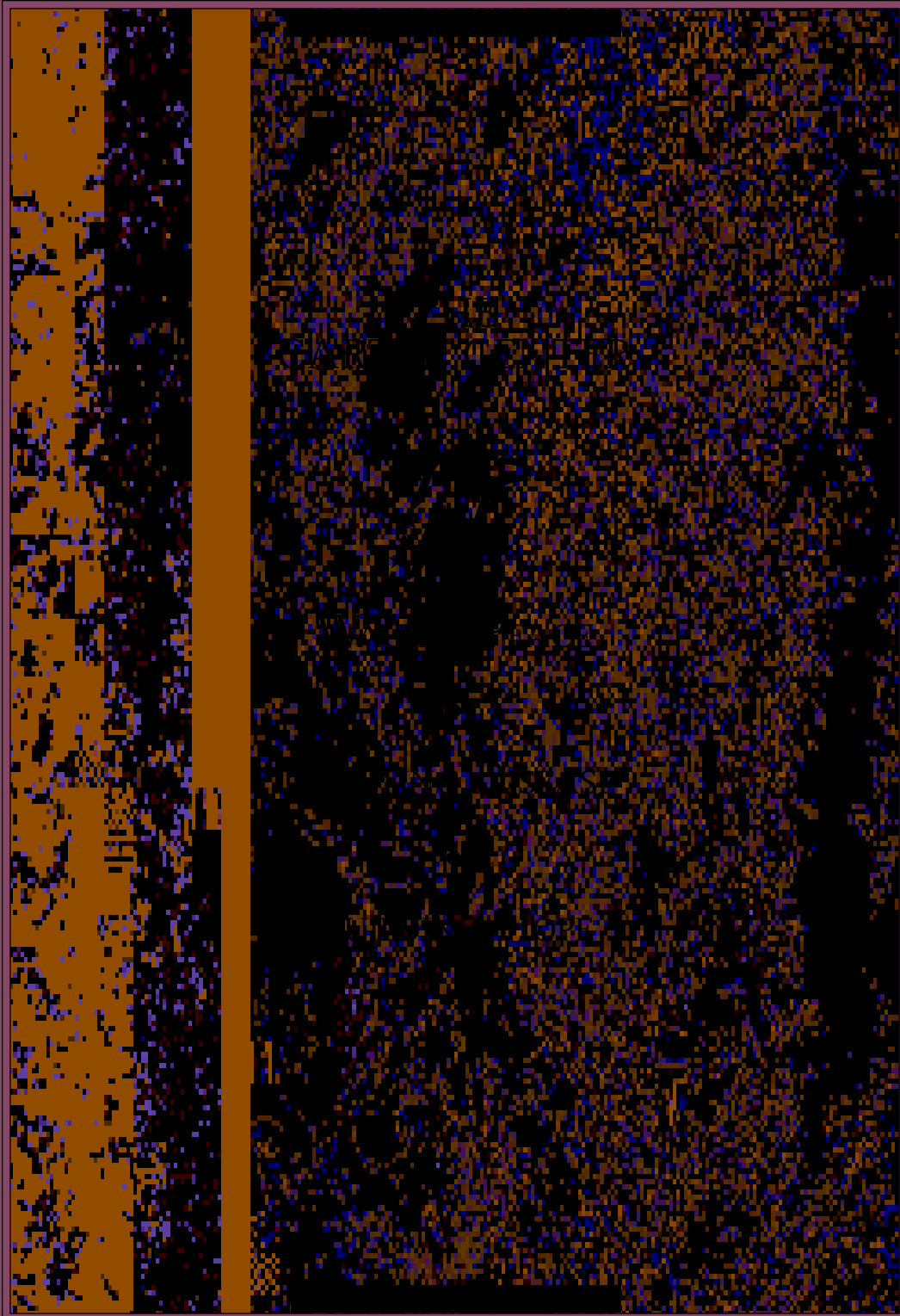


SPECIAL REPORT SERIES



OBSERVING THE 2001 NICARAGUAN ELECTIONS





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OBSERVING THE 2001 PARAGUAN ELECTIONS

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

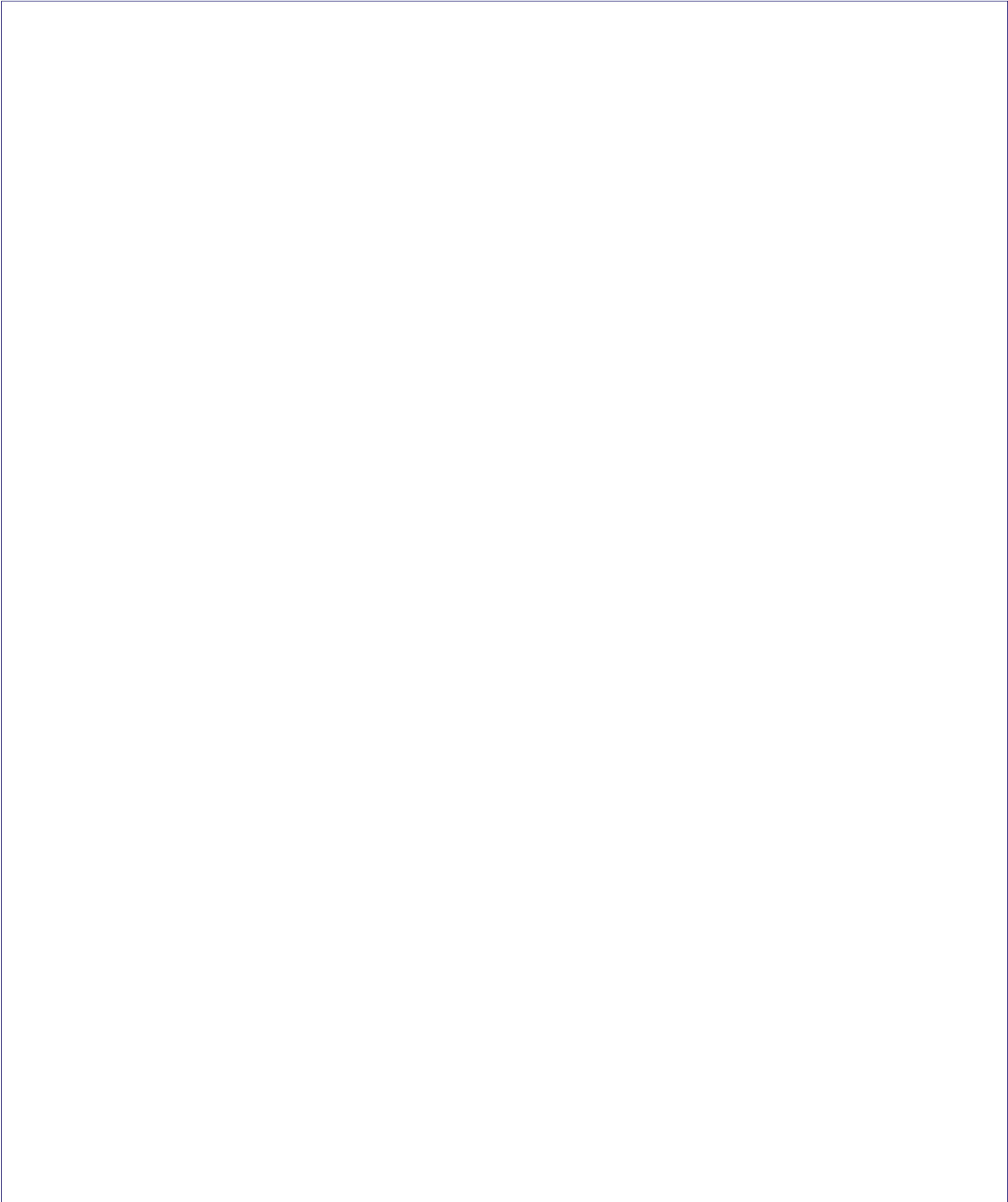
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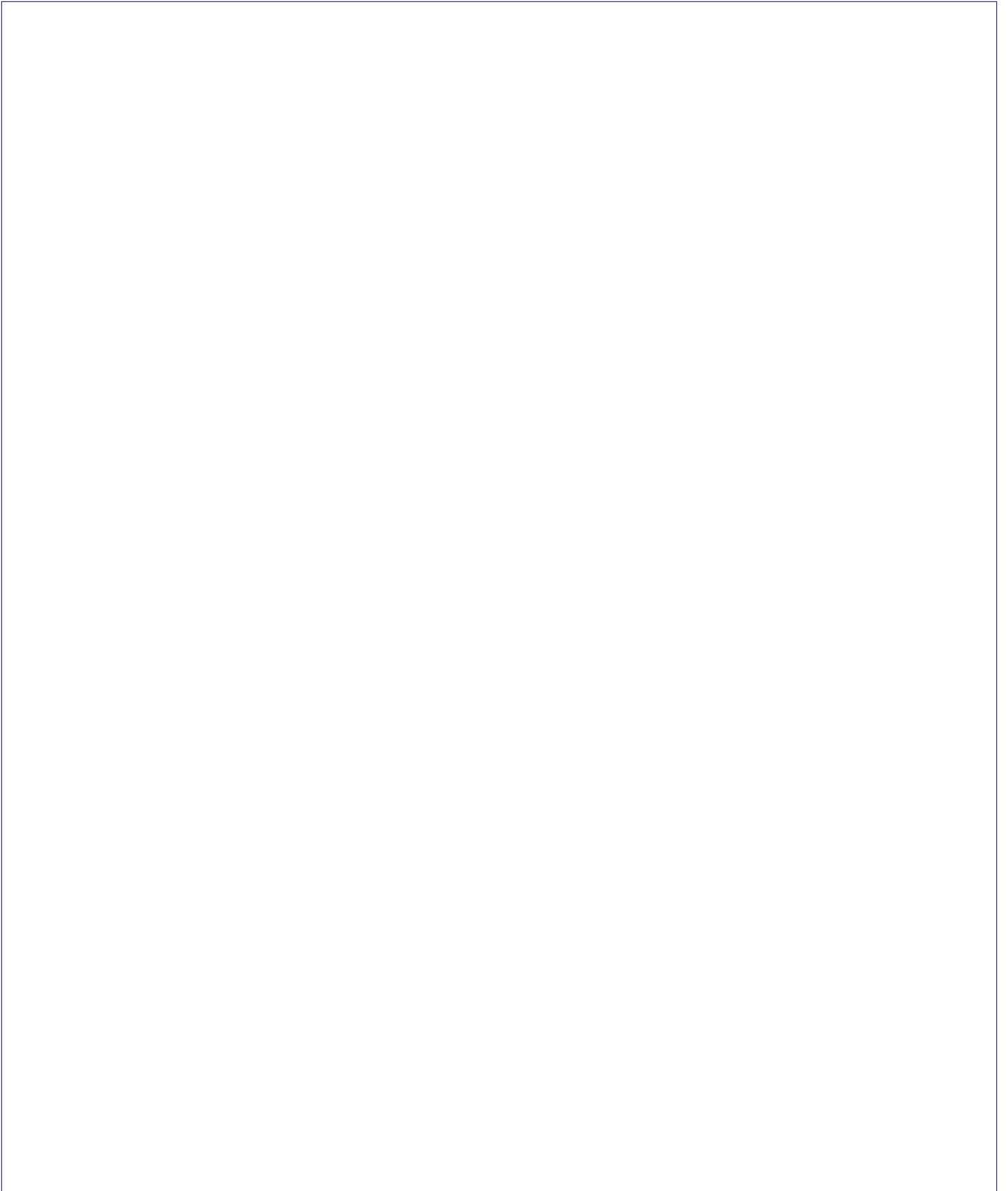
Nicaragua's Supreme Electoral Council is headquartered at The Carter Center. Mr. Dye was invited The Carter Center to monitor the 2001 national elections, as we had done in 1990 and 1996. Given the concerns that had been raised by politicians and civil society leaders respect to the evolving electoral rules, and because the 1996 elections had not consolidated Nicaragua's transition to democracy, the Center agreed to observe. In accepting the invitation we were also cognizant of growing political polarization, which resulted after two candidates with deeply entrenched ideological and personal differences and Enrique Boláños emerged as the frontrunners.

The Carter Center applies various electoral observation methods, tailoring the combination of activities to suit the particular circumstances in each country. In Nicaragua, where national observers were expected to be present in fully half of the polling places and party agents from the two dominant parties were able to obtain nearly complete coverage, our help was not primarily needed to measure compliance with electoral procedures in the polling booths on election day. Rather, we focused on monitoring technical preparations, the campaign climate, transmission and tabulation of the vote, and processing of challenges.

To accomplish these tasks, in July 2001 we employed a field representative who would stay on duty through the January 2002 inauguration and publication of this closing report. David Dye served admirably in the post, having worked in Nicaragua many years as a political and economic analyst, journalist and consultant. Mr. Dye facilitated two pre-election visits in July and September, the first of which was led by former Peruvian President Valentín Paniagua, a member of the Council of Presidents and Prime Ministers of the Americas, who

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presidential results by the losing party. This gain notwithstanding, the Sandinista Front charged CSE magistrates drawn from the governing Liberal Constitutionalist Party with costing it votes in reviewing departmental totals and making an erroneous interpretation of the rules for allocating Assembly seats in the departments.

#### 6. Resulting Political

**Alignment:** The fact that two large parties together won 98 percent of the vote reflects the continuing emergence of a two-party system, albeit one reinforced since January 2000 by severe restrictions on the formation of other parties. The composition of the National Assembly, in which the Liberals will hold an absolute

majority, implies that the government will be able to pass ordinary legislation unobstructed as long as executive and legislative leaders agree, while the assent of the Sandinista minority will again be needed to make changes to the constitution and the law. Although the Conservative Party won one legislative seat, application of the new law resulted in cancellation of its legal status shortly after the election.

**7. Opportunities for Improvement:** The political and administrative difficulties caused by the partisan composition and functioning of the electoral authorities indicate the urgent need to restore credibility to the electoral branch of government through reform of the January 2000 election law and of the CSE as an institution.

**8. Coordination of Observer Efforts:** The efforts of international and national observers were better coordinated than in 1996. Collaboration led to the rapid and effective use of a quick electoral (parallel vote tabulation, or PVT) to eliminate uncertainty about the presidential vote result. The good work of Ethics and Transparency (ET) also permitted systematic qualitative analysis of the election results. Constant informal discussions among observers generated consensus in problem analysis and helped reinforce the weight of many commendations to the CSE. Observer groups also coordinated efforts in the field on election day and observed municipal transmission of results and, in some cases, departmental reviews of vote counts and challenges. Nicaragua nonetheless needs to reduce its dependence on foreign financial support and observers for its elections.



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returned to monitor an election that echoed the flight, reproaches from Catholic church leaders, political polarization of the past, pitting the Sandinistas against the Liberals in what appeared to be a tight presidential race. The U.S. government, including the U.S. ambassador,

Presidential candidates Enrique Bolaños of the Liberal Constitutionalist Party (PLC), Daniel Ortega of the Sandinista National Liberation Front (FSLN), and initially Noel Vidaurre of the Conservative Party (PC) registered to run by the May 31 deadline. Each candidate negotiated support from an array of smaller parties and political notables. Only the PLC negotiated a formal alliance with the Party of the Nicaraguan Resistance (PRN), under the terms of the revised elections law. The variegated collage of groupings and personalities informally allied to the FSLN was given the name National Convergence.

The race became polarized early on. In contrast to 1996, Daniel Ortega developed a surprise early lead in the polls. Polarization intensified as the surveys revealed the Conservative Party taking considerable strength from the ruling Liberals, propitiating a possible FSLN victory. Fear of the Sandinista leader's return soon prompted signs of capital



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## ELECTION ROLL VERIFICATION AND THE FIRST CARTER CENTER DELEGATION

A chronic deficiency of the CSE antedating the 2000 changes was its inability to cleanse the election roll of names of persons deceased or emigrated from the country. This difficulty was caused in part by the lack of a registry culture in Nicaragua, as many people, especially in rural areas, failed to notify the authorities of births, deaths, and migratory movements. Estimates of the number of people on the roll who were still living within the national territory thus conflicted.

In June, the CSE made a preliminary determination that the full election roll consisted of 2,877,871 people. This total included everyone eligible who had at one time or another solicited a national identity card called *cedula*. At the end of April 2001, possession of *cedula* became mandatory not only for voting but for accomplishing a series of other tasks requiring personal identification. Due to the presence of the deceased and emigrants, the 2.9 million figure was exaggerated as a calculation of the real election list. But to fulfill a legal requirement

limiting each JRV to no more than 400 potential voters, the Council soon expanded the number of JRVs from the 8,500 that had functioned the previous year to 9,502.

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## OBSERVING THE 2001 NICARAGUAN ELECTIONS

North Atlantic Autonomous Region (RAAN), where the municipal election had been criticized after exclusion of regional parties led to low turnout.

In Managua, the delegation met with magistrates Silvio Calderón (PLC), Emmet Lang (FSLN), and other CSE officials who related the progress in organizing the elections. The group heard other progress reports from the technical consultants hired to advise the Council and from donors. The Liberal and Sandinista campaign managers assured the Center that their parties were conducting positive campaigns and would recognize the results of a close race. The delegation heard the views of two factions of the Nicaraguan Resistance concerning vote preparations for their supporters and spoke with civic organizations participating in the process, including Ethics and Transparency, which explained the planning for its quick count. The OAS observer mission, U.S. Ambassador Oliver Garza, and Cardinal Miguel Obando y Bravo also conveyed their views, as did representatives of the media.

In many meetings, interviewees stressed deficiencies in organizing the election leading to waste of resources and ballooning costs. Most argued that the problems stemmed from the Council's partisan divide. Some painted negative post-election political scenarios. In the extreme case, a cascade of factors—serious trouble in transmitting data, massive voting night challenges by party poll watchers, and post-election clashes—could potentially create a climate of disorder. If the CSE were then to become paralyzed by party infighting, the election could end up being decided in a new political pact rather than by the voters.

In a statement issued July 24, The Carter Center made a set of recommendations aimed at





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with their endorsements. On occasion, however, the candidate had harsh words for his opponent, while the government TV channel kept up a steady barrage of early morning footage with scenes recalling negative aspects of the Sandinistas revolutionary rule during the 1980s.

The Sandinista candidate opted to avoid negative campaign tactics. Daniel Ortega instead offered voters a promised land (La Tierra Prometida) of jobs, schools, and peace. Attempting to draw support from the undecided, the FSLN softened its traditional red and black colors, making lavish use of pink in its advertising, and countered polarization with vague messages of peace and love. Keeping the contours of his campaign message blurry, Ortega provided few specifics while reassuring voters that he would get on well with the U.S. government after his election—this despite doubts sown by U.S. officials. Once revealed, his economic policy proposals did not differ much from those of Bolaños.

Owing to limited resources, the Conservative Party proved unable to mount a major campaign. PC standard-bearer Alberto Saborío nonetheless roamed the country continuously trumpeting his campaign message that Nicaragua's progress depended on a thorough reform of political institutions, including the electoral commission.

Starting in mid-August, the CSE speeded up the pace and began making decisions more expeditiously. Organization of the election process began to improve. At the urging of the observers, the CSE resolved to conduct four trials of the results transmission process before election day, starting in early

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

in an attempt to associate Ortega with world quality of JRV officials training, stressing their duty to act as neutral public officials, and urged parties to instruct their poll watchers not to lodge indiscretions between the parties. The delegation's statement conveyed heightened concern over the pace of election preparations.

In this atmosphere, and amid continuing concern over the pace of election preparations, the Carter Center's second pre-election delegation arrived in Managua on Sept. 27. Peru's former President Valentín Paniagua headed the mission, complemented by former U.S. Ambassador to Ecuador, Gwen Clare, and by Dr. Shelley McConnell of the Center's Americas Program.

The delegation met with CSE President Roberto Rivas, who assured the group that preparations were proceeding and pledged to allow observers from the Center to witness the handling of challenges in the departmental counting centers after the balloting. The group also met with the candidates of the Liberal and Conservative parties, the campaign staff of the FSLN, the heads of the OAS and European Union missions, the National Democratic Institute (NDI), technical experts funded by USAID, the president of Ethics and Transparency, and representatives of other Nicaraguan nongovernmental organizations (NGOs). Members of the media assured the group that they were covering the campaigns unharassed and afforded insights into party advertising efforts.

Issued Oct. 3, the delegation's report noted progress in preparing the election, including the speedy printing of ballots and selection of JRV officials. It also praised progress in distributing voting documents and in rectifying errors on the election roll. But it expressed concern about partisanship among officials in the polling stations. The Center recommended special attention to the



## OBSERVING THE 2001 NICARAGUAN ELECTIONS

candidates assented immediately. Liberal standard-bearer Bolaños hesitated but in the end expressed conditional agreement with Mrs. Chamorro's goals.

Finally, the CSE issued regulations Oct. 16 concerning the handling of vote challenges. Rather than dampen concern about abuse of the right to challenge, the regulation seemed to complicate matters by adding new causes for challenging JRVs while failing to specify the moments at which challenges should be made and the order in which they should be processed. In contrast, NDI, which had been working for some months to train party poll watchers, secured a public agreement by the parties that they would limit challenges to the necessary minimum. The CSE had by this point accepted NDI's suggestion to record poll watchers' minor complaints on sheets separate from those for challenges, a measure that could prevent unnecessary delay in transmitting the tally sheets.

However, U.S. government actions in Nicaragua in the wake of Sept. 11 continued to hint at an unstated preference for one of the contenders. In mid-October during the campaign, U.S. Ambassador Oliver Garza appeared widely in the media distributing shipments of U.S. food aid to drought victims in northern Nicaragua in the company of Enrique Bolaños, the Liberal presidential candidate. On his visit to San Isidro, Matagalpa, also during the height of the campaign, the ambassador repeated the theme that FSLN candidate Daniel Ortega had not changed his ways and had turned a deaf ear to expressed U.S. concerns, in particular those regarding property expropriation disputes.

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## II. THE ELECTION

On Nov. 4, The Carter Center fielded a total of 51 observers to monitor Nicaragua's election. The Center's contingent was but a small part of the total observation effort, which saw 1,116 people deployed by international groups including the OAS, European Union, and the International Republican Institute, as well as 11,962 national observers, principally from ET and the Civic Electoral Consortium.

The Center's observation model, adapted from previous years, unfolded in stages. In major departments, the Center's representative

well as with the campaign staffs of the parties, local NGO representatives, and members of other observer missions. MTOs in turn prepared for the arrival of 11 short-term observers (STOs), who received two days of training before deploying to additional departments Oct. 29. The Center complemented its observer contingent with students from Emory University, enabling it to place one international observer and one assistant in each of Nicaragua's 15 departments and two autonomous regions on election day.

The atmosphere surrounding the final days of the campaign was initially tense. With the race predicted to be very close, fear of post-election conflict persisted. Of special concern were statements by President Arnoldo Alemán that he would not flinch at declaring a state of emergency in the wake of the voting in the event that disturbances threatened public order. This statement was seen as provocative because the campaign period to that point had been peaceful. Two days before the election, army troops in camouflage uniforms appeared on the streets of the capital and also took up positions in interior cities and towns. The confluence of closing rallies by the PLC and FSLN in the city of Masaya on Oct. 31 produced fears that the two groups' supporters would clash. Though this did not occur, one person died in a violent incident immediately following the rallies, leading The Carter Center to caution against violence. A bulletin released Nov. 1, just prior to President Carter's arrival, the groundwork for six medium-term observers (MTOs) who arrived in early October to be trained and dispatched to departmental seats including Puerto Cabezas in the RAAN. The MTOs set about establishing relationships with departmental and municipal election officials, as

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

Former U.S. President Jimmy Carter headed Oscar Gaviria, and leaders of a European Union Center's final election delegation, which began mission complemented these impressions and Nov. 2. Costa Rica's ex-President Oscar Arias, conveyed their concerns about the election aftermath. member of the Council of Presidents and Prime The Center's leadership also met with presidential Ministers of the Americas, arrived shortly thereafter candidates Enrique Bolæos, Daniel Ortega, and to co-lead the observation effort. Accompanying Alberto Saborío. Although rumors were heard of presidents Carter and Arias in the Center's leadership high-level political negotiations in progress, all ship group were Charles Costello, director of the three candidates said they opposed a deal settling Center's Democracy Program, and Dr. Jennifer the election outcome behind the voters' backs. McCoy and Dr. Shelley McConnell, director Reflecting the polarized campaign, each major party and associate director of the Center's Americas expressed fear of violence from, and a premature Program. Field representative David R. Dye assisted their efforts.

In the 36 hours before voting started, the Center's leadership met in a round of interviews with Nicaragua's highest-level political, military, religious and civic leadership. The CSE, headed by Roberto Rivas, assured the delegation that preparations for the balloting were nearly complete and that the Council would be able to announce preliminary results with 25 percent of the vote by 2 a.m. Monday, a target that would prove to be overly ambitious.

President Arnaldo Alemán, Catholic church leader Cardinal Miguel Obando, and Nicaraguan army leader General Xavier Carrión all shared their views of the election process with the delegation and President Carter. ET, OAS Secretary General

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free election U.S. President George W. Bush would recognize the election outcome whoever won.

## ELECTION DAY

## OBSERVATION

On Sunday, Nov. 4, Nicaraguans turned out in high numbers to vote for the candidates of their choice. Carter Center observers visited a total of 265 JRVs to watch the balloting. All those voting sites opened, most with some delay, and almost all had received their full complement of materials. The observers found a poll watcher from the FSLN in

The leadership team met with General Xavier Carrion on the eve of the election.

In a pre-election press conference Nov. 3, every JRV visited, from the PLC in 262, and from President Carter gave voice to, and then countered, the PC in 188. The great majority of polling stations many of the concerns conveyed to the delegation also contained the full complement of three election He argued that despite its partisan structure the officials, one from each party. A member of a CSE would serve well and asserted his belief that domestic observer group was present in 188 JRVs the elections would be fair and free of blatant fraud. Predicting that the count would be slow, he urged the voting proceeded in a normal and orderly Nicaraguan voters to remain calm and wait for the fashion. Many polling stations visited by Center official results on Monday morning. Carter expressed observers opened late, in part due to the scrupulous full confidence in the work of CSE in its quick observance by JRV officials of the cumbersome count, which he assured Nicaraguans would be opening procedures. Despite delays and long lines, extremely accurate, and ventured the opinion that voters displayed exemplary patience and continued ET's results would quickly be made public by the to queue up to vote, in some cases late into the CSE magistrates through their political parties. night. In only eight polling places was voting briefly

President Carter expressed pointed disapproval suspended during the day, due mostly to malfunctioning of any negotiated solution to a post-election of ultraviolet lamps and ID card punches. impasse and firmly rejected the contention that Partisan friction among JRV officials at times conditions warranted a declaration of emergency hindered rapid solution of the few problems that short of violence. A close vote is not reason for did occur.

a national emergency, he asserted. He also The Center did not witness harassment or disavowed expressions of favoritism by U.S. government intimidation of voters and did not see anyone try ment officials, saying, I personally disapprove of to vote without a voting document. However, statements or actions of another country influencing 38 people were turned away when their named an election. He reassured voters that following a failed to appear on the election roll and they could



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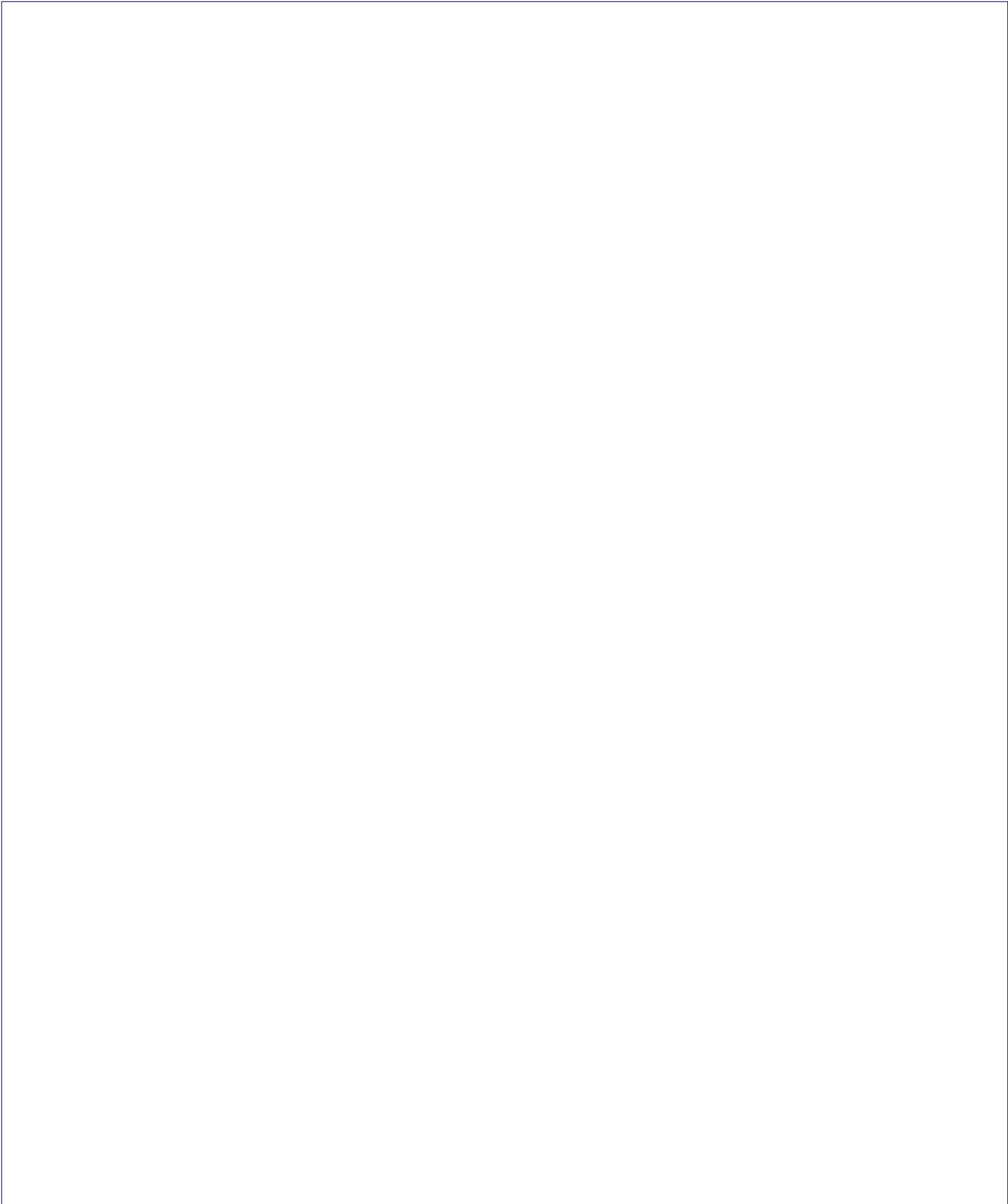
not demonstrate their residence in the circum-  
 scription to the satisfaction of voting officials. In  
 some areas, the Carter Center observers did significant  
 numbers of people voting with witnesses, as the CSE  
 had allowed. Carter Center observers recorded  
 suspiciously high use of witnesses in  
 Bluefields, where JRV officials permitted 63 people to  
 vote using witnesses at a polling station with  
 only 93 registered voters.

Presidents Carter and Arias took time out Sunday  
 afternoon to visit with former President Violeta  
 Chamorro before witnessing the presidential vote count



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President Carter conveyed his congratulations in person to Mr. Bolaeos at 6:30 a.m. Shortly thereafter the first official numbers were announced, but why



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colleagues. FSLN allies in the Convergencia party supported the FSLN in this stance and in a parallel refusal to recognize the right of Vice President Leopoldo Navarro to serve as Alemán's alternate in the Assembly, on the grounds that Navarro had not fulfilled the requirement of having been directly elected to his post. However, the FSLN stressed that it was not contesting Enrique Bolaños' election as president.

Prior to their walkout, the FSLN magistrates voted with the Liberal majority to strip the Conservative Party of its legal registration. The unanimous

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Conservative Party's legal status had been its the elected head of Nicaragua's future government. In ET's view, the PC's 4.7 percent vote total for national deputies fulfilled the constitution's requirement for maintenance of official status as a party.

Other parts of civil society voiced opinions on one or another of the issues. As Miguel Obando urged the CSE to search for a benign interpretation of the election law that would allow the Conservatives to keep their registration. The CSE began backpedaling on its decision concerning the PC, and at the request of the party, opened a 10-day period for reconsideration. By contrast, the Higher Council of Private Enterprise (COSEP) expressed unconditional support for the CSE's resolutions.

## THE COURTS DECIDE

The FSLN lodged its appeal against the CSE session for the Atlantic Coast regional elections

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declaring the case closed i.e., by refusing to nullify. On Jan. 9, the 91 elected deputies from all three parties took their seats in the National Assembly on the grounds that the names of the elected candidates had already been published. This judgment effectively left intact the legislature's governing board. Outgoing CSE's rulings on the departmental deputies and President Alemán, allocated the seats automatically to the Conservative Party's registration. But in a call by virtue of the January 2000 changes to the CSE's constitution, did not attend, as his presidential term had not yet concluded.

Though the Supreme Court's ruling was criticized as inconsistent and political, it effectively put an end to the principal post-election controversies and paved the way for a smooth handover of power.

Against the expressed position of Boláños, however, Alemán engineered the election of Liberal Oscar Moncada as the new Assembly's president. Moncada would shortly resign and give way to Alemán himself in a separate vote. The Assembly also sparked a minor controversy when the Liberal majority voted to assign only one position on the seven-person Assembly board to their Sandinista opponents. The FSLN demanded three seats and cited a 1997 Supreme Court ruling

requiring proportionality in allocating the legislative positions. The party announced a fresh appeal to that body but did not abandon the proceedings without an alternate.

If the logic of these decisions was confusingly disparate, the inauguration of Enrique Boláños Geyer as Nicaragua's 38<sup>th</sup> president on Jan. 10, 2002, brought the election process to a successful conclusion. President Boláños' inaugural address, elevated in tone, stressed the need for a reform of the election legislation and of the CSE to better ensure challenges to the CSE's interpretation of the election formula for allocating legislative seats were rejected by the Court as outside its purview. This new decision on whether to reconsider its ruling on the Conservative Party's status remained outstanding. The Council ratified its original decision on Jan. 18.

In order to ensure compliance with the CSE's own rules of procedure, Sandinista leader Daniel Ortega cited this precedent in making a quick announcement that the FSLN accepted the high court's decision and would attend the Jan. 10 inaugural of Nicaragua's new president.

Though the Supreme Court's ruling was criticized as inconsistent and political, it effectively put an end to the principal post-election controversies and paved the way for a smooth hand-over of power.

OBSERVING THE 2001 PARAGUAN ELECTIONS

**T**he Carter Center congratulates the



## OBSERVING THE 2001 NICARAGUAN ELECTIONS

electoral authorities will take them into consideration as they make efforts to improve the quality of future election processes.

## REFORMING THE CONSTITUTION AND ELECTORAL LAW

### 1. Ease requirements on the formation of new political parties

The Carter Center has been consistently critical of the legal changes introduced in 2000 regarding political parties and participation, deeming them exclusionary and an infringement of the citizenry's right to effective political representation. The number of parties that participated in the 1996 elections and ensuing National Assembly was undoubtedly excessive, and the D'Hondt formula for apportioning legislative seats, adopted in 2000, is a useful device for limiting legislative fragmentation where proportional representation prevails. However, the basic requirements for party registration and continued recognition in Nicaragua are draconian and should be changed to allow for new political leadership to emerge and the health of the system to be maintained.

The stipulation that an aspiring party must form directorates in all 151 municipalities is very stringent. If it is not relaxed, new parties will rarely form. To then require that parties constantly submit lists of three percent of the registered signatures coupled with cumbersome procedures for verification is onerous in the extreme. The percentage should be lowered, and the verification should be limited mainly to checking whether the numbers on the petition match those in the CSE records. Systematic review of massive numbers of signatures by inexperienced personnel is burdensome, ineffective, and potentially arbitrary; it also encour-

## OBSERVING THE 2001 PARAGUAN ELECTIONS

Party demonstrates, also unclear. After organizing itself, a fledgling political party should not be forced to run candidates for every single available office in the next mayoral or legislative election. It is appropriate to stipulate that all parties must win a certain percentage of the vote to stay registered (whether this is four percent or some other figure is secondary). But given the workings of the D system, this cannot be the only criterion. It is incongruous for a party to be able to win a seat in the Assembly with less than this minimum and then be stripped of its registration. A useful device would be to apply either the numerical criterion or the assignment of an Assembly seat as the necessary performance level to retain party registration.

3. Reform the rules concerning alliance formation and dissolution

Maximizing political options for the citizenry also requires space for political parties to freely form alliances. The current stipulation that all alliance

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

A separate issue is defining appropriate qualifications for the magistrates, whatever their provenance. In part, the relevant criteria depend on the precise role the CSE is intended to play within the election apparatus as a whole (see below). But serious effort should be made to find individuals of unquestioned probity who can be relied upon to conduct an election impartially. The same criteria should apply in the CSE's choice of officials to staff the departmental and municipal electoral councils, as well as members of JRVs.

5. Reform the election law's quorum rule to help assure that the CSE makes decisions in a timely fashion

Quorum rules are intended to ensure legitimacy of deliberations and decision-making by establishing a reasonably broad basis of support for them. In Nicaragua, a five-vote minimum enhanced legitimacy by assuring neither partye-vi1ld oagu66u4.9401 Tc ted legr2 Tw sahsonsuchoicart ua, of ofa8 ofvts-v1ld 9Soud At, tic renkpal electofouagu hem. In

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division of the country a given area's votes are to be tabulated. If the clarification entails shifting a substantial number of voters from one jurisdiction to another, the same law must be altered to reestablish an appropriate balance between the populations of the departments and regions and the number of their legislative representatives. If the change adds population to either of the Atlantic Coast regions, the effect on the balance of ethnic representation enshrined in the current system of Coastal autonomy also needs to be taken into account.

7. Reform the civil registry and develop a permanently updated election roll

Due to the inadequacy of its civil registry of births, deaths, and changes of residence, Nicaragua does not know how many people live where and thus has difficulty keeping its electoral list up to date. This created confusion on election day, when some voters did not find their names on the roll and had to present witnesses to buttress their claim of residency in a given jurisdiction in order to cast their ballots.

Reform of the current register ideally requires a new population census to establish baselines. Progress in this area is possible, however, even before the 2005 census. With the installation of computing facilities in municipal election offices now underway, Nicaragua can quickly fuse civil registration with cedula issuance and renewal in one data field and automate them. The heart of the problem, however, is to induce the citizenry to consistently report births, deaths, and residence changes. Such reporting should not require payment of fees, and to the extent possible should be tied to the receipt of valuable government services. Once the data flows properly, the process of updating the election roll will be largely automatic, obviating the problems experienced in the past and permitting accurate calculation of the turnout in election contests.

8. Revisit the regulation of quick counts

In a controversial decision, the CSE restricted the timing of the release of quick count results obtained by national groups. The matter of when and how to release quick count results deserves to be revisited absent the pressure of an impending vote. In general, well done parallel vote tabulations serve as a useful check on the accuracy and validity of official results.

Where effective electoral administration produces rapid tabulation of official results that enjoy public confidence, quick counts lose their aura of importance, becoming mainly another item of public information. Ideally, electoral authorities should be the ones to announce winners, not media or observers. In other words, quick counts should normally serve to complement official results.

Nonetheless, where official results are slow in coming or are not fully trusted by the parties or the public, quick counts can fill a vacuum of official information as well as give the public an independent calculation of expected official results. This was the case of Nicaragua in 2001, where the delayed tabulation of results could have created a potentially dangerous void of information had not the parties and ET conducted quick counts.

Nicaraguans may wish to review the question of whether and how to regulate quick counts, bearing in mind basic constitutional rights and the experience of other countries. Groups doing quick counts may legitimately be required to inform the public of some basic elements of their methodology, such as the number of data points they intend to use and their margin of error.

STRENGTHENING ELECTION ADMINISTRATION

Nicaragua's election apparatus is of a type referred to as dual or bifunctional – the CSE decides the issues put under its purview by the electoral law and also administers elections. In 2001 politicization



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bureaucracy should have permanent status. Reformers should also rethink the number of permanent positions needed.

2. Improve planning and budget procedures

The CSE went into the 2001 election process without any clear strategic operating plan. Other changes, reform has to ensure that the planning department has the authority to carry out its functions and has adequately trained personnel to draw up and integrate annual plans and projects. It also needs appropriate information systems as well as support to be able to manage and monitor project execution. Proper planning and budgeting will eliminate the wastage of resources, making spending decisions on costly equipment more rational and avoiding the cash flow problems so evident in the recent exercise. This is urgent, as Nicaragua has to lower the cost of its elections as well as dependence on foreign financial aid. In addition to budgeting appropriately and disbursing budgeted monies promptly, the CSE needs to account more fully for the monies allocated to its use.

3. Improve communications within the CSE

The partisan division of administrative posts at all levels of the election apparatus during 2001 resulted in blocked or inadequate communication among the functional departments of the CSE, between the magistrates and lower-level bodies, and between the departmental and municipal councils. To a degree, informal communication and decision-making among members of the regular staff substituted for political feuding and permitted election preparations to go forward, albeit fitfully. While this helped avoid crisis, it is not a model for the future. Depoliticizing recruitment and specifying functions clearly will serve to minimize the problems experienced

4. Provide full information to the public and the parties on systems testing

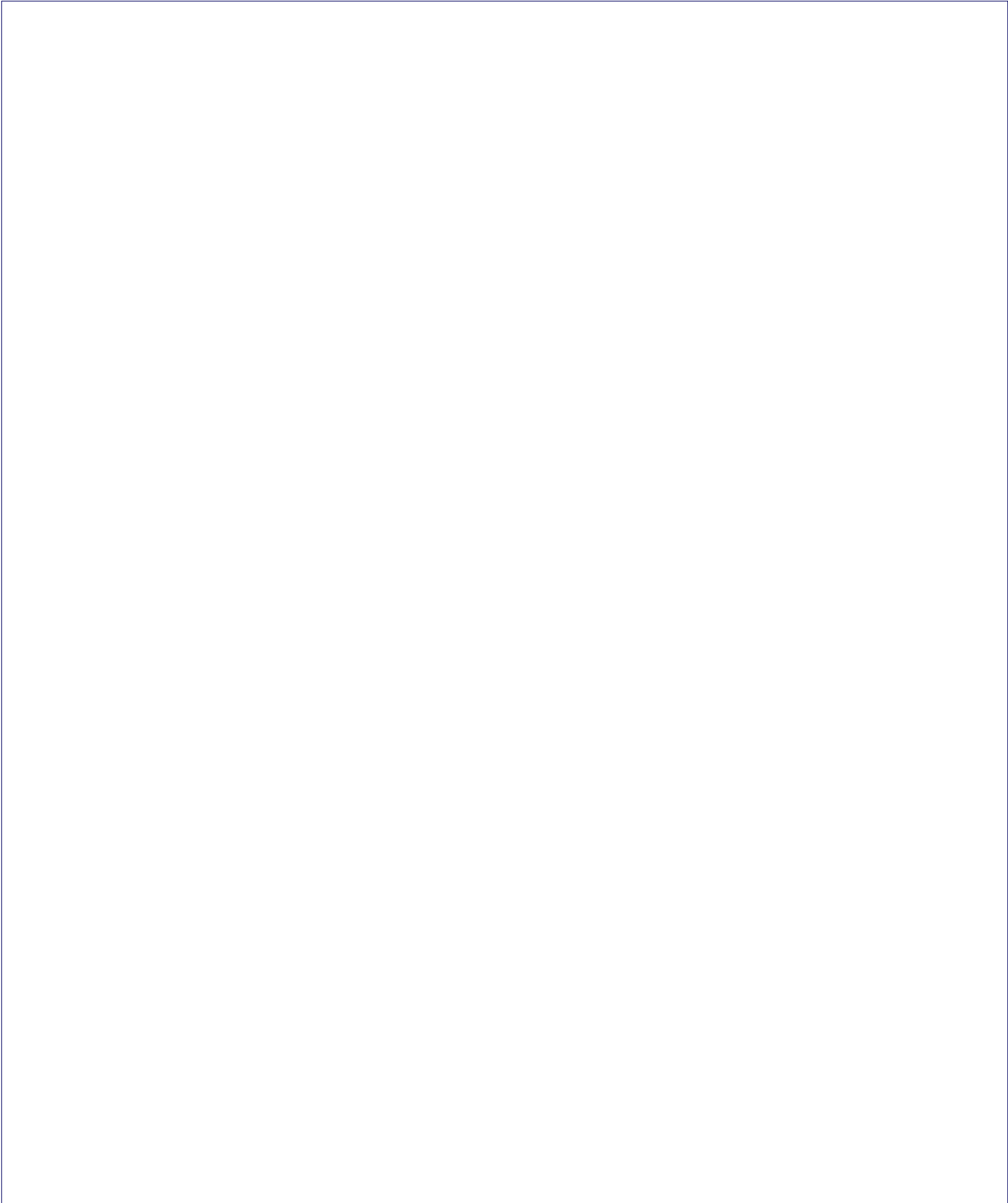
Both major parties complained in 2001 about a lack of timely communication from the CSE, despite having representatives on that body. Many

complaints centered on uncertainty about the vote transmission process, which generated fears of possible fraud. In future contests, the CSE should announce the timing and terms of transmission tests in advance, then report in full on their outcomes.

and more opportune reporting in other areas

would help bolster public confidence in the

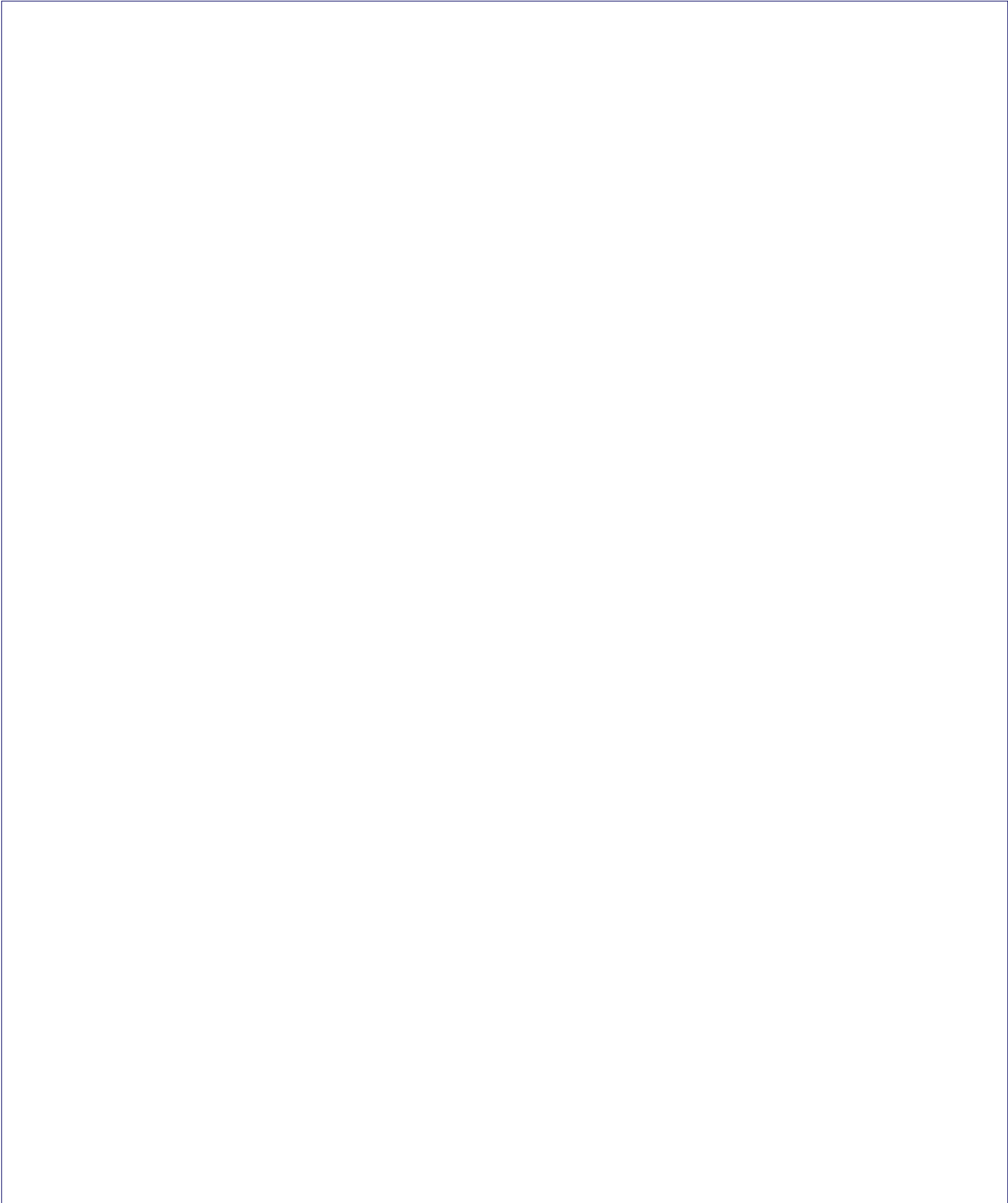
Election workers post 10-step voting instructions at a polling site.



OBSERVING THE 2001 PARAGUAN ELECTIONS



OBSERVING THE



## APPENDICES

1. Statement of The Carter Center s First Pre-Election Delegation, July 22, 2001
2. Electoral Bulletin, Sept. 24, 2001
3. Statement of the Second Pre-Election Delegation, Oct. 3, 2001
4. Electoral Bulletin, Nov. 1, 2001
5. Statement by Former U.S. President Jimmy Carter, Nov. 3, 2001
6. Post-Election Statement, Nov. 7, 2001
7. Deployment List, Nov. 4, 2001
8. Election Day Checklist, Nov. 4, 2001
9. Final Election Results
10. Sample News Coverage

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

## APPENDIX 1

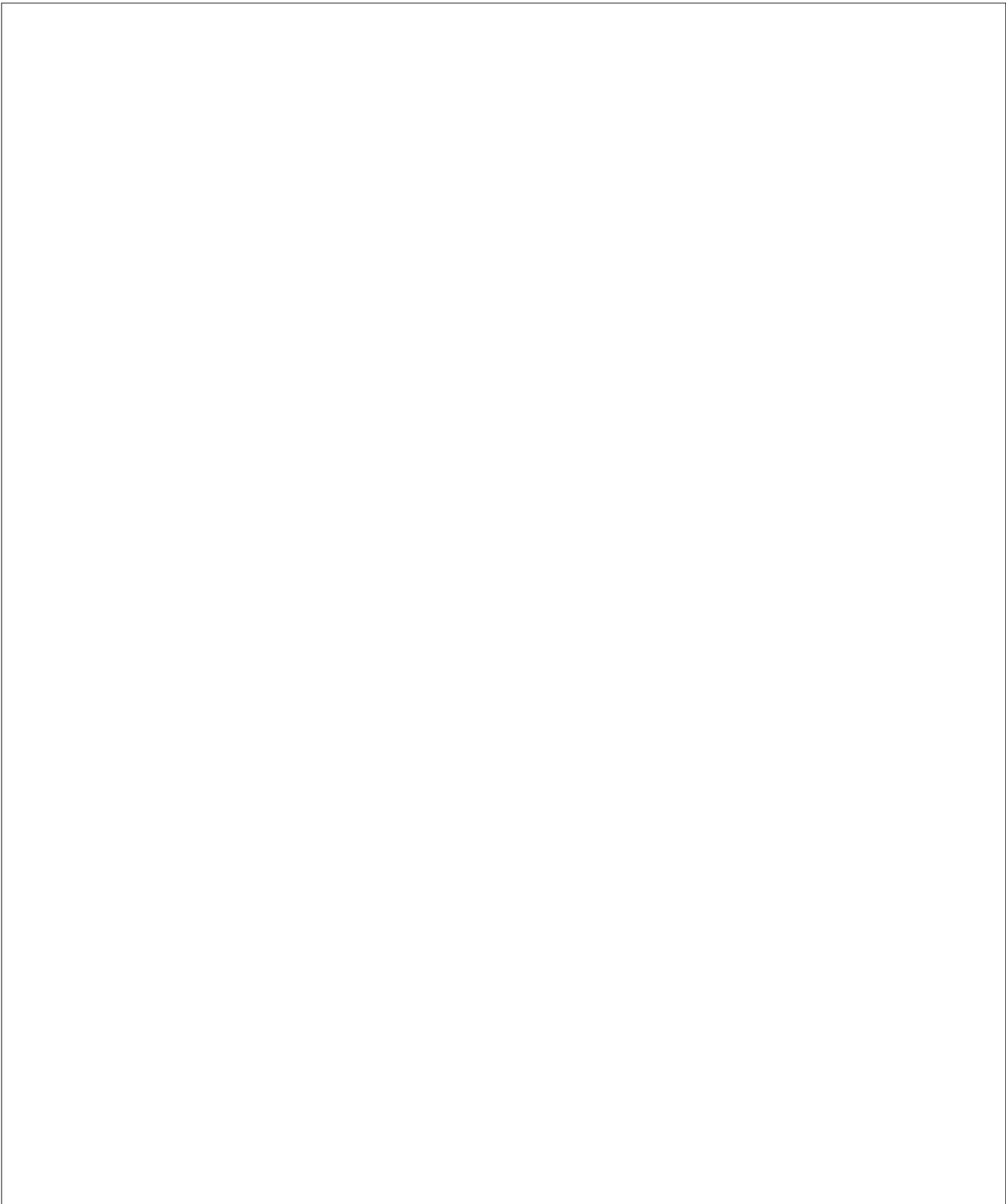
THE CARTER CENTER  
NICARAGUA 2001 OBSERVATION MISSION  
STATEMENT OF THE CARTER CENTER'S FIRST  
PRE-ELECTION DELEGATION  
JULY 22, 2001

On May 18, 2001, Nicaragua's Supreme Electoral Council (CSE) extended an invitation to The Carter Center to observe the November 2001 national elections in which the Nicaraguan people will



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OBSERVING THE 2001 NCARAGUAN ELECTIONS



## OBSERVING THE 2001 NICARAGUAN ELECTIONS

6. The CSE should inform the public about the actions it is adopting to assure the efficient and continuous operation of its computer equipment and backup systems, which we understand have not received regular maintenance in recent years and betray signs of wear. Because Nicaragua is scheduled to hold regional elections early next year and must begin organizing those elections before the national election process is complete, the demands on the CSE's human resources and computer systems will be considerable, and appropriate investments should be made to assure that the CSE has the capacity to conduct its work efficiently. The international donor community has already given substantial support to Nicaraguan elections, and it is the responsibility of the Nicaraguan government to allocate and disburse funds for the elections in a timely manner and in accordance with its budget.

7. The number of parties presenting candidates in the election is far lower than in past years, due in part to legal reforms that made participation more difficult. The small number of parties can simplify electoral administration, and later simplify governance in a legislature using proportional representation. It also means that voters' political preferences may be more diversified than the ballot indicates. Some of the CSE's decisions with respect to certifying parties and candidates remain controversial. A troubling number of those with whom we spoke expressed the belief that the rule of law has not been applied equally to all prospective parties and candidates, particularly in the disqualification of one person's candidacy. The CSE should make every effort to facilitate participation in the elections within the bounds of the law and to request the speedy cooperation of other state agencies, such as the courts and the Gazette, where necessary action is needed to promote equal participation.

8. The CSE's inability to form a quorum of 5 out of its 7 members has on two occasions in recent months rendered this highest electoral authority unable to make decisions. Such impasses threaten to disrupt progress in electoral preparations and potentially interfere in the timely completion of steps in the electoral calendar. Numerous Nicaraguans and members of the international community told us they feared that the CSE might not be able to form a quorum on election night to announce the results of the election, a prospect that could shatter public confidence in the CSE as an institution. To demonstrate their institutional autonomy and commitment to a smooth electoral process, we urge that the CSE magistrates not wait for legislative action affecting the quorum and instead step forward themselves to make an explicit public commitment that for the remainder of this electoral cycle they will act in a responsible manner to assure that the CSE will have a quorum for the orderly conduct of its business and decision-making.

9. Although the CSE magistrates assured us their organization is independent and functions in a non-partisan manner, most other Nicaraguans with whom we spoke felt that the party-based structure of the electoral branch makes it responsive to party politics. Citizens with widely differing political preferences expressed concern that party-based electoral administration at the departmental and municipal levels would be biased in favor of the party that named the president of the Consejo Electoral Departamental or Consejo Electoral Municipal. This concern shows how partisan structures undercut public confidence in election administration in a polarized political context such as post-war Nicaragua. We therefore repeat the recommendation we made last year that Nicaragua develop a neutral, professional election administration whose functionaries are not selected on a partisan basis.

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

10. Civil society is organizing to support a free and fair election process through such projects as election observation and civic education. Domestic observers are organized into a Consortium to coordinate their efforts and maximize their impact. We urged them to determine rules for recruitment that will help ensure the neutral conduct of their members. They intend to provide broad coverage on election day at more than half of the voting tables. Ethics and Transparency intends to conduct a quick count on the presidential election, which they did successfully in 1996, that should raise voter confidence.

11. The international community of democratic countries is keenly interested in this election and is providing appropriate donations to help assure that Nicaraguans can freely select their leaders. Such support includes funds for technical work in the CSE and for election observation. The Organization of American States (OAS) has already placed its initial team of observers in Nicaragua and will augment its presence to approximately 60 observers and conduct a quick count on the presidential race.

12. The political climate for elections is generally good. Pre-campaign rallies have been peaceful, and civil liberties such as freedom of expression and organization are being respected. Some brutal acts of violence have been committed in the mining region of northeastern Nicaragua, including assaults on law enforcement personnel. The Carter Center condemns those acts and calls upon their perpetrators to desist from further violence. We were reassured by the Armed Forces that they will cooperate with election authorities to provide for the security of the election process as envisioned under the law and in keeping with democratic practices.

13. Underdevelopment continues to pose challenges to election processes in Nicaragua, especially on the Atlantic Coast and in the mountains. The country is suffering from drought and high unemployment and many people have inadequate caloric intake. This contributes to migration, which complicates issuance of national identity cards and voter registration. Although Nicaragua's infrastructure has improved in some respects, substantial deficits remain, and these complicate the logistics of election organization, including distribution of materials and ballots as well as transmission of the results after the polls close. Nicaragua lacks a registration culture, and work is needed to improve the municipal records of births, marriages and deaths so that an accurate voter list can be maintained. Such obstacles can be overcome where the will and technical competence to do so exists. The international community cares about the quality of democracy in Nicaragua and will continue to support democratic improvements.

### PLANS FOR THE CARTER CENTER'S ELECTION OBSERVATION

This is not the first time The Carter Center has responded to Nicaragua's request for international election observation of its elections. In 1990, 1996 and again in the municipal elections held last year, The Carter Center organized election observation missions to Nicaragua. Those missions were led by members of the Council of Presidents and Prime Ministers of the Americas, a group of 35 current and former leaders throughout the hemisphere supported by The Carter Center in Atlanta, Georgia. The Center is a nonprofit, nongovernmental and nonpartisan organization chaired by former President Jimmy Carter whose goals are to promote peace, democracy and world health. In 2001 The Carter Center hopes to field 30 election observers, with at least one in each Department. The first observers will arrive in early October. Most have prior experience in election observing. They come from Europe and South America as well as the United States and Canada. Further details about the mission will be released at the time of our second pre-election visit scheduled for the first week of October.

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

## APPENDIX 2

THE CARTER CENTER  
NICARAGUA 2001 OBSERVATION MISSION  
ELECTORAL BULLETIN  
SEPT. 24, 2001

In this document, The Carter Center wishes to communicate to the Nicaraguan public its point of view about recent events in the 2001 electoral process and signal some themes that our second pre-election delegations will explore with the election authorities and political parties during its visit beginning the first week of this month.

1. The Carter Center congratulates the magistrates of the Supreme Electoral Council (CSE) for their commitment on Sept. 4 to maintain their quorum of seven members for the remainder of the 2001 electoral process. We are sure that this formal and solemn step will contribute to the successful conclusion of the electoral process and the timely declaration of winners of the vote.

2. We are pleased that the CSE has announced dates for multiple simulations of the vote transmission process during the months of September and October, as we recommended in our July report. Although the test conducted on Sunday, Sept. 9th revealed weaknesses in the system of transmission, this exercise provided the Council with information on which to correct the weakness on time, and the CSE has moved forward to additional tests. We hope that the Supreme Electoral Council will spare no effort in dedicating itself to this process of testing all the necessary resources, both in terms of training and equipment.

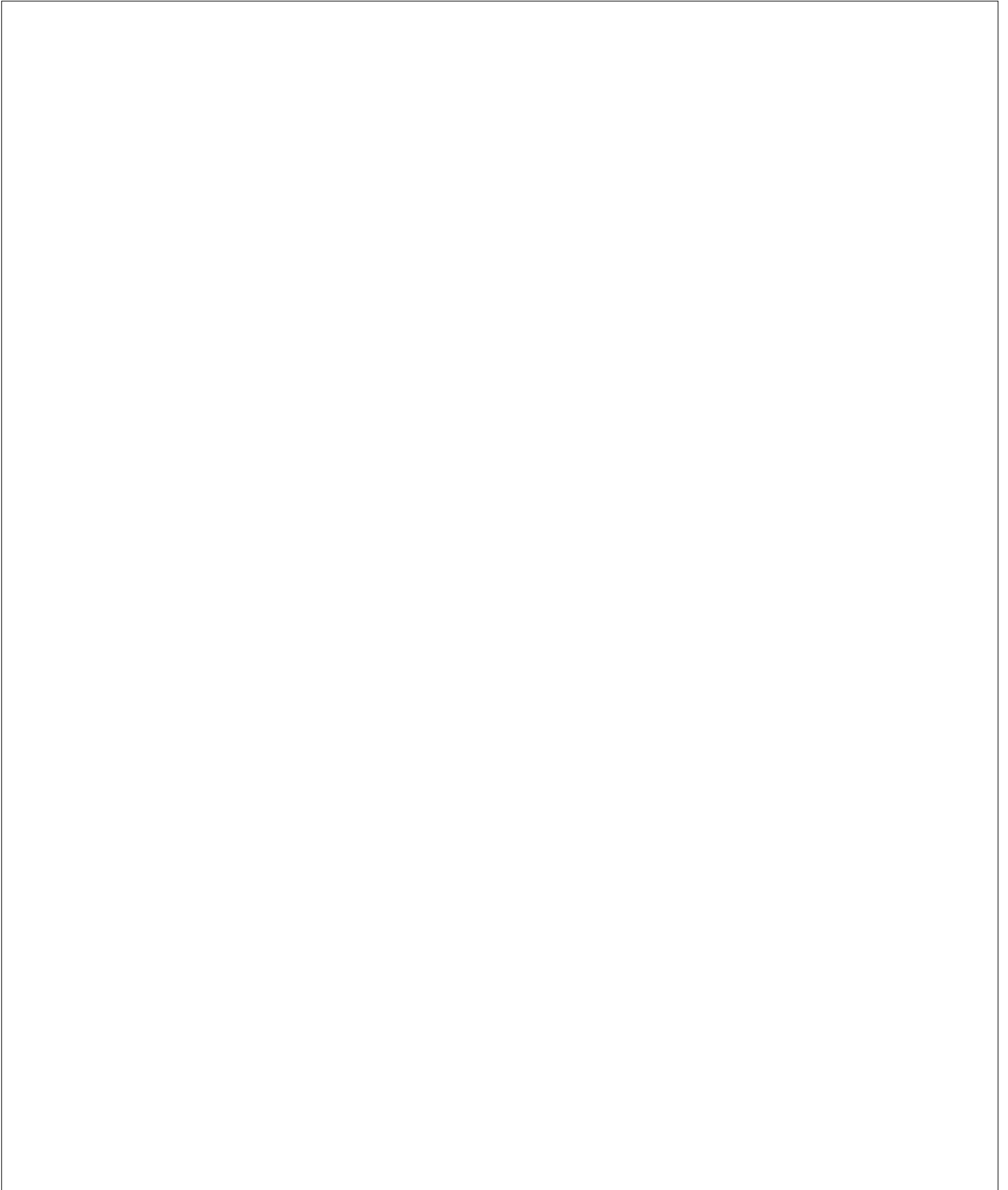
3. In addition, The Carter Center was happy to hear of the recent declaration made by the Minister of Housing and Public Credit, which states that he will do everything possible to guarantee to the Supreme Electoral Council the necessary resources to carry out the election process. In a visit to the various departments in the country, we have encountered concern among departmental and municipal electoral authorities. The shortage of material resources—lack of vehicles and money to cover routine costs and poorly maintained equipment—could obstruct and even jeopardize a quality electoral process. The news that police and military authorities still lack the resources to guarantee the security of elections is also

## OBSERVING THE 2001 PARAGUAN ELECTIONS

parallel training sessions to those individuals designated to work as poll workers. This parallel training should be added to that already provided to the poll workers by the CSE. Although the parties are within their legal rights to carry out this extra training, our concern is that training directed towards the partisan desire to win the vote could impede the proper functioning of the JRV, injecting unnecessary tension into the voting and counting processes. We urge that parties carrying out this additional poll worker training maintain a clear conceptual and functional distinction between the responsibilities of a member of the JRV and those of a party poll watcher. In addition, any training of the poll workers and party poll watchers must emphasize the proper use of challenges to the votes and results. With only weeks remaining before the beginning of the training, we are concerned that the CSE has yet to announce any regulations controlling challenges, and that such regulations are crucial for a well-ordered and peaceful election day. We urge the magistrates to act upon this matter as quickly as possible.

5. The Carter Center notes with satisfaction the recent nomination of an Electoral Ombudsman (Procuradora Electoral) who is empowered to conduct oversight on rigorous compliance with Electoral Law. It is hoped that the Electoral Ombudsman will act with the necessary independence and take measures against those electoral activities that violate the Law. Taking into account the diverse electoral complaints that we have heard, it will be especially prudent and opportune for the Electoral Ombudsman to treat the mutual accusations made by parties in regard to the destruction of propaganda, in addition to repeated statements regarding the abuse of state resources in the party campaigns.





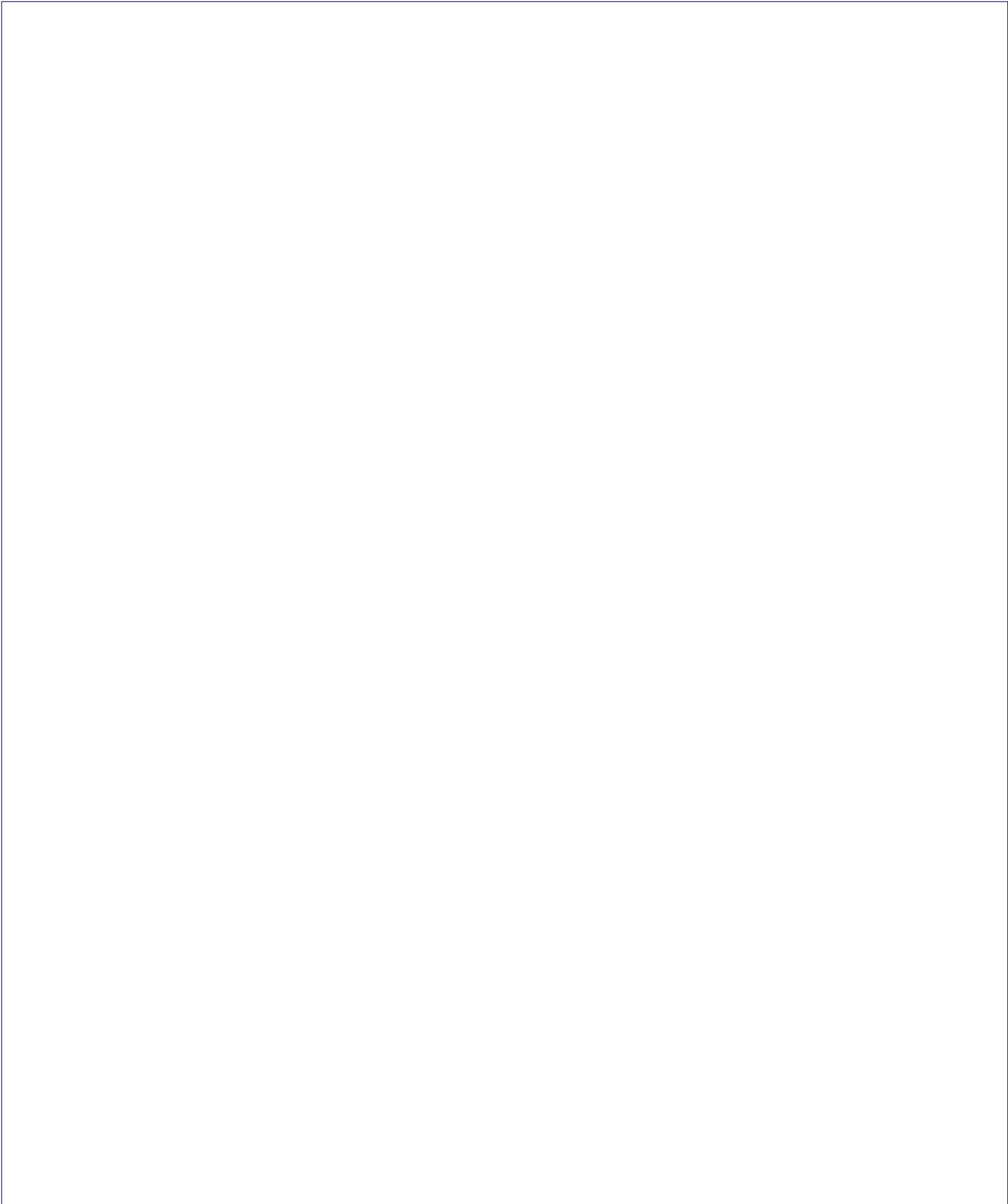
OBSERVING THE 2001 PARAGUAN





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OBSERVING THE 2001 PARAGUAN ELECTIONS

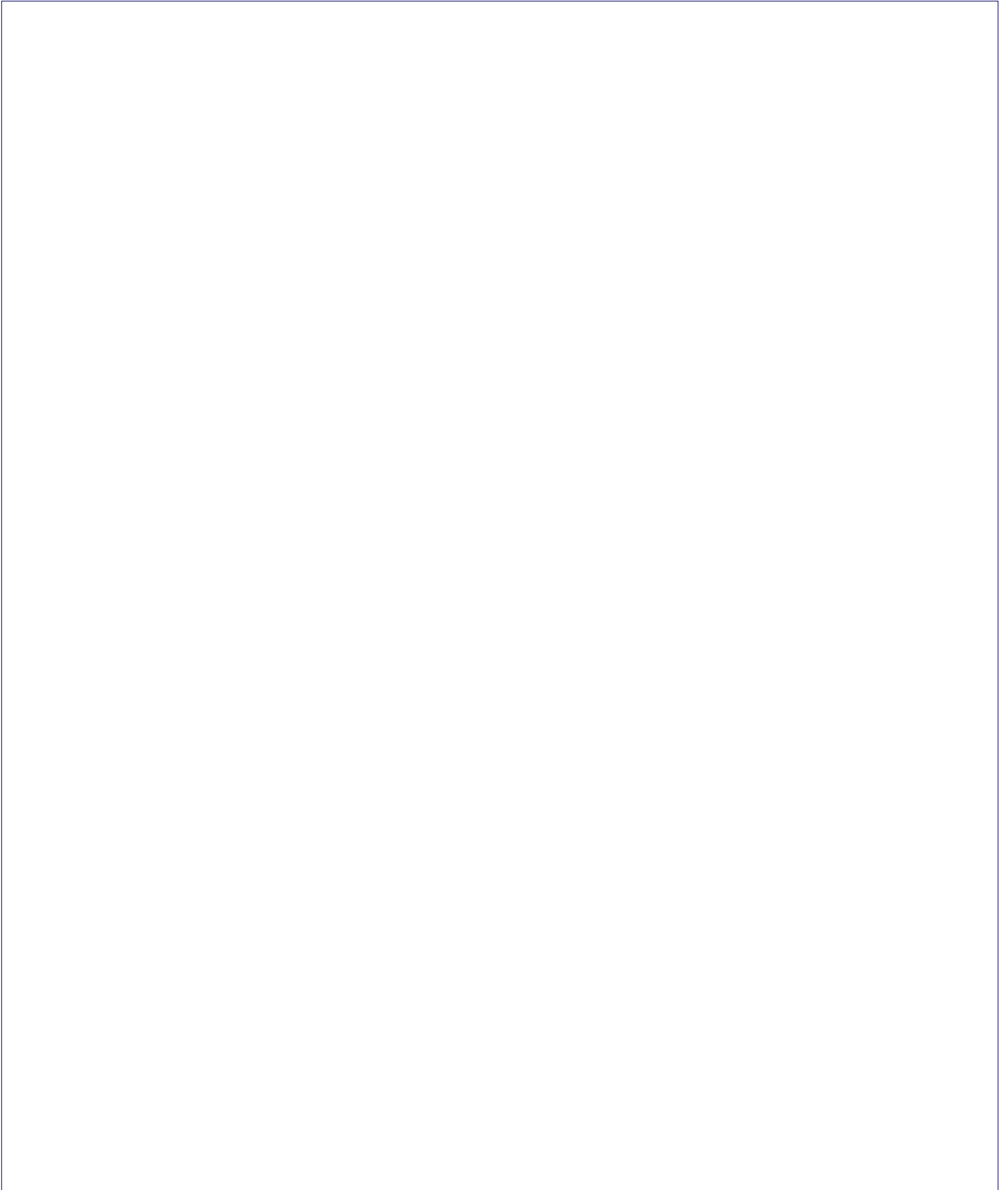
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## OBSERVING THE 2001 NICARAGUAN ELECTIONS

more accurate than exit polls. By contrast, the earliest partial results reported by the CSE will reflect patterns in only a few places and will likely not be an accurate reflection of the national vote, so they should not be considered a predictor of the final outcome. Political leaders should pledge publicly not to celebrate their victories prematurely and to instruct their adherents to await the official announcement of definitive results before engaging in any festivities.

5. Technical experts estimate that the closure of polls and counting of four ballots will take as long as five and one-half hours, meaning that only a few JRVs will have reported before midnight on Nov. 2. Final results and the outcome of the presidential race may not be known until late Monday morning, particularly if the vote is close. If the transmission system is not fully functional, if the data entry of the tally sheets is slower than anticipated, or if many JRVs are challenged, the process could take even longer. We urge election authorities to work as expeditiously as possible to reduce the time required to count the votes. We also remind the political parties and the Nicaraguan people that precision is more important than rapidity.

6. The Carter Center has deployed observers to every department and region in the country and will also place observers in the political party headquarters and at the National Counting Center. Together with other domestic and international observers, we hope to verify that the election is free, fair and transparent. Nicaraguans who applied for a ballot may go to pick it up as late as Saturday, Nov. 3. We urge all Nicaraguans who have not yet done so to pick up their document to supplement their ballot and to vote on Sunday. Your vote is secret and it counts.



## OBSERVING THE 2001 NICARAGUAN ELECTIONS

Counting and tabulating votes will be a slow process, and we must all be patient. It may be late tonight before the first official announcement of partial results and Monday before a presidential winner can be announced.

Former Costa Rican President Oscar Arias will join me here tonight so that we can observe tomorrow's voting together. The Carter Center's election observation delegation includes citizens from New Zealand, Japan, France, Spain and the United Kingdom, as well as democracies in the Americas from Brazil to Canada. The world cares about democracy in Nicaragua.

Let me close by thanking all those who have met with our delegation. We are delighted to be back in Nicaragua once again to accompany you in this moment of decision. We have faith in the Nicaraguan people and your commitment to building a strong democracy.

Thank you.







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OBSERVING

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

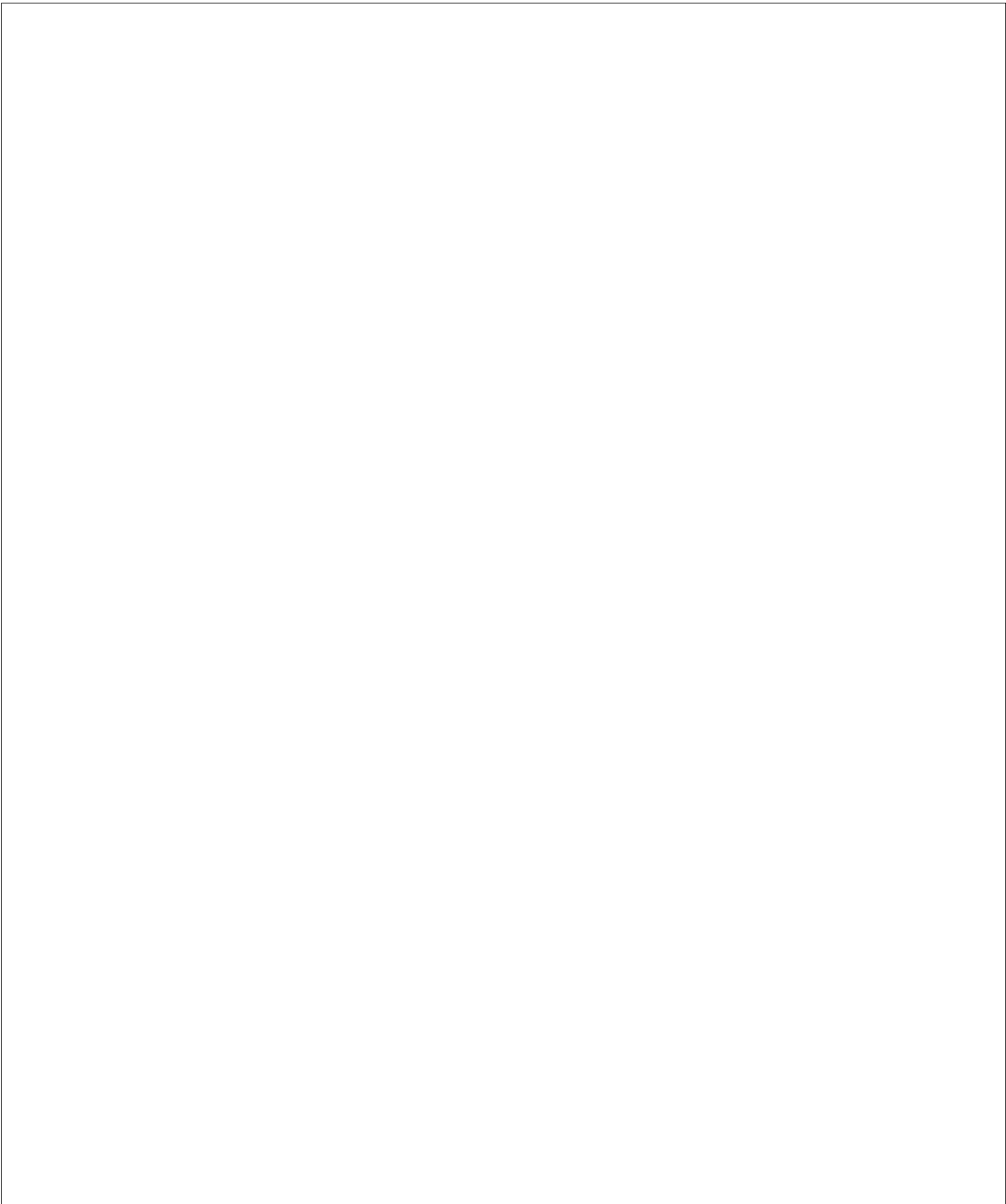
challenged tally sheets and ultimately the tabulation of results. This fear proved unfounded. Party poll watchers respected the laws and regulations concerning challenges so that challenges were not filed criminally. The challenges filed are being resolved through careful consideration by the Departmental Electoral Councils, and only a few cases are likely to require the attention of the CSE.

Our observation of the election process makes it clear that the excessively partisan structure of election authorities engendered controversial exclusionary decisions and had a serious negative impact on the efficiency of election procedures at all stages of the election process. Decisions on the formation of parties and participation of candidates were perceived as politically motivated. Mutual suspicion between the two parties led to duplication of personnel within the electoral branch, inadequate planning and coordination among the various sections of the electoral branch, and the imposition of unnecessary and expensive safeguards in the voting process. On two occasions partisan infighting led to the suspension of work by the CSE itself when it failed to form a quorum.

At the close of the process, serious delays occurred in tabulating the vote after party representatives requested that the CSE opt to replace technical staff with party-nominated data entry clerks. If the margin of victory in the elections had been very narrow, these delays could have occasioned serious political difficulties. Together, the set of problems just enumerated eroded public confidence in the CSE and demonstrated an urgent need to restructure the CSE such that it will be composed of impartial and capable professionals, not subject to political party dictates. The Carter Center will issue a final report on the Nicaraguan election process in the near future, with further detailed analysis and recommendations. We wish to thank all Nicaraguan people for the warm welcome we received here.



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## OBSERVING THE 2001 NARAGUAN ELECTIONS

## APPENDIX 9

## FINAL ELECTION RESULTS

	Valid Votes	Percent
1. President and Vice President	2,160,415	100
Liberal Constitutionalist Party	1,215,282	56.3
Sandinista National Liberation Front	915,215	42.3
Conservative Party	29,918	1.4
2. National Deputies (20)	2,147,432	100
Liberal Constitutionalist Party	1,142,684	53.2
Sandinista National Liberation Front	905,386	42.2
Conservative Party	99,362	4.6
3. Departmental Deputies (70)	2,137,499	100
Liberal Constitutionalist Party	1,131,381	52.9
Sandinista National Liberation Front	901,037	42.2
Conservative Party	105,081	4.9
4. Central American Parliament (20)	2,150,996	100
Liberal Constitutionalist Party	1,148,631	53.4
Sandinista National Liberation Front	907,037	42.2
Conservative Party	95,328	4.4

Source: Supreme Electoral Council

## OBSERVING THE 2001 NICARAGUAN ELECTIONS

## DISTRIBUTION OF SEATS BY PARTY

## National Assembly (92)

	PLC	FSLN	PC
National Seats	11	9	
Departmental Seats	37	27	1
RAAN and RAAS	4	1	
Former Presidents	1	1	

Central American Parliament (20)11 9

## Distribution of Departmental Seats Across Departments (65)

Boaco	2		
Carazo	2	1	
Chinandega	3	3	
Chontales	2	1	
Estelí	1	2	
Granada	2	1	
Jinotega	2	1	
León	3	3	
Madriz	1	1	
Managua	10	8	1
Masaya	2	2	
Matagalpa	4	2	
Nueva Segovia	1	1	
Rio San Juan	1		
Rivas	1	1	

## Distribution of Regional Seats Across Regions (5)

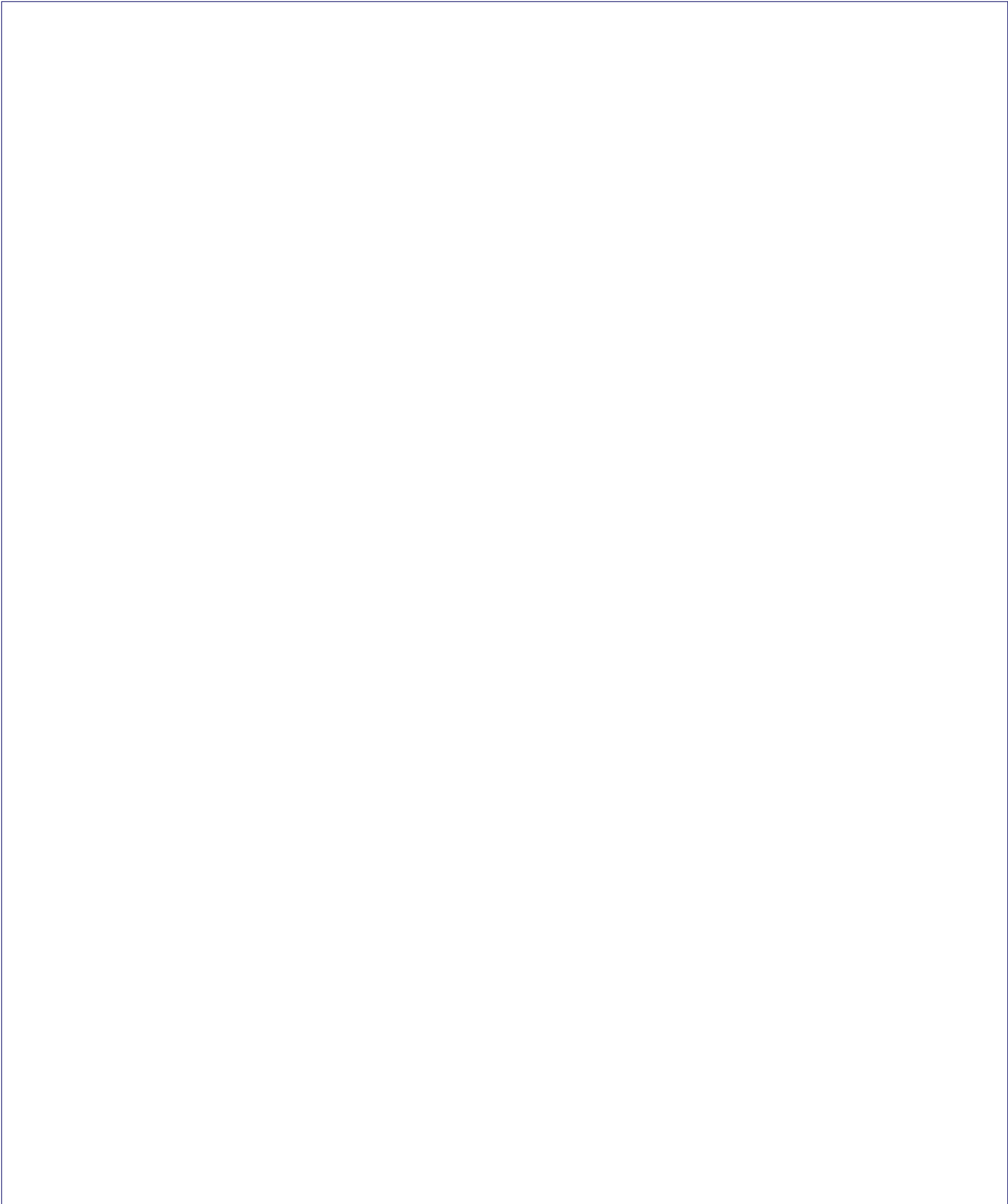
RAAN	2	1	
RAAS	2		

Source: Supreme Electoral Council



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## OBSERVING THE 2001 PARAGUAN ELECTIONS

**WHAT HAS THE CENTER ACHIEVED  
IN 20 YEARS?**

The Carter Center has alleviated suffering and advanced human rights by:

Observing about three dozen multiparty elections in more than 20 countries

Leading a worldwide campaign that has reduced cases of Guinea worm disease by 98 percent

Preventing or correcting human rights violations worldwide

Helping to provide some 35 million drug treatments to sufferers of river blindness in Africa and Latin America

Creating new avenues for peace in Sudan, Uganda, the Korean Peninsula, Haiti, the Great Lakes Region of Africa, Liberia, and Ethiopia

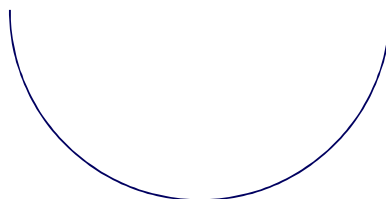
Working to erase the stigma against mental illness in the United States and abroad

Strengthening human rights institutions, civil society, and economic development in emerging democracies

Fostering improved agricultural practices, enabling 4,000,000 farmers in Africa to double, triple, or quadruple their yields of maize, wheat, corn, and other grains

Building cooperation among leaders in the Western Hemisphere

Helping inner-city families address the social issues most important to them



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