably is its contribution on the aftermath of the earthquake of 2010. In addition to the increase remittances, the Diaspora dropped everything to respond to the disaster. Many professionals left their jobs for weeks and months to come to the rescue. A number of doctors, nurses, and other first responders came to Haiti to help. The Diaspora’s response was the same for Hurricane Matthew.

The Haitians living abroad also play an important role as advocates for Haiti in their host countries. For example, in the United States, the Haitian Diaspora advocates for the removal of the label by the Center for Disease Control (CDC) of Haitians as AIDS carriers. We have advocated for favorable immigration policies and laws to protect the Haitians living in the US, e.g. Temporary Protective Status (TPS). We also advocate and put pressure on the United Nation to accept responsibility for the cholera epidemic in Haiti.

In reality, the Haitian Diaspora is always vigilant and ready to fight the good fight for Haiti. We have also contributed in business development, knowledge transfer, lobbying efforts in host country, and have been involved in negotiation every time the country enters in a political impasse.

⁸ T. Wah” Engaging the Haitian Diaspora”, <http://cgisd.columbia.edu/files/2013/07/ENGAGING-THE-HAITIAN-DIASPORA.pdf>

⁹ *ibid*

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COUNTRIES THAT ALLOW EXTERNAL VOTING:

Haiti can join the modern world by providing the legal framework to allow its Diaspora to participate in the political process of the country by voting abroad.

This practice is already adopted by many countries in the world. Even our neighbor country, Dominican Republic, headed in that direction in their 2012 election. Like these other Diasporas, the Haitian Diaspora wants to be engaged and contribute to the progress and to the development of their country.

Table 2 below shows a list of countries that have provisions to allow external voting. Some countries have laws in the book, but have yet to implement their voting system abroad. Others have limitations on the type of election that citizens abroad can participate. For more details on the different limitations, we refer you to the document voting From Abroad (see footnote).

TABLE 2¹⁰

Region	Country
Africa (28)	Algeria, Angola, Benin, Botswana, Cape Verde, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Lesotho, Mali, Mauritius, Mozambique, Namibia, Niger, Rwanda, São Tomé and Príncipe, Senegal, South Africa, Sudan, Togo, Tunisia, Zimbabwe
Americas (16)	Argentina, Bolivia, Brazil, Canada, Colombia, Dominican Republic , Ecuador, Falkland Islands, Guyana, Honduras, Mexico, Nicaragua, Panama, Peru, United States, Venezuela

¹⁰ See Voting from Abroad--The international Idea Handbook--
<https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

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Asia (20)	Afghanistan, Bangladesh, India, Indonesia, Iran, Iraq, Israel, Japan, Kazakhstan, Kyrgyzstan, Laos, Malaysia, Oman, Philippines, Singapore, Syria, Tajikistan, Thailand, Uzbekistan, Yemen
Western, Central and Eastern Europe (41)	Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Gibraltar, Greece, Guernsey, Hungary, Iceland, Ireland, Italy, Jersey, Latvia, Liechtenstein, Lithuania, Luxembourg, Isle of Man, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom
Pacific (10)	Australia, Cook Islands, Fiji, Marshall Islands, Micronesia, Nauru, New Zealand, Palau, Pitcairn Islands, Vanuatu
Total 115	

TABLE 3¹¹ below shows the variety of voting methods adopted by the countries

Voting Methods/Options	Number of Countries
Voting in Person	79
Voting by Post	47
Voting by Proxy	16
Voting by Fax	2 (Australia & New Zealand)
Voting by Internet	2 (Estonia & Netherlands)

¹¹ See Voting from Abroad--The international Idea Handbook--
<https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

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WAYS OF VOTING FROM ABROAD¹²

There are several ways in which electors can cast their vote from abroad. Some countries, for example the Cook Islands (see the case study), Indonesia (see the case study), India and Slovenia have alternative methods for voting from abroad, while other countries limit their options to one, for logistical or financial reasons. Some options are more costly than others, while some offer a more secure or faster voting channel. The four (4) main voting options (also the subject of chapters 1 and 5) are the following:

- **Personal voting:** The voter must go to a special place and cast his or her vote there in person. It can be a diplomatic mission or a polling place specially set up abroad. This is the procedure most widely used for casting an external vote and is found as the single voting method, for example, in Afghanistan (see the case study), Argentina, Hungary and South Africa.
- **postal voting:** The voter fills out the ballot paper at a place he or she chooses and the vote is then transmitted by ordinary post to the home country. Sometimes witnesses are required to confirm the identity of the voter and that he or she has filled in the ballot paper freely and without interference. Postal voting is the single voting method, for example, in Canada, Jersey, Norway, Mexico and Switzerland.
- **proxy vote:** A citizen living or staying abroad may be enabled to vote by choosing a proxy who casts the vote on their behalf at a polling place in the home country, or abroad. All but four countries that allow this method provide it in combination with personal voting or postal voting.
- **electronic means:** The voter may use the Internet, personal digital assistants (PDAs), telephones or a mobile phone to cast his or her vote. This type of electronic voting is most often referred to as remote electronic voting, or e-voting and may become more common in future.

There are also other methods. Two countries: Australia and New Zealand, allow their external voters to vote by fax, in certain circumstances and if specially required.

ADVANTAGES AND DISADVANTAGES OF EXTERNAL VOTING PROCEDURES

Table 4

Voting methodology	Advantages	Disadvantages
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¹² This whole section is from the study Andrew Ellis et al. Sect. 4 “voting for Abroad--the International Idea Handbook” <https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

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Postal voting	Lower financial and organizational costs. Able to reach most eligible electors	Problematic transparency of voting procedure Dependent on a speedy and reliable postal service
Voting in diplomatic missions	High transparency of voting procedure	Higher financial and organizational costs. Many eligible electors do not live near the location of the mission; therefore would be costly for eligible voters to participate
Proxy voting	Almost no additional expenses	Principle of electoral equality not sufficiently guaranteed
Electronic voting	No delays Available worldwide Facilitates counting	Security concerns Financial costs of implementation

A LOOK AT THE FRENCH SYSTEM

Vote of a French citizen domiciled abroad:

Any French domiciled abroad may participate in elections held in France, provided they are registered on an electoral list.

The organic law number 2016-1047 establishes the registration methods of the French living abroad. They can vote in their country of residence via embassies or consulates by registering on the consular lists.

However, for local elections, they can only vote in France, personally or giving power of attorney to a voter of the locality.

Thus, French nationals living outside France vote directly in an open polling station in an embassy or consular post in the constituency where they reside, subject to their prior registration

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on the corresponding consular list of electors. The registration on the consular list is automatic for all French registered in the register of French established outside France, unless opposed by them. This implies that a census would have been carried out to find out how many French living abroad, and their names are on a register. Subsequently, registration on this register is done online or on site.

However, French nationals living outside France may also apply for registration on the consular list without appearing in the register of French living abroad, by contacting directly their consulate or embassy which is located in the consular district where they have their residence. .

In addition, according to Article L.11 of the Electoral Code, French people living outside France can apply to be registered on an electoral list in France, like all French people.

In short, the French living abroad can vote at a distance in the Presidential, Legislative, European, Consular and Referendum elections, only if they are registered on a consular list.

If they also want to vote in the Municipal, Regional or Regional elections, they must be registered only on an electoral list in France. In such a case, they do it personally or by giving proxy.

How to vote?

French people living abroad can vote:

Either by moving to the polling station with the necessary proof;
Either electronically.

PROPOSED VOTING MODEL FOR HAITIAN DIASPORA:

The amended 1987 constitution recognizes dual citizenship. So, all Haitians have the right to fulfill their civic duties (see Article 52.1). In that regard, the United Front proposes the following:

- For the Legislature to pass an electoral law that allows all Haitians, regardless of their location, to vote;
- For MAHVE, the Ministry of Foreign Affairs, the Interior Ministry, ONI, CEP to insure that Haitians Living Abroad, regardless of their location, can vote;

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- For MHAVE, ONI to start the process allowing all Haitians, regardless of their location, to obtain their National Identification Card so they can vote;
- For Haitians living abroad to be able to vote in person at the different embassies, consulates and other locations designated by the Haitian government;
- For Haitians living abroad to also be able to vote by postal mail and electronically;
- For the vote to be secure, safe, transparent and the voting locations to have representatives from the Government, CEP, Political parties, if applicable, independent organizations and the Diaspora as observers;
- For the CEP to assume the training of the observers with the help of the United Nations, Local Haitian government authorities and to work with the host countries to assure the security of the voting process.

THE REGISTRATION AND VOTING PROCESS:

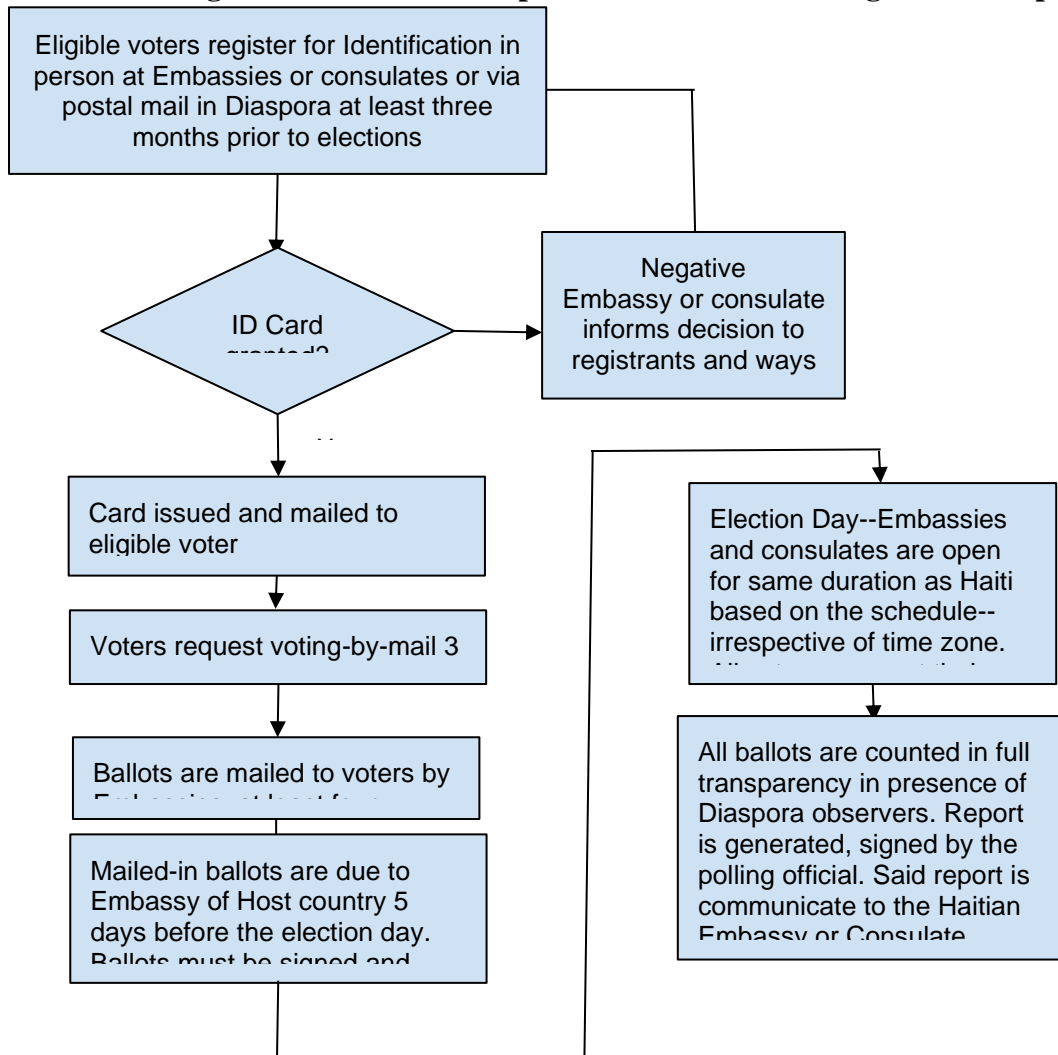
- 1.** Eligible voters register at Haitian Embassy in the host country or consulate. Applications should be readily downloadable from the Embassy's website so that eligible voters can apply by mail as well. Registration must be filed and requested at least three months prior to the date of the election, if by mail. Registration should be made available up to one week prior to election if voter applies in person. Document to establish Haitian nationality should be: Haitian passport, other passport, birth certificate or other official Identification issued by the government of Haiti;
- 2.** Application will be reviewed by the authority and a registration card (NIC) will be issued. If an identification card is not issued, the reason(s) must be communicated in writing to the applicant. The applicant has a right to appeal. The appeal should be made at the embassy or consulate where the application was made.
- 3.** Once registered, if the voters indicated that they wish to vote via mail, the ballot will be mailed to all such voters at least three weeks prior to the election. The voters shall return the ballot via certified mail to be delivered to the respective embassy or consulate no later than the Friday before the election which usually takes place on Sunday. On election day, all the mails will be opened and counted based on protocol established in the presence of representatives of the CEP and the Diaspora observers;

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- 4.** On election day, all registered voters can go to their respective embassies or consulate to cast their votes in person in accordance with a published schedule;
- 5.** The ballots are counted in the presence of election officials and Diaspora observers. A report is generated, certified and simultaneously published on the respective Embassies websites and sent to the central tabulation center in Haiti.

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FLOWCHART 1: Registration and election process for external voting in the Diaspora



FINANCING:

Once a decision is made to allow the Diaspora to cast their votes abroad, several questions must be answered such as: Where extra fund will be needed? What will be the cost to implement external voting? How external voting will be financed? Where will that money come from?

While we don't know how much money Haiti will have to spend to make external voting possible, we do know that if there is a willingness to make it a reality, it is not cost prohibitive. However, it is imperative to know the details of the cost early in the process so that, if any demands for supports are going to be made to donors, Haiti is able to present a well planned budget for the election.

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A well articulated budget can offer an instrument that can be used to make decision on where to cut cost, if any.

The cost of external election varies from \$600,000 (East Timor) to \$96,000,000,00 for Iraq. Keep in mind that the first time may be more expensive than future elections because, some of the start up expenditures will go toward creating the infrastructure. The latter once created, will be available for future elections with minor expenses to bring the infrastructure up to date.

It is important to study other countries who have implemented such election. That will help us to have an idea about the cost and to determine what model fits best in Haiti's case. It will also provide us with empirical data and benchmark that can prevent us from creating a system that is too expensive and that could be argued as too burdensome for the country.

¹³ External voting programme costs might include:

- Security of persons, locations, materials, events; special security arrangements may be needed if there is a perceived risk for the voters and/or ballot papers during the process;
- Staffing, including recruitment, salaries, training;
- Office space (it may also be necessary to administer the external voting from an independent location if there are communications or other infrastructure problems internally);
- Travel for oversight and administrative staffs;
- Training: Special training, materials and programmes will be needed for both external registration and the external voting itself;
- The electoral registration programme;
- Election materials: the printing of ballot papers, the installation of voting booths, the transportation of materials, etc;
- The cost of registration, polling and office locations;

¹³ The list of cost is from Andrew Ellis et al. Sect. 5 "voting for Abroad--the International Idea Handbook" <https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

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- Information materials and distribution/media; special communication programmes will be needed to reach external electors with information and to raise awareness about the procedures for registration and voting, and this may involve media costs in several countries;
- Communications: Constant communication is needed between the CEP and its external operation;
- Observation: The CEP may want to provide its own observers for the external registration and voting or it may want to help political party representatives attend these events;
- Implementing partner organizations' costs.

The table below shows some examples of cost incurred by different countries that have implemented external voting:

TABLE 5

Country	Estimated costs of external voting programme (US dollars (USD))	Cost per registered elector USD
Indonesia (2004)	6,000,000	13*
East Timor (1999)	1,000,000	161*
Honduras	600,000	Unknown
Dominican Republic	2, 600,000	Unknown
Botswana 2004	161,460**	Unknown
Columbia	184,530	2

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The table only shows countries that may be compared to Haiti based on similar issues. Some Countries like Iraq 2005 which implemented election abroad post war incurred increased cost to (92 Million US) due to mainly security issues. This is not a fair comparison to Haiti.

*See Table 5.3 Andrew Ellis et al. Sect. 5 “voting for Abroad--the International Idea Handbook”
<https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

**”This excludes the costs of salaries, administration and supplies. However, the overall cost of the elections had increased only marginally, from 19 million BWP in 1999 to 21 million BWP in 2004.”¹⁴

POSSIBLE WAY TO FINANCE THE EXTERNAL VOTE FOR HAITIAN DIASPORA:

METHOD 1: Haiti and Foreign Donors

Since the first election after the constitution of 1987, the elections in Haiti are always financed partly by the Haitian Government and mostly by foreign donors. For example, in the last national election in 2015, the CEP estimated the cost at \$60 million US.¹⁵ Haiti has found \$13.8 million itself, the United States provided \$33 million US, and other foreign donors offered \$24 million. The cost of the second election of 2016 was estimated at \$55 Million US.¹⁶ According to Uder Antoine, the Executive Director of the CEP, “48.5 millions were going to be financed by the Public Treasury and 6.5 millions will come from a fund supported by a development program of the United Nations. However the USAID “supported” the process indirectly in terms of elections logistics (7.6 millions), outreach and communications capacity of the CEP (5 millions), building capacity of a Haitian civil society organizations for credible oversight of the elections (7 millions).”¹⁷ Haiti can use the same method of financing to fund the portion of external voting for the diaspora. It will just require that the CEP adds the estimates for the external voting in the budget for the election. It is always good in a democracy to provide ways and allow all eligible voters to vote. Allowing the Diaspora voters to participate in the election will be seen as Haiti coming of age in its democracy.

METHOD 2: Haiti and Diaspora

¹⁴ <http://aceproject.org/ace-en/topics/va/annex/country-case-studies/senegal-a-significant-external-electorate>

¹⁵ <http://www.ijdh.org/2015/04/topics/politics-democracy/elections-loom-haitis-year-of-living-dangerously/>

¹⁶ <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article88338777.html>

¹⁷ <http://www.Haitilibre.com/docs/elections-budget-2016-2017.pdf>

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The Haitian Diaspora is not looking for a free ride. We are ready and willing to do our part to make this external vote a reality. Here are a couple of ways that the Haitian Diaspora can contribute to the funding:

First, members of the Diaspora will pay the required registration fee for their National Identification Card (NIC).

Second, the Haitian Diaspora has been forced to pay a tax on money transfer and international phone calls. This decision to impose this tax on the Diaspora was taken almost immediately after Ex-President Michel Martelly's May 2011 inauguration. He announced that Haiti would be charging a \$1.50 tax on wire transfers and 5 cents a minute on all incoming international phone calls into the country to fund free tuition."¹⁸This money was supposed to fund his education program. Although the Diaspora did not welcome this illegal tax, it went along with the idea of using the money to educate children. However, the Diaspora wants complete transparency of the management of the money and for that the money be used for the purposes intended. Furthermore, we are concerned of any tax levied against us without representation, without the right or opportunity to vote and be really engaged in the affairs of the country.

To date, it is unclear how this money is being used or the total amount accumulated if not used. However, the surcharge on wire transfers and international phone calls into Haiti was estimated to raise between \$40 million and \$50 million per year.¹⁹ Since this money has not been disbursed or made as part of any budget, it is fair to estimate that the amount already collected is between \$280M and 350 Millions US dollars. The money to support the external voting could come from these funds. It would be legal since this money was collected without proper enacted law and it was not properly earmarked for education either. And even if it should be used for education, the funds are now more than what was estimated to support the school system at \$100 Million a year. Since the Haitian government continues to collect the tax, there should be plenty there to pay for external voting.

Therefore the United Front would proposed that the legislature properly enacts a law to allow the use of some of the already collected funds to the amount of 2.5 million US dollars (or reasonable amount) to support the external election in the Diaspora in 2021.

It is true that establishing external voting for Haitian living in the Diaspora may increase the total cost for the elections. However, there are many examples in the world that show that the cost to establish external voting does not substantially increase the total cost of an election. Naturally, any financial costs should be considered alongside the non-financial costs of not conducting

¹⁸ Jacqueline Charles, Haiti hopes new taxes will raise about \$100 million for education <http://www.miamiherald.com/news/local/community/article1943477.html>

¹⁹ *ibid*

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external voting, such as the implications for the consolidation of democracy, peace and stability, or national reconciliation, particularly in post-conflict societies. In some cases, the costs of not conducting out-of-country voting can in the long run far exceed the costs of any single external voting programme.²⁰

While funding from donors countries is on the table, the financing of the Diaspora vote should come primarily from Haiti and the Diaspora. The United Front proposes:

25 cents from the \$1.50 transfer tax and 1 cent from the 50 cents telephone tax be allocated to fund the Diaspora election;

HOST COUNTRY ISSUES:

Having established the laws, processes, and funding, Haiti will be well on its way to implement the external voting for its Diaspora. However, we recognize that this framework is not exhaustive (reference is made to the Voting Abroad document for more issues relating to external voting and best practices). One further issue to consider is working with host countries where elections will take place. Brett Lacy wrote in “Voting Abroad” that “Conducting external voting presents a number of organizational and political issues, many of which can be addressed by the establishment of certain institutional arrangements in coordination with host countries.” And, “Foreign relations and negotiations are generally outside the responsibilities of electoral commissions, and exceed their capacities.”²¹ So, the work involves more than just the parliament and the CEP.

To “negotiate external voting agreements with host countries, countries generally employ their diplomatic missions. In Estonia and Indonesia, for example, the respective ministries of foreign affairs not only negotiate host country agreements but are responsible for the coordination of external voting programmes.”²²

As it can be observed, the work involved to implement external voting is numerous and will take time. We propose that the Haitian government, particularly the Ministry of Foreign Affairs (MFA), the CEP, the MHAVE and other relevant agencies start to work on this dossier as soon as possible. The negotiation with the different countries where the Haitian Diaspora resides will

²⁰ The list of cost is from Andrew Ellis et al. Sect. 5 “voting for Abroad--the International Idea Handbook” <https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

²¹ Brett Lacy--Voting Abroad chapter 6, page 136

<https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

²² ibid

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not be uniformed. There are no set policies, practices or standards for the host countries to follow. Some countries may not allow external vote to take place on their soil, while others may have restrictions on what electoral activities can take place on their soil. For example, “Canada is one of the countries that allow external voting within their borders only by post or inside foreign consulates and embassies.”²³ while “in the case of Bosnia and Herzegovina (1996), some European countries refused to allow out-of-country voting on their soil, and in these countries, registration and voting were carried out exclusively by post. Of the countries that have not allowed foreign electoral activity on their soil, some have a law that prevents such activity, while others have refused such requests for reasons ranging from sovereignty to security, to politics.”²⁴

Here are some issues to consider when negotiating with a host country:²⁵

- Providing and protecting data, including demographic information; locating suitable office space;
- Ensuring freedom of movement (of election staff , monitors and observers, party officials and voters);
- Providing customs clearances for election materials, including ballot papers;
- Providing permits;
- Providing travel documents, including visas; waiving any taxes or other fees;
- Assisting in the recruitment of staffs;
- Providing adequate security; and facilitating the deployment of election observers, monitors, and political party agents.

To make external voting a reality for the Haitian Diaspora, it will take willingness and diligence on the part of the Executive, CEP and Parliament to get it done. External voting can be achieved by the election of 2021, however, the Haitian Government must start to work on it now.

²³ Ibid at page 139

²⁴ Ibid

²⁵ Ibid

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CONCLUSION:

In light of all of the above, it is obvious that Haiti, now more than ever, needs the support of all her sons and daughters, regardless of where they live, to help the country get back on its feet. We all must join together with one common goal which is to use our own assets to resuscitate our motherland from its ashes. Haiti's problems can only be resolved by Haitians. No one else will do it for us. But, in order for us to be able to do so, the reunification of all Haiti's children is a sine qua non requirement. The amendment of the constitution of 1987 was a step forward in such a direction. It allows our compatriots living in the Diaspora to recover their Haitian nationality which they had lost ipso facto after they became citizens of their host countries via naturalization. The lawmakers of the 48th and 49th legislatures had raised the bar in order to restore the civil and political rights of our brothers and sisters. We are very appreciative.

However, the reintegration of the Diaspora in the national life of the country will not be complete until all Haitians, unequivocally, can fully exercise their fundamental rights, including their voting right. Therefore, the United Front, by the present document, urges our current legislators to follow the footsteps of their predecessors by also raising the bar to pass an electoral law that allows all eligible Haitian citizens from within and outside the country to vote, and the government to immediately put in place the required infrastructure to facilitate such a vote.

It is high time now for Haiti to recognize the value of her sons and daughters' civil and political rights and open herself to the outside world by allowing them to, hereafter, be able to vote in the national elections.

Endorsing Organizations: (Add to the list)

Haiti Renewal Alliance (HRA)
Haitian Congress to Fortify Haiti
Haitian American Grassroots Coalition (HAGC)
Haitian Diaspora Working Group
Haitian Georgia Alliance
Regroupement International des Causes Sociales
Haitian Resources Development Foundation
Haiti-Jamaica Society
Federation des Haitiens d'Europe (FEDHE)
Fondacion Hyppolite, DR;
Fondacion Zile, DR;
Jane & Julia Foundation, Haiti;
Caring for Haiti
Haitian-American Chamber of Commerce, (HACCOF)

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Haitian Research Society, NY;
Haitian Alliance and Land Trust, GA.

Individual Endorsers

References:

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<https://www.idea.int/sites/default/files/publications/voting-from-abroad-the-international-idea-handbook.pdf>

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<https://www.cephaiti.ht/Decret-electoral.html>

http://www.revparl.ca/36/4/36n4e_13_Ogbonnaya.pdf

Jennifer Schulz et al. Haitian immigrants in the United States

<https://www.migrationpolicy.org/article/haitian-immigrants-united-states>

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