

Second Report
The Carter Center Mission to Evaluate Electoral Conditions in Nicaragua
November 1-8, 2000

Responding to an invitation from Nicaragua's Supreme Electoral Council (CSE), The Carter Center organized a three-part election observation mission to that country in the fall of 2000. The first visit in September of 2000, evaluated the preparations for Nicaragua's municipal elections just as the campaign began, and also assessed developments related to the national elections to be held in 2001. The Carter Center conducted a second evaluatory visit by an eight-person team that visited Nicaragua the first week in November to observe the November 5 municipal elections and further preparations for national elections the following year. This report summarizes the findings of The Carter Center's second mission to evaluate electoral conditions in Nicaragua. The Carter Center's mission and this report were made possible through support provided by the U.S. Agency for International Development (USAID/Nicaragua), but do not necessarily reflect the views of USAID.

The main conclusions of the mission were:

- (1) That the elections were procedurally acceptable and took place in a non-violent political climate where parties were able to communicate their messages freely to the voters, and the vote was secret. Prior to the elections in 2001, the Supreme Electoral Council should correct problems in the voter list, assure that all voters have a permanent identification card rather than a substitute document, distribute to their owners the voter identification cards that the CSE has produced but not distributed, and remedy the procedural problems that slowed the announcement of final results.
- (2) That the elections in the North Atlantic Autonomous Region (RAAN), were flawed by poor turnout related to the CSE's decision to exclude the coastal party Yatama, which may have deprived a substantial portion of the Miskito electorate the opportunity to feel adequately represented.

The Second Evaluation Mission

Led by former Dominican Republic President Leonel Fernández, who is a member of the Carter Center's Council of Presidents and Prime Ministers of the Americas, the Center's election observation team also included the three experts who conducted the first study mission -- Dr. Shelley McConnell, associate director of the Center's Latin American and Caribbean Program (LACP); Dr. Luis Alberto Cordero,

(*impugnaciones*) could decide the winner, but there were no sustained claims of fraud. Politically, the elections met the minimal aspirations of three of the four competing parties.

We were pleased to find that The Carter Center's first report, stemming from its September 26-October 1 visit to Nicaragua, was well received by the CSE, the parties and the media. At their breakfast together, President Fernández inquired with President Alemán concerning his views on campaign finance, and President Alemán told President Fernández that it was incorrect for campaign contributions to be deducted directly from paychecks. The two agreed that government employees should receive their wages in full, and only afterwards make any voluntary contributions to their preferred political party. We hope that President Alemán will personally see to it that no campaign contributions are deducted from government paychecks in Nicaragua.

The Municipal Elections

The November 5, 2000 elections for mayors and city council members met international standards for free and fair elections and the results have been broadly accepted by domestic and international observers and by political parties.

The electoral authorities performed well in accomplishing many technical tasks required to hold local elections. The ballots were printed and distributed on time and under proper security with opportunities for party poll watchers to monitor their production and delivery. The other electoral materials, such as indelible ink and tally sheets, were packed and delivered efficiently, such that very few complaints emerged concerning lack of materials. The voting stations, or *Juntas Receptoras de Votos* (JRVs) opened with minor delays of less than hour, and operated throughout election day, with only one major incident in which a polling station was burned in the North Atlantic Autonomous Region (RAAN). Election officials in the voting sites cooperated well with one another. Our conversations with the armed forces and the national police indicated that they had adequate plans to maintain safety, including electoral police who our observers found well trained in each JRV. Domestic observer groups found that poll watchers from at least two political parties were present in over 98% of the voting stations.

Thousands of domestic observers deployed to monitor the vote in a partially coordinated distribution that provided impressive coverage, including quick counts in five cities. International observers from the Organization of American States, local embassies and others helped in this monitoring effort, and were provided a high level of access at all levels of election administration. Both domestic and international observer performed well, providing an essential service in verifying the election process in a neutral manner supportive to democracy.

Although the election results were reported slowly over the course of the weeks following the vote, domestic observers told The Carter Center team that they did not

know of any case in which the reported totals did not match those their observers recorded in the voting stations on election night. The fact that copies of the tally sheets were posted on the JRV buildings and given to party poll watchers helped reassure Nicaraguans that the vote counting procedures would be honest.

That said, no election is perfect, and we wish to point out some areas where improvements can and should be made.

Updating the Voter Rolls: The electoral rolls in Nicaragua had been updated in the spring of 2000, but remain inaccurate in important respects and must be corrected prior to the 2001 national elections.

As in past elections, problems with Nicaragua's civil registry were reflected in the voter list. Deaths were not reported, in part because of minor costs that deter poor citizens from reporting changes in the civil registry, and an unknown quantity of deceased persons therefore remained on the voter list. Some citizens may not have registered due to disparities between their legal names and common names, an old problem with the civil registry related to stigmatization of children born out of wedlock and the still high number born outside hospitals.

Other citizens registered but did not verify their names on the voter list, so that their information was inaccurate or missing. This was due in part to the short notice given to citizens concerning verification of electoral rolls, and weak civic education about the importance of verification. Voters whose names were not on the list but whose identification confirmed their residence in the district were allowed to vote by writing their names into the list at the voting site if they surrendered their voter identification for several days. Our observers noted substantial numbers of citizens taking advantage of this opportunity, which attested to serious deficits in the voter rolls that must be corrected. Some voters were reluctant to surrender their voter identification in order to vote, especially since receipts were not consistently offered. They expressed skepticism about the ease and timeliness of re-obtaining the surrendered card given that many had been forced to visit election authorities multiple times to obtain their identification. The inaccuracies in the voter list thus had the potential to deter voters.

Citizens suffered some confusion as to where they should vote. The CSE had made a reasonable and cost-cutting decision to reduce the number of voting stations by approximately five percent, to a total of 8,483 *Juntas Receptoras de Votos* for Nicaragua's 2,786,866 registered voters, an average of just 323 voters per voting site. The reassignment of voters from the eliminated polling stations to operative ones meant that some voters did not vote in their traditional location and were left unsure of their voting location. In addition, citizens reported discrepancies between the voter list and the list posted outside the voting site as a guide concerning where to vote, and this increased confusion about where to vote.

The voter list should be purged of deceased voters. Conversely, citizens whose names were left off should be added in, together with the names of new voters, especially

those who will reach age 16 in time to vote in the next elections. An improved verification process should be held, with broad public education to persuade citizens of the importance of verification. Special efforts should be made to notify citizens from eliminated JRVs concerning where they should vote, and any discrepancies between the posted lists and the voter rolls should be investigated and resolved. The Supreme Electoral Council may wish to partner civic organizations such as Ethics and Transparency and Institute for Development and Democracy (IPADE) in order to get the word out concerning how citizens can verify the information on the electoral rolls, and to orient citizens concerning where to vote.

Voter Identification Documents: Nicaraguans carry a permanent identification card with which they vote, but a substantial number of citizens did not have their card and therefore had to vote with a substitute document (*documento supletorio*) in the November 5, 2000 municipal election. These *documentos supletorios* should be replaced with permanent credentials before the 2001 national elections. Furthermore, the CSE is in possession of a substantial number of credentials that it has not distributed. The general director of cedulization, Dionisio Palacios, reported that approximately five percent of identification documents, both permanent and substitute ones, were not distributed, and placed the figure at approximately 140,920 documents. Renewed efforts should be made to get those documents to their owners, and where that proves impossible, documents that have not been picked up after a well-publicized period of

provided to each party, especially given the necessity of on-the-spot repairs of at least one copying machine.

These problems can be easily remedied for the 2001 national elections. Party poll watcher verification of incoming faxes is just one of many guarantees against fraud, and may be viewed as excessive, such that an accord among all participating parties could eliminate that step as long as copies of the faxes are made available promptly to the parties for comparison with the copies of the actas their poll watchers received in the JRVs. Alternatively, rather than eliminating poll watcher verification in the computing center, the CSE could demand that parties provide additional poll watchers so that the work will go faster. The CSE should also contract sufficient copying capacity such that provision of copies to the parties does not become an impediment to rapid entry of data.

Minor Issues: In addition to these broad problems, there are a number of minor elements of electoral administration that could be improved. Citizens had some difficulty

The Conservative Party established itself as a third force by winning the mayoralty of historically Conservative Granada and several smaller towns, and by polling well in Managua. Only the Christian Road party suffered a substantial setback in this election. Ongoing disputes concerning individual JRVs could alter some close races, and the Supreme Electoral Council has until November 27 to decide these contested votes. The

election could only be postponed if the National Assembly convened and amended the electoral law to allow it, via a two-thirds majority vote requiring the cooperation of the

equitably to all. We will follow this case carefully, and hope the CSE will make the principle of inclusion its point of departure and work with the MUN to provide that group every opportunity under the law to reach Nicaragua's high standards for party formation.

During our visit we also met with a second group seeking legal status as a party, the Democratic Liberal Party. Party leaders told us they had submitted a calendar for their assemblies, and had in fact held assemblies to form municipal boards, but that in a substantial number of cases the Departmental Electoral Council (CED) did not attend the assemblies to certify the board formation process. When we inquired with President Roberto Rivas of the CSE, he said that the electoral authorities did not have the capacity to meet the rigorous timetable submitted by the PLD in the short time available for registering municipal boards after the CSE regulated the law to require certification by the CEDs. In principle, where the CSE's capacity limitations are the source of a group's inability to comply with the law, the CSE should seek to remedy the situation, as it did by extending the dates for making a decision about the MUN's application. In this instance, the CSE noted that PLD leaders have filed suit against the CSE, and argued that its appeal to judicial authorities relieves the CSE of further obligation in the case, a legal thesis which we would like to see better explored. PLD leaders argue they have appealed as a last resort after receiving no answer to repeated letters sent to the CSE.

During our meeting, we urged the CSE to re-establish communication with the PLD and provide an official response to their complaints as citizens' rights to political organization cannot be abridged through bureaucratic silence. President Rivas promised us he would respond to written communication from PLD leaders. Further communication is also warranted with respect to the case of the Sandinista Renewal Movement, whose application was rejected without a full explanation being offered by the CSE, and which has consequently sought judicial remedy. By offering full and timely explanations for its decisions, the CSE can avoid giving the impression that governance is arbitrary, enhancing its own credibility through maximum transparency.