

**Electoral Observations in the Americas Series, No. 14**

**Electoral Observation  
in the  
Autonomous Regions of the Atlantic Coast  
Nicaragua**

**1998**



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OEA/Ser.D/XX  
SG/UPD/II.14  
October 13, 1998  
Original: Spanish

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General Secretariat  
Organization of American States  
Washington, D.C. 20006  
1999

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# Foreword

Democratic ideals and principles have always been present in the inter-American system. The Charter of Bogotá, establishing the Organization of American States (OAS), formally proclaimed in 1948 that "the solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy." Forty years later, the Protocol of Cartagena de Indias emphatically reaffirmed this principle, including among the essential purposes of the Organization the promotion and strengthening of representative democracy. The signature of the Protocol gave rise to an unprecedented renewal of the commitment of the member states to defending and building democracy.

Within this context, the Unit for the Promotion of Democracy (UPD) is one of the instruments the OAS can draw upon to support member states in their efforts to strengthen and consolidate democratic institutions. Established by João Clemente Baena Soares, who was then Secretary General, as agreed at the 1990 General Assembly session, the UPD offers a broad program of support to member states which, in full exercise of their sovereignty, request advisory services or assistance in their efforts to preserve or strengthen their political institutions and democratic processes.

With regard specifically to elections, the UPD provides assistance and technical advisory services to national electoral agencies and organizes and dispatches electoral observation missions to member states that so request by applying to the Secretary General of the Organization. OAS activities in this field are based on the conviction that the electoral process is always an essential piece of the transition to or building of democracy.

The electoral observation missions of the Organization are intended to: (a) observe and report to the Secretary General on the electoral process, using as a reference point the constitution and electoral law of the host country; (b) express the international community's support for the electoral process; (c) work with government, electoral, and party officials and with the population in general to ensure the integrity, impartiality, and reliability of the electoral process; (d) foster an atmosphere of public confidence and encourage citizen participation; (e) discourage attempts to manipulate elections; (f) serve as an informal channel for reaching a consensus if disputes arise among the various participants in the electoral process; and (g) make recommendations for improving the electoral system.

In order to meet these objectives, the OAS electoral observation missions deploy observers throughout a country to monitor the different stages of the electoral process and compile their comments in a final report.

In general, the work of the OAS electoral observation missions focuses on those aspects and mechanisms of the political and electoral process where differences or disputes among participants are more likely to arise or that could jeopardize the integrity and transparency of the results. The missions therefore closely follow both organizational and political aspects of the electoral process. On the organizational side, the missions pay special attention to the enforcement of election law, the actions of the electoral tribunal, logistical arrangements, civic education campaigns, and the observance of rules governing the registry of candidates and voters. On the political side, the missions look at promotional campaigns, the behavior of the mass media, activities linked to elections in nongovernmental organizations, and government actions that might have an impact on the course of the electoral process.

The observations and analyses by the electoral observation team, combined with the Organization's experience with elections, enable the mission to identify the weaknesses of a system with considerable accuracy and formulate possible solutions. As a result, mission reports generally include a number of recommendations for strengthening the electoral process.

This volume is part of a series designed to provide relevant information on some of the UPD's electoral observation missions, both to the general public and to readers with special interests. We trust that the study and analysis of these experiences will help to increase knowledge of circumstances in the countries in the region and promote democratic values and practices as the 21<sup>st</sup> century approaches.

Elizabeth Spehar  
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# Executive Summary

In a note dated January 22, 1998, the Government of Nicaragua requested that the Secretary General of the OAS send an electoral observer mission to its Atlantic Coast regions to observe the elections for members of the autonomous regional councils, to be held on March 1. The Secretary General accepted the invitation on February 5 and gave instructions for preparations to be started. In a separate note, the Secretary General appointed Héctor A. Vanolli as Chief of Mission.

The Mission sent out 17 observers from 11 countries of the hemisphere to almost all the municipalities in the autonomous regions and established a central office and two regional offices. In the interests of better coverage, the Mission coordinated a number of activities with a group of international observers composed of representatives of embassies and cooperation agencies.

The Mission selected 213 polling stations, 31.2 % of the total number of stations (683). To obtain a representative sample, the Mission covered polling stations in the more densely populated municipalities, municipalities with high potential for conflict, and municipalities with rural isolated areas that were difficult to reach. It should be pointed out that the pre-election procedures, such as the preparation of the voter list, the issuance of identity cards, and logistical preparations, were only partially observed, since the Mission did not arrive in Nicaragua until two weeks before the elections.

From what the Mission observed, the elections proceeded smoothly, peacefully, and as planned by the electoral authorities. The voting procedures specified in the electoral law and the regulations issued by the Supreme Electoral Council (CSE) were properly adhered to, as were the vote count and the transmission of results to the computer center in Managua. Strict respect for the secrecy of the ballot and adequate security conditions were observed everywhere.

The activities observed during the post-electoral period, included the transmission of documents from the municipal electoral councils to the CSE computer center; the transfer of election material from the polling stations to the municipal and regional electoral councils; the arithmetical review of records and the decisions on challenges at the regional electoral councils; the receipt and processing of data at the computer center; and the receipt of appeals for review at the CSE. According to the observations of the members of the Mission, these processes proceeded smoothly, without any incident that would have tarnished the good work of the election officials on election day.

Relatively few complaints were received. Most pertained to allegations of the use of government property for electioneering and of participation by public officials in campaign activities while on duty. In general, the complaints were handled slowly and bureaucratically, and for this reason many of them languished in the initial stages of the legal process.

The smooth functioning of the electoral process attested to the commitment of the various social and political sectors of the country to democracy, and to the capacity of the institutions in charge to learn from past experience. In this regard, the Atlantic Coast elections represent significant progress in terms of the logistical and organizational aspects of the electoral process.

However, the Mission noted a number of aspects that could bear improvement, in anticipation of the coming presidential elections. It therefore prepared a series of recommendations that appear at the end of this document.

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**CHAPTER I**  
**The Electoral Mission**



## **1. Objective of the Mission**

The purpose of the OAS Electoral Observer Mission to the Nicaraguan Atlantic Coast was to observe the elections, keep a record of its observations, and report its findings to the Secretary General, using as points of reference the OAS Charter, the Nicaraguan Constitution, the national election laws, and the agreements of the General Secretariat with the Government of Nicaragua. An additional objective was to collaborate with government, electoral, and party officials and with the general population in an effort to guarantee the integrity, impartiality, and transparency of the elections.

Within this framework, the Mission observed the final phase of the pre-electoral process; received, reviewed, and transmitted complaints and checked whether they were handled as provided for by law; attended to the concerns of political parties, non-governmental organizations, and other actors involved; observed the balloting, counting, tabulation, and transmission of results on election day; and confirmed the delivery and receipt of election materials, the arithmetical review of ballots, and the filing and settlement of appeals during the post-election period.

## **2. Terms of Reference**

To ensure the fulfillment of its mandate, the Mission entered into a procedural agreement with the Nicaraguan electoral authorities that which set the rules for relations between itself and the Supreme Electoral Council and its subordinate agencies. The document states, *inter alia*:

- a. The CSE and its subordinate agencies will supply the Mission with information on the organization, management, and supervision of the electoral process. The Mission, in turn, may request additional information from the CSE and its subordinate agencies with respect to all matters pertaining to the exercise of its functions;
- b. The Mission may provide the CSE and its subordinate agencies with information on irregularities and interference that it may have observed or may have been told about. It may request information on measures that may have been taken in this regard;
- c. The Supreme Electoral Council will guarantee the Mission access to its voter list and related data in the CSE computer system. The electoral authorities will also supply the Mission with all information relating to the computer system and will offer demonstrations of its operations before election day;

- d. The CSE and its subordinate agencies will guarantee the Mission access to its premises where polling stations will be operating on election day so that it may ensure that they meet the conditions established in the electoral regulations;
- e. The CSE and its subordinate agencies will guarantee the entry of the Mission into national, regional, and departmental tallying centers;
- f. The General Secretariat will communicate to the CSE the names of the members of the observer group, and the CSE will provide them with the necessary credentials;
- g. Finally, the Secretary General, through the Chief of Mission, will guarantee that the members of the Mission are impartial, objective, and independent in the performance of their duties, and will submit to the CSE a copy of the final report of the Mission.

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**CHAPTER II**  
**The Legal Framework**





The elections on the Nicaraguan Atlantic Coast were governed by two types of regulations: those pertaining to the national election system and those pertaining to the autonomous system on the Atlantic Coast.

## **1. The Nicaraguan Electoral System**

The Constitution of Nicaragua confers on the electoral institution the rank of state authority and gives it sole power to organize, manage, and monitor all elections, plebiscites, referenda held in the country. The electoral authority is composed of the Supreme Electoral Council and “other subordinate agencies,” such as regional electoral councils, departmental electoral councils, and polling stations.

The CSE consists of five judges and their alternates, elected by the National Assembly from lists submitted by the President and representatives of the National Assembly, in consultation with civil associations.

### The Election Law

The election law, approved by the National Assembly on December 5, 1995, and signed by the Executive on January 8, 1996, sets forth, in general terms, the jurisdiction of the electoral authority, stipulating the various phases of the electoral process, the composition and authority of the CSE, the duties and functions of judges, the requirements for filling those positions, and the length of their terms. The electoral bodies and authorities of the autonomous regions of the Atlantic Coast are discussed in a special chapter.

The main features of the electoral law are as follows:

*Regulation of political parties.* The Nicaraguan election law regulates both the administration and functioning of the electoral process and the activity of political parties. In that regard, electoral regulations set forth the nature and scope of action of political parties, their rights and duties, the requirements for their formation, and the causes that may give rise to the forfeiture and/or suspension of their specific legal status.<sup>1</sup>

With respect to the autonomous regions of the Atlantic Coast, the law provides for the formation of regional political parties, which may nominate candidates for mayor, deputy mayor, town councilors, and national representatives for those regions. The requirements are the same as those established for national political parties.

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<sup>1</sup> In addition to political parties, the electoral law provides for the formation of parties without legal status, known as “popular associations.” By means of this mechanism, Nicaraguan citizens may run for mayor, deputy mayor, or town councilor if 5% of the voters on the electoral list approve.

*Handling of election complaints.* The law delegates authority to handle complaints about electoral offenses to the Office of the Attorney General. Six months before each election, plebiscite, or referendum, this regulation stipulates that a specific electoral office will be established within the Attorney General's Office and remain in existence until any problems raised have been resolved. However, the law does not establish specific procedures for the handling of complaints of electoral offenses, and they are therefore handled like ordinary criminal proceedings.

*Discretionary powers of the CSE.* The election law grants the CSE broad discretionary powers over the functioning of the electoral process. In the exercise of these powers, the CSE called on May 8, 1997, for the holding of regional elections; approved the electoral timetable on August 8; and issued regulations on ethics, on the election observation and on the rules and procedures for handling complaints and claims.

#### Regulation of Electoral Ethics

On December 16, 1997, pursuant to the election law, the CSE issued a set of ethics regulations on campaign activities applicable to political parties participating in the elections. The document prohibits, among other things: "damaging, distorting, or destroying" campaign materials; electioneering in public offices; placing campaign materials on public buildings, schools, and religious sites; using government property for propaganda purposes; issuing publicity that encourages voter abstention, contains "insults, defamation, libel, or obscene, offensive, or denigrating language" against public officials, candidates, or political activists, or uses violence, threats, or bribery to coerce support for a particular candidate or a vote in a particular direction. The document says that both electoral and governmental authorities and representatives of political parties, members of civic organizations, and journalists have an obligation to help make the electoral process, and, in particular, the election campaign, one that is "highly educational and conducive to shaping the civic values of the Nicaraguan people." In another paragraph, the document states that the Ministry of the Interior has an obligation to facilitate the smooth functioning of the elections, and offer "full collaboration" to the CSE and the regional and municipal electoral councils.

Finally, the document states that complaints about violations of these regulations shall be handled by the complaints offices of the election agencies, pursuant to the legal provisions on election offenses.

## **2. The Autonomous System of the Atlantic Coast**

The autonomous system of the autonomous regions of the Atlantic Coast is governed by Chapter II of the Nicaraguan Constitution. This guarantees the Atlantic Coast communities the right to live and conduct their affairs under forms of social organization consistent with their historical and cultural traditions, and also the use of their natural resources, respect for the various forms of communal ownership, and the free election of authorities and representatives. To ensure compliance with these principles, the Constitution provides that concessions and contracts for the exploitation of the natural

resources of the area granted by the Nicaraguan central government must be approved by the highest regional authorities.

#### Statute of Autonomy

Under the Nicaraguan Constitution, the Government must adopt legislation establishing an autonomous system for the ethnic communities living in the Atlantic Coast region. Accordingly, in 1987 the National Assembly approved what was called the Statute of Autonomy, which stipulates that the inhabitants of the Atlantic Coast shall enjoy, within a unified Nicaraguan State, an autonomous system that assures them the effective exercise of their rights as Nicaraguan citizens. The Statute establishes two autonomous regions: the Autonomous Region of the North Atlantic (RAAN), with administrative headquarters in Puerto Cabezas, and the Autonomous Region of the South Atlantic (RAAS), with administrative headquarters in Bluefields. It provides that each of these shall have the following administrative bodies: a regional council, a regional coordinator, and municipal and communal authorities of the municipal subdivisions.

- a. Regional Council. Among the functions of the regional councils are the administrative subdivision of the region into municipalities and the election of a governing board and a regional coordinator. Each has 45 members elected by universal, direct, free, secret ballot, who serve a four-year term. The representatives of each region in the National Assembly are also members of its regional council.
- b. Governing Board. The Governing Board is composed of seven members: a chairman, two vice chairmen, two secretaries, and two voting members. In accordance with the Statute, the ethnic communities living in each autonomous region must be represented on this board. The members of the Governing Board are elected by the Regional Council and serve for two years.
- c. Regional Coordinator. The regional coordinator is responsible for the executive functions. He or she is selected and replaced by the Regional Council.

### **3. Electoral Law Reforms**

In July 1997 the CSE submitted a draft bill for partial, temporary reforms applicable only to the elections to be held in the Atlantic Coast autonomous regions in 1997-1998. The bill was submitted to extensive consultation with various sectors of civil society, including groups from the Atlantic Coast and the national political parties, and was passed by the National Assembly on September 4, 1997, with major changes. On September 8 it was approved by the Executive.

#### Main Aspects of the Reform

The main aspects of the reform pertain to the appointment of election officials, the establishment of municipal electoral councils, the composition of the regional electoral councils, the

deletion of Article 41, government financing of political parties, and the procedure for the transmittal of results.

*Appointment of officials.* Under the original law, all the political organizations participating in the election could present lists for the appointment of individuals to regional councils, municipal councils, and polling stations. The reforms approved by the National Assembly provide that the President and first member of polling stations, and their alternates, must be chosen from lists submitted by the organizations that won the most votes in the 1994 elections. The other political organizations could only aspire to place candidates for second member.

On the basis of this provision, the positions of President and first member of the polling stations and their alternates were filled by the candidates of the Liberal Constitutionalist Party (PLC) and the Sandinista National Liberation Front (FSLN).

*Municipal electoral councils.* The municipal electoral councils established under the reform are composed of three full members and three alternates. Their functions include appointing poll workers, issuing credentials to poll watchers from the political parties participating in the election, and announcing on the location of polling stations at the start of the campaign (the law orders that the voter list be posted outside each polling station).

The members of the municipal electoral councils are appointed by the regional electoral councils from lists for each position submitted by the political parties. Their duties end 30 days after regional elections are held.

*Deletion of Article 41.* Under Article 41, the original law permitted citizens to vote at the polling station for their district even if their names did not appear on the voter list. The voter had only to submit a voting document showing that he was a resident of the district. Under the reforms, only citizens whose names appear on the voter list may vote.

Unlike the way the 1996 general elections were run, the reforms do not provide for voting by what are known as migrant populations, who often have to leave the areas they are registered in to find work.

*Government financing.* The electoral law stipulates that 10% of the total election budget must go towards financing the political parties taking part. The reforms provide that in distributing the financing between the political parties, half must be based on the number of candidates submitted and the other half in proportion to the seats won in the 1994 elections (organizations that did not account for the money received in the last election lost the right to financing in this election).

This formula was not in the draft bill originally submitted by the CSE; it was inserted by the National Assembly pursuant to an agreement between the PLC and FSLN. Its effect was to favor parties that had formed coalitions, since they were the only ones in a position to present candidates in every election district in the Atlantic Coast. These parties and YATAMA were also the only groups that had won seats in the 1994 elections (some of the parties that participated in this election had not been formed as such in 1994).

*Transmission of results.* Under the reforms, the results of the elections in each municipality must be transmitted to the CSE computer center via fax. Since most of the municipalities in the region have no telephone system, this requirement posed the greatest logistical challenge during the elections.

To ensure the transmission of data in the event of an emergency or malfunction of the fax machines, the CSE established a parallel system for the transmission of results by radio, to be used only in such cases. However, the reforms say nothing about the validity of results transmitted by parallel means.

*Staffing of electoral councils.* The reform states the requirements to be met by the members of the regional and municipal electoral councils and the poll workers. To serve on regional electoral councils, persons must hold a degree from an institution of higher learning, be over age 25, and have lived in the region for at least the two years preceding the entry into force of the law. Members of municipal electoral councils must have a high-school diploma or a certificate as a journey-man or elementary-school teacher and have lived in the region for two years. Poll workers need a third-year basic high-school diploma, and, in exceptional cases, a sixth-grade diploma.

Since a number of regions of the Atlantic Coast have no elementary-school system, the educational requirement established for poll workers was difficult to meet. In the light of this and of the fact that the law is silent on the place of residence of these officials, the electoral authorities authorized persons from elsewhere who met these requirements to be chosen as poll workers on the Atlantic Coast.

*Permanent status of departmental councils.* To enhance the authority of the electoral organization, the reform stipulates that the Chairman of a departmental electoral council (and his alternates) must remain in office after the elections. In the traditional system, the departmental councils were dissolved five days after the elected officials took office.

#### **4. Participating Political Groups**

Six national political parties, one alliance of parties, four regional parties, and seven “popular associations” --total of 18 organizations-- participated in the Atlantic Coast elections:

*National political parties:* Christian Way of Nicaragua (*Camino Cristiano Nicaragüense*, CCN); the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional*, FSLN); the Party of the Revolutionary Unity Movement (*Partido Movimiento de Unidad Revolucionaria*, MUR); the Liberal Constitutionalist Party (*Partido Liberal Constitucionalista*, PLC); the Liberal Nationalist Party (*Partido Liberal Nacionalista*, PLN); and the Central American Unity Party (*Partido Unionista Centroamericano*, PUCA).

*“Popular associations”:* Miskitos Asla Takanka Nicaragua Ra (MISATAN); Ex-combatants for the Autonomy of the Atlantic Coast (*Ex Combatientes por la Autonomía de la Costa Atlántica*, ECA); Indigenous Rescue Movement (*Movimiento Indígena al Rescate*, MIRE); *Yapti Tasba Masraka Nanih Asla Takanka* (YATAMA); Together to 2000 Movement (*Movimiento*

*Juntos Hacia el Dos Mil*, MJHD); Regional Liberal Movement (*Movimiento Liberal Regional*, MLR), *Indian Wapanka Raya*, and Indigenous Movement Seven Tender Leaves (IMSTL).

*Alliance of political parties*: Coastal Alliance (*Alianza Costeña*, AC).

*Regional political parties*: Movement for Coastal Unity Party (*Partido Movimiento de Unidad Costeña*, PMUC); Indigenous Multi-ethnic Party (*Partido Indígena Multiétnico*, PIM); New Alternative Regional Party (*Partido Regional Nueva Alternativa*, PARNA); RAAS Autonomous Party (*Partido Autónomo de la RAAS*, PAR).

## **CHAPTER III**

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### **Structure and Distribution of the Mission**





The Mission sent observers to almost all the municipalities in the autonomous regions of the Atlantic Coast, and established a central office and two regional offices. To achieve greater coverage and stretch its resources, it coordinated a series of activities with a group of international observers made up of representatives of embassies and cooperation agencies.

## **1. Territorial Distribution**

The Mission was composed of 17 international observers from 11 countries of the hemisphere.

The territorial distribution of observers and the establishment of the regional offices were based on an analysis of the administrative characteristics of the Atlantic Coast, the location of the areas considered to have the greatest potential for conflict, the conduct of the electorate in past elections, the availability of infrastructure, and the general observation criteria established by the Mission.

### Municipalities and Districts

The autonomous regions of the Atlantic Coast are divided into 14 municipalities: 6 in the RAAN (Puerto Cabezas, Waspan, Siuna, Rosita, Bonanza, and Prinzapolka) and 8 in the RAAS (Bluefields, Laguna de Perlas, Kukra Hill, Paiwas, El Tortuguero, Corn Island, La Cruz de Río Grande, and Desembocadura de Río Grande). For electoral purposes, the autonomous regions are divided into 30 electoral district, 15 each. Each district contains one or more municipalities or parts of municipalities.

Paiwas municipality was incorporated into the electoral districts of the Atlantic Coast in September 1997, pursuant to the electoral reform law (see Chapter II, point 3). Since this did not happen until a few months after the start of preparations for the elections, it posed a significant challenge for the CSE authorities.

### Offices of the Mission

*Central office.* The central office of the Mission, composed of the Chief of Mission and members of the core group (see section 2), was formally established in Bluefields (RAAS). The organizational, administrative, and logistical work was managed and coordinated from the central office, as were contacts with the election authorities, leaders of political parties, and representatives of the national and international press.

*Regional offices.* Taking into account the geographic location of the majority of polling stations and the availability of infrastructure, the Mission established regional suboffices in the administrative capitals of both autonomous regions: Bluefields in the RAAS and Puerto Cabezas in the RAAN. In municipalities that were considered to have a potential for conflict, such as Bocana de Paiwas (RAAS) and Siuna (RAAN), fixed observation posts were established.<sup>2</sup>

*Operations center.* On election day, the Mission set up an operations center in Managua, headed by the Chief of Operations, to coordinate the details of the election-day actions and for the centralization and organization of the information collected by the observers.

## **2. Structure of the Mission**

The design, coordination, and follow-up of the observation assignment were the responsibility of what was known as the core group of the Mission. This group worked at the central office and answered directly to the Chief of Mission. The core group was comprised of a chief of operations, four officials (for complaints, technical/electoral matters, press and institutional relations, and administration), and a computer expert (see Annex 9).

*Chief of Operations.* The Chief of Operations was responsible for designing and executing the observation plan, deploying the observers in the field, and supervising the daily operations of the Mission. The Chief of Operations also served as liaison between the Chief of Mission and the regional suboffices.

*Complaints Officer.* The official responsible for complaints was in charge of receiving, processing, forwarding, and monitoring electoral protests, and of analyzing the electoral law. He was also responsible for contact with representatives of the political parties, and in this capacity dealt with their misgivings and concerns about the electoral process.

*Technical/electoral officer.* The technical/electoral official was responsible for contact with CSE officials, follow-up of court decisions on various aspects of the electoral process, and the study and analysis of the technical aspects of the electoral system.

*Press and institutional relations officer.* The press and institutional relations official was responsible for contacts with the press and with other observer groups. In the latter capacity, he maintained coordination between the Mission and a group of international observers composed of representatives of embassies and cooperation agencies (see section 3 of this chapter).

*Administrative and logistics officer.* The duties of the administrative and logistics official included the opening and closing of the regional offices, the processing of budgetary obligations, and the care of Mission property.

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<sup>2</sup> The municipalities were sites of the 1980s war and, among other things, were traditionally typified as having few government institutions. In 1997, various armed groups were demobilized there, some affiliated with the *Recontras* (Paiwas) and some with the *Sandinistas* (Siuna).

*Electoral data processing expert.* To observe the processing of returns at the CSE computer center in Managua, the Mission assigned an expert to this center on a permanent basis. This officer was responsible for observing the installation of the electronic tally system, the conduct of the advance trials, and the transmission of returns on election day.

The regional coordinators were responsible for the regional suboffices, for supervising and coordinating the observation work in their geographic areas, and for maintaining relations with the local electoral authorities and parties.

### **3. Coordination with Observer Groups**

As was said above, the Mission and a group of observers from embassies and cooperation agencies established a mechanism to coordinate coverage of the process before and during the elections. This group was composed of representatives of the embassies of Norway, Holland, Sweden, and the United States, the United States Agency for International Development (USAID), and the United Nations Development Program (UNDP). Brought together by a shared interest in the functioning of the electoral process on the Atlantic Coast, it had been formed before the Mission arrived in Nicaragua and had a total of 42 observers on election day.

Coordination between the Mission and the group included the following:

*Pre-election phase.* During the pre-election phase, an agreement was reached that the two groups would (a) share the information available on the various aspects of that phase, primarily with respect to technical matters and security, and (b) coordinate the deployment of observers in the field. Although each group maintained its independence with respect to the choice of polling stations and districts visited, the coordination between them permitted all the electoral districts in the region to be covered. Since the Mission made greater operational capacity, it assumed responsibility for areas that were hard to reach, such as some places in Tortuguero and La Cruz de Río Grande (RAAS) municipalities.

*Election day.* On election day, the two groups agreed to use a single set of forms for the observation of the voting process and of the vote count and the transmission of results (see Annex 6).<sup>3</sup> In addition, it was agreed that logistical resources such as the broadcasting network would be shared.<sup>4</sup>

As agreed upon in the coordination meetings, representatives of the two groups met the day after the elections to exchange the information collected by the observers of both groups on election day. By processing the information collected by both groups, the Mission was able to obtain information on 214 additional polling stations. This was later combined with the information from the

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<sup>3</sup> The observation by the Mission also included the opening and setting up of polling stations and post-election matters.

<sup>4</sup> The Mission had communication teams in the most remote areas.

213 stations visited by the Mission, bringing the total to 427, or 62.5% of the total number of polling stations in the region (see Annexes 3 and 4).

Coordination between the two groups did not affect the routing policy set by the Observer Mission or the instruments used, since each applied its own rules.

## **CHAPTER IV**

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### **The Pre-Election Phase**



Since the Mission did not arrive in Nicaragua until two weeks before the elections, the pre-electoral aspects such as the preparation of the voter list, the issuance of voter identity cards, and the logistical preparations were observed only in part.

## **1. The Voter List**

The Nicaraguan voter list consists of all citizens over age 16 who apply to the CSE for an identity card. Unlike the procedure in many countries of the continent, the preparation of this list is based on a system of voting by residence. Voters are assigned to the polling station nearest their home. As a result, the voter is responsible for informing the electoral authorities of any change in residence so that his name may be removed from the electoral rolls for his old residence and placed on the list for his new one.

Under the CSE regulations, the information on the list is updated during the months preceding each election. During this period, the names of new voters are added, the addresses of citizens who have moved since the last election are checked, and the names of persons who have died or have lost their right to vote for one reason or another are removed from the list.

The voter list used in the autonomous regions of the Atlantic Coast contained citizens who had requested an identity card as of November 30, 1997, and who met certain requirements of length of residency and age.<sup>5</sup> The names of voters excluded for any of the reasons stipulated in the law were placed on a separate list.

Taking into account the high mobility of the residents of the area, the CSE ordered a survey of the electoral list during the first five months of 1997, to improve its quality. This consisted of checking and verifying, house by house, the information on the list prepared in 1996. According to information collected subsequently by the Mission, only 40 per cent of the voter list was updated, and so the number of persons who met the residency requirement could not be determined precisely.

In mid-1997, the CSE also started a public information campaign to encourage citizens of the region to update their residency information, pick up an identity card, get it replaced if it had been lost or damaged, and/or apply for one. This campaign was supported by some government agencies, political parties, and civil society associations and culminated with a massive publicity program in early November 1997.

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<sup>5</sup> Under the electoral law reforms (see Chapter II, Section 3), the voter list includes information on the voter's length of residence in the region and/or the place of birth of his parents.

Between its arrival in the country on February 16 and election day, the Mission received no complaints from political parties or citizens about the preparation of the voter list. The political parties received the voter lists for the districts in which they were running at the proper time, in the proper manner, and in conformity with the electoral regulations.

## **2. Issuance of Identity Cards**

The issuance of identity cards started in Nicaragua in 1993 and is still incomplete.<sup>6</sup> As had happened during the 1996 general elections, in these elections citizens with registration problems received what was called a “temporary voting document” in place of an identity card, as did citizens who reported them lost or damaged.

Of the 176,610 applications for cards received for the purpose of participating in the Atlantic Coast elections, the CSE prepared 131,819; or 74 % of the total. Of this number, CSE electoral officials delivered 121,803, almost 92% of the cards produced by the agency. Taking into account the 29,338 temporary documents distributed by election officials, 151,141 citizens or 85.6% of the total number of registered voters, received a voting document.<sup>7</sup>

As stipulated by the CSE, the deadline for the issuance of identity cards and temporary documents was February 17, 13 days before the elections. On February 23, by order of the electoral authorities and at the request of the political parties, the leftover identity cards were placed in a bank vault, to further ensure the security and transparency to the process.

By the time the Mission arrived, the deadline for the issuance of voting documents had passed, and the process therefore could not be observed. However, the political parties expressed their general satisfaction with the work done by the electoral authorities.<sup>8</sup> Some made favorable mention of the willingness of the electoral authorities to extend the issuance deadline to February 17. Only the PLC in Bluefields requested an additional extension, since it had received reports that a large number of persons would not be able to vote.

However, both the CSE authorities and representatives of the parties pointed out the small number of citizens who were interested in obtaining voting documentation. Among the explanations offered were the transient nature of the people living in the region, the lack of incentives to vote, and the dearth of campaigning by the parties.

## **3. CSE Logistics**

Since the Mission arrived in Nicaragua when the preparatory work by the CSE for the elections was in the final phase, this aspect was observed only in part.

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<sup>6</sup> CSE authorities expect to complete it in 1999.

<sup>7</sup> Information furnished by the CSE.

<sup>8</sup> In Paiwas municipality, which was added to the election districts of the Atlantic Coast after preparations for the elections had begun, the number of cards issued was comparable to that of the other municipalities of the Atlantic Coast.



*Packing of material.* The materials for the polling stations were packed in the CSE storage rooms in Managua. According to the observations of the Mission members during the final phase, this work was done smoothly and very carefully. To separate the materials by zone, district, and municipality, the storage rooms where they were packed were separated according to working areas. Equal quantities of articles such as documents, pencils, flags, and ink were sent to all polling stations, but the ballots were packed separately by the number of registered voters on the list (different ballots were printed for each district).

Two voter lists were placed in each bag of election materials: the one to be used on election day and what was called the “list of citizens voting at the polling station” or the “display list,” which was to be posted on the door of the polling station so that citizens could verify the information about themselves before casting their vote. A list of the materials packed and a copy of this list were added to the bag to facilitate the verification of the materials.

The packing, done by CSE personnel, was supervised by election officials of the autonomous regions, who were responsible for verifying that the right material was being sent to each district. This process was observed by both party pollwatchers and national and international election observers.

*Transport of materials.* The shipping of the election materials from the CSE storage rooms in Managua to the polling stations in the Atlantic Coast election districts was observed in part, in both the RAAN and the RAAS. The members of the Mission found that it was conducted rapidly and efficiently. The election authorities asked other government agencies to provide transportation, such as trucks and small boats. In order to organize this assistance, the election authorities set February 21 as the deadline for each agency to inform the CSE of the vehicles it had available. Some, however, did not.

Nicaraguan Army helicopters were used to transport the election materials to remote areas. They carried the materials to Bluefields and Puerto Cabezas for subsequent distribution to the municipalities of Tortuguero, La Cruz de Río Grande, and Laguna de Perlas (in the RAAS) and of Prinzapolka and Waspan (in the RAAS), and from there to the polling stations. In all cases, the materials were accompanied by party pollwatchers and turned over to the members of regional electoral councils.

*Training.* The final sessions of the three-day training courses were observed in both the RAAN and the RAAS. Each group consisted of poll workers from three polling stations, including clerks, with a trainer in charge. The first two days were devoted to studying the legal documents and the last to a voting and vote-count simulation.

The training personnel were efficient and highly professional. In all cases, they had the appropriate support materials, such as the “Guide for Poll Workers” published by the CSE. Matters not covered in this manual, such as unused ballots and the reasons for invalidating a vote, were discussed during the training session. In general, the workshops were well attended and the level of participation was high. The poll workers attending were made to sign a pledge to appear at the places to which they were assigned.

The training courses for workers responsible for the receipt of materials and documents, the arithmetical review of records, and the processing of the data at the computer center was similar. The courses for members of the electoral police and party pollwatchers were not observed by Mission officials.

To disseminate information on voting procedures, the CSE published a poster called "Voting: Steps to Follow." Although it failed to mention the check that the citizen himself should make of the numbers and signatures on the ballots, it contributed to civic education

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**CHAPTER V**  
**Election Day**



The observation of the vote in the autonomous regions of the Nicaraguan Atlantic Coast was aimed at checking compliance with election law and with the decisions and procedures established by the Supreme Electoral Council. The Mission observers were supposed to verify whether the voting, the vote count, and the transmission of data were conducted smoothly and without interruption, and whether, in general, the basic provisions on organization and logistics were followed. In particular, Mission observers were to see whether citizens had free access to voting places, whether there was any intimidation, and whether the voting booths were set up in such a way as to ensure privacy.

To verify compliance with the voting regulations, the Mission selected 213 polling stations, 31.2% of the total number in the region (683).<sup>9</sup> In order to obtain a representative sample, the Mission stations in the most densely populated towns, in municipalities with the greatest potential for conflict, and in municipalities with isolated rural areas that were difficult to reach.

## **1. Logistics of the Mission**

On election day, the Mission sent out 15 observers, who were stationed along 12 observation routes (six in the RAAN and six in the RAAS). The information they collected was processed and organized at the operations center established in Managua.

*Forms.* The choices made were collected on forms specially designed to facilitate transmission by the observers to the operations center of the Mission. These forms were prepared on the basis of Nicaraguan electoral law, procedures established by the CSE, and experience gained by the OAS during the 1996 general elections.

*Transmission and processing of data.* To send data to the operations center, the observers used a specially designed form (municipal summary form). This form summarized the data collected on the forms used for observation of the opening and voting processes (see Annex 6). The observers had to fill out and transmit this form every hour, adding information on the general conditions along their route and any problems identified, based on a previously established communications procedure. The information received was processed at the operations center in a data base and thus served as the principal source for the press release issued by the Chief of Mission in Puerto Cabezas on election night.

*Operations center.* The operations center in Managua was responsible for collecting the information submitted by the observers and regional offices on the functioning of the process,

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<sup>9</sup> Of the 213 polling stations selected by the Mission, 112 were in rural areas. On average, each observer visited approximately 12 stations, which is a large number considering how many were located in rural areas where access is difficult.

incorporating that information into a data base, establishing the contacts necessary to provide support to observers in the event of an emergency, serving as the principal means of communications with the regional capitals, and transmitting the information processed to the Chief of Mission every hour.

## **2. Progress of the Elections**

As observed by the Mission, the election proceeded smoothly, peacefully, and as planned by the electoral authorities. The voting procedures were followed satisfactorily, in accordance with the law and the CSE regulations, as were the vote count and the transmission of results to the Managua computer center. In general, in the cases observed, there was strict respect for the secrecy of the ballot.

The elections took place in an atmosphere of confidence and calm. The forces of law and order acted properly to ensure the security necessary for a free vote. The most serious event, directly witnessed by OAS observers, was the burning of election materials at five polling stations in District 10, in the Guineo region of Siuna municipality, RAAN, by an unidentified armed group. This incident, which occurred early on the morning of election day, was quickly addressed by the election authorities, who made immediate arrangements for a helicopter to be sent with replacement materials. They arrived at 12:15 p.m., and the stations affected were able to open an hour later.

### Installation and Opening of Polling Stations

The Mission observers noted that the installation and opening of polling stations proceeded satisfactorily and voters were admitted at the specified time.

*Opening time.* Almost all the polling stations observed began their operations at about the time stipulated in the electoral regulations (6:00 a.m.). The few that opened late did so an hour. In some cases, there was a certain amount of confusion about when voting was supposed to start (at some polling stations, the time for opening and setting up the station was thought to be 7 a.m., whereas actually this was when voting was to begin). As was mentioned earlier, the only significant exception was in Guineo, Siuna municipality (RAAN), where materials were destroyed by an armed group. In that region, the stations affected opened at 1:30 p.m.

*Installation.* The process of setting up the polling stations took place smoothly, in accordance with CSE regulations. Nearly everywhere, all the poll workers were present. Where some were absent, this did not pose problems for the installation and functioning of the polling stations.

### Voting

The Mission observers checked to see whether the electoral materials were at the polling station; whether the election police were present and performing properly; whether the poll workers and pollwatchers knew the law; whether there was any campaign propaganda at the polling stations; and

whether the planned controls were familiar with the law; such as the inking of fingers, retention of the temporary voting document<sup>10</sup> and other mechanical details were effective.

*Election materials.* In general, the election materials arrived at the polling stations intact, in good condition, and in the sealed bags provided by the CSE. In some cases, the armbands for poll workers and pollwatchers, the gummed tape, and the labeled bags for unused ballots were missing; in others, it was the forms for the opening and closing of the polls, the tally, complaints, and challenges. At some polling stations, it was noted also that the number of ballots received was different from the number on the list of materials. In none of these cases, however, did the absence of these materials interfere with the smooth functioning of the process. Where fewer ballots were received than the list indicated, there were still enough to permit voting by all the citizens whose names appeared on the voter list.

*Election police.* The observers noted that election police were present at all the polling stations visited. They performed their duties properly and effectively in all instances, contributing significantly to the orderliness of the stations.

*Training of poll workers.* At all the polling stations, CSE regulations and procedures were strictly obeyed. The poll workers demonstrated at all times a high level of civic spirit and professionalism. In the view of the Mission officials, this performance was due in part to strict compliance with the provisions of the electoral reform law on the educational level of poll workers. The few errors noted were attributable to particular circumstances and did not affect the smooth functioning of the polling stations.

*Presence of pollwatchers.* Pollwatchers, primarily from the main parties, were present at all the stations visited. All demonstrated impeccable civic behavior and respect for the poll workers and for pollwatchers of rival political parties. The difficulties observed were minor and in no instance did they affect the climate of regularity in which the elections took place. In at least two stations, it was noted that workers refused admittance to pollwatchers who arrived after the voting had begun. At others, minor incidents involving pollwatchers were observed. At one station in the RAAN, representatives of some political parties (MIRE, PIM, and PAMUC, among others) were concerned about the presence of PLC pollwatchers from other areas of the country.

*Evidence of electioneering.* In general, the political parties refrained from campaigning in the vicinity of polling stations, in compliance with the electoral regulations. However, some complaints from pollwatchers were received. In one case, the FSLN pollwatcher filed a written challenge of the vote at one polling station where the PLC was electioneering nearby.

*Security conditions.* Despite rumors of possible security problems in the area where the presence of armed groups was suspected, the election took place in an atmosphere of absolute calm. As was said in the introduction to this section, the only serious incident occurred early on Sunday morning, when an unidentified armed group entered the Guineo region, in District 10 of Siuna

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<sup>10</sup> According to the regulations issued by the CSE, the temporary voting document was supposed to be kept by poll workers.

municipality, and ordered the officials of the five polling stations there (located in a neighborhood school and health center) to take the election materials out and burn them. Once their orders had been followed, the members of the armed group withdrew. The situation returned to normal about 1:15 p.m., after the electoral authorities replaced the materials destroyed.

*Matching the voter list.* During the voting, Mission observers noticed that at some stations what were called the “display” lists did not match the lists held by the poll workers. This was because the former were generally preliminary lists while the latter were final. This situation created a certain amount of confusion among citizens who went to stations to check for their names on the voter list. In some instances, citizens whose names were on the final list left after finding that their names were not on the display list.

#### Poll Closing and Vote Counting

The closing of the polling stations and the counting of votes proceeded smoothly, in accordance with the procedures established by the election authorities. The poll closing forms were correctly prepared and the poll workers showed that they had been well trained. Although some of the procedures were followed slowly, they were conducted meticulously.

### **3. Noteworthy Aspects of the Day**

The most noteworthy aspect of election day, based on the observations of the Mission, involved persons who could not vote and the high level of abstention.

#### Persons Unable to Vote

Although the voters on the Atlantic Coast fully exercised their right to vote, Mission observers noted that a number of people at a number of stations were unable to vote because their names did not appear on the voter list of the place they went to. This was observed at 76 of the 213 stations visited, 35% of the total.

During the 1996 elections, under the legislation existing at the time, people who had a valid voting document were allowed to vote at the polling station for their district even if their names were not on the voter list. The Election reform law approved by the National Assembly on September 4, 1997, repealed this provision in favor of a requirement that, besides having an identity card or temporary voting document, they had to appear on the voter list of that polling station.

On election day in the Atlantic Coast, the observers noted that the names of some voters did not appear on the list of the polling station they went to even though their identity cards showed that geographically they belonged to that station. In at least one case, voters whose names were not on the list went to the station with a note from election officials, issued the previous day, authorizing them to vote there. In other cases, voters whose names were missing from the voter list at the polling station they went to were listed at neighboring polling stations. Some, were a considerable distance from the first of these polling stations, and the people failed to vote because they would have had to travel too far.



According to information collected by observers, there were several reasons why people might have been prevented from voting because their names did not appear on the list at the polling station they went to:

1. They went to polling stations outside their district, either by mistake or because they had not checked in advance to see where they were supposed to vote, or because they assumed that holding a voting document entitled them to vote anywhere (in some cases, their names were on the lists of nearby polling stations);
2. They went to the polling station for their current address but had failed to send notice of changes of residence (or had not checked whether the change had been recorded during the designated period); and therefore were not on the list for their new address;
3. Their names were not at the polling station because its location had been changed by the mapping division of the CSE;
4. They were excluded because they had not reached voting age;
5. Their names were missing because of errors on the voter list.

#### Abstention

The high rate of abstention was undoubtedly the most noteworthy aspect of the Atlantic coast elections. This was clear to Mission observers from the early hours because of the small numbers of voters in the lines in front of polling stations (five persons on average). At some polling stations there was no activity for several hours because nobody had come to vote. That situation contrasts starkly with what had been observed at polling stations during the 1996 general elections, where the lines of voters were long.

According to official data, 52% of the persons registered to vote did not appear at polling stations. Considering that 14% of this 52% were unable to vote because they had not picked up their identification card or temporary voting document, the level of abstention was 38%. The highest rates of abstention were in the urban areas.

The appeal to boycott the polls issued by what is known as the Council of Elders a few days before the elections may have increased the level of abstention.<sup>11</sup>

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<sup>11</sup> The Council of Elders is an organization of representatives of the indigenous communities on the Atlantic Coast. Since the Nicaraguan Constitution provides for observance of the traditional forms of social organization of the residents of that area, these residents view the Council of Elders as an “indigenous government.”



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**CHAPTER VI**  
**The Post-Election Phase**



Between March 2 and March 16, the Mission observed the functioning of the post-election process in the municipal and regional electoral councils of the autonomous regions and at the Supreme Electoral Council in Managua.

The activities observed during this period included the transmission of documents from municipal electoral councils to CSE computer centers, the transfer of electoral material from polling stations to municipal and regional electoral councils, the arithmetical review of documents and the settlement of challenges referred to regional electoral councils, the receipt and processing of data at the computer center, and the receipt of appeals for review by the CSE.

From the observations of Mission members, these processes took place smoothly, without any incidents that would have tarnished the good work of the election officials on election day.

## **1. Transfer of Election Materials**

After the votes had been counted at the polling stations, the election materials were supposed to be turned in to the appropriate municipal electoral councils by the head official of the polling station, who was to be accompanied by election police officers and by any party pollwatchers who chose to go with them. From there they were supposed to be taken to the regional electoral councils by officials of the municipal councils, again accompanied by any party pollwatchers who so chose.

Only in a few polling stations in Waspan municipality (RAAN), where one of the boats had no fuel, was there any delay. The transfer of the packages of election documents and their receipt by municipal and regional electoral councils took place smoothly and in an organized manner. The CSE had ordered that the poll workers should receive the remaining half of their pay at the time they delivered the packages. In the observation of the Mission officials, the entire procedure functioned as planned and permitted the orderly and safe delivery of the election documents.

The transfer and receipt of the election materials ended in both regions on March 3. All the phases of this process were properly overseen by pollwatchers of the political parties.

## **2. Transmission of Data**

Unlike the 1996 general elections, in which numerous difficulties were encountered with the transmission of results, the Atlantic Coast elections proceeded smoothly in this regard.

In accordance with CSE rules, the registers containing the voting results were supposed to be faxed from the municipal electoral councils to the regional electoral councils and CSE computer centers. For this purpose the election authorities arranged for the installation of fax machines in each of the 14 municipal electoral councils.<sup>12</sup>

In each case, a technician at the regional electoral council, officials of ENITEL, and the chairman of the municipal electoral council were responsible for the transmission of data. Technicians from ENITEL were responsible for receiving the data at the CSE computer center and analyzing the quality of each fax received. If they thought the transmission was acceptable, they passed it on to the sector designated for each municipality; if they thought it was poor, they requested a new transmission.

To verify the accuracy of the information, the receiving officials checked to see whether the municipality from which the fax originated was the site of the issuing municipal electoral council, that the polling-station code was that of the municipal electoral council that sent it, and that the signatures of the poll workers were in order. If the register passed these three check points, a copy was sent to the computer center and the original fax was kept in the section called "Files," where party pollwatchers could obtain a copy and compare its results with those in the official reports issued by the CSE. If the register did not pass the check points, it was sent to the CSE authorities for action. At the same time, to verify the accuracy of the transmission, the results appearing in the records were transmitted to the CSE by radio.

The registers received at the computer center were also checked by a control team that determined whether they had been challenged. They were then transferred to the recording section, where the data were entered into the central system.<sup>13</sup> If the system detected an arithmetical error, the data recorded were labeled incorrect and the register was sent on to a section called "Incidents" to be corrected (if the error was made by poll workers, the register was returned to the place of origin so that they decide about it). Registers that were in order were sent to the "Quality Control" section, where the data were checked visually and recorded in the system.

The satellite telephone system was checked three times. The tests consisted of the transmission by fax of a register with fictitious data from each municipal electoral council and the retransmission of these data to every fax machine in the CSE computer center. Mission observers observed the final test. While it was under way, a number of details were adjusted, to produce transmissions of satisfactory quality. To make the transmission more secure, the fax numbers were changed on election day and only a small number of officials knew them.

The chairman of the CSE decided when the compilation of returns should be interrupted so that the recorded data could be consolidated and partial returns announced. Since those results were subject to change in response to challenges filed with the regional electoral council, they were considered preliminary.

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<sup>12</sup> Because the telephone system in some parts of the Atlantic Coast is unreliable, the transmission of results by fax required the National Telecommunications Company (ENITEL) to set up a fairly extensive communications system.

<sup>13</sup> For each entry into the system, an access code was added as an additional security measure.

### Contingency Plans

To ensure compliance with the regulations and procedures it had established for data transmission on election day, the CSE made the following arrangements:

- a. HF radio equipment was installed at each municipal electoral council. If data transmission by fax became impossible for any reason, communication by radio was to be adopted as a substitute;
- b. A copy of the software developed to process the data at the CSE computer center was kept in a safe-deposit box at a financial institution in Managua. If the original program was damaged, that copy was to be used;
- c. A computer with the configuration established for the original software was to be available at the CSE computer center. If any problems were noted with the original equipment, it could be quickly replaced;
- d. A team of officials to respond to any emergency, including cases where election materials had to be replaced at any of the polling stations in Atlantic Coast territory, was to be on call at the CSE computer center;
- e. Two Nicaraguan Army helicopters were placed on alert to transport materials or equipment to any of the polling stations.

### Conclusions

The data transmission process, from the receipt of the faxes containing data from the register to the announcement of preliminary returns by the CSE, took place satisfactorily, as planned. However, conditions in the places where the elections were held, the political need, to establish numerous checks, and the general weakness of the communications systems in the autonomous regions prevented the use of a more automated process. This increased the number of check points and security measures necessary, which in turn affected the general effectiveness of the system.

### **3. Arithmetical Review and Challenges**

Both the arithmetical review and the settlement of challenges proceeded in an orderly fashion in the presence of a large number of pollwatchers. Few incidents during this period were noted by observers, and these did not in any way affect the general climate of normality that characterized the post-election process. The most significant incident occurred early in the morning of March 4, when the pollwatchers and legal representatives of a group of political organizations in Puerto Cabezas (RAAN) called for the suspension of proceedings at the regional electoral council because of suspected irregularities. However, the work was resumed a few hours later with the consent of everyone present, after the council authorities agreed to consider the concerns of the representatives of these groups.

#### Arithmetical Review

When the registers were received at the regional electoral councils, they were to be reviewed by a team of accountants for errors in computation. If any were found, the registers were to be passed on to an arithmetical correction section. According to the observations of the Mission, about 15% of the records submitted contained some kind of arithmetical error.

#### Challenges

Challenges filed on election day were resolved pursuant to procedures established by the electoral authorities in both regional councils, in the presence of pollwatchers. The RAAS regional electoral council decided 33 challenges filed there within 48 hours, denying all of them. The RAAN regional council similarly dismissed 14 challenges after settling the issue described in the first paragraph of this section. In all cases, the council duly informed the political organizations involved of their decisions.

### **4. Appeals Filed with the CSE**

On the last day of the time period set for submitting appeals to the CSE, Wednesday, March 11, the legal representatives of the PLC and the FSLN both filed applications for review of the proceedings at various polling stations in the RAAS and RAAN. The first had to do with a decision by the RAAS regional electoral council regarding one of the polling stations in that region. The second called for the nullification of the vote at 10 polling stations in the RAAS and 24 in the RAAN, a review of the decisions issued by the RAAN regional electoral council on two challenges, and the invalidation of the candidacy of one person running for a town council.

The CSE ruled on both appeals in the manner and within the time established by law, unanimously allowing the appeal filed by the PLC and rejecting in every respect, also unanimously, the one filed by the FSLN.



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**CHAPTER VII**  
**Complaints**



During the course of the electoral process, relatively few complaints were filed. Most pertained to allegations of the use of government property for electioneering and of participation by public officials, including the President and his ministers, in the campaign while on duty. In general, the complaints were handled slowly and bureaucratically, and for this reason many of them languished in the initial stages of the legal process.

## **1. Legal Framework**

The regulations governing election protests appear in the “Provisions and Procedures for the Processing of Objections and Complaints during the Election of Members of the Autonomous Regional Councils of the Atlantic Coast, March 1, 1998,” adopted by the CSE on the basis of Article 186 of the election law, which authorizes it to follow ordinary law in deciding any matter not covered in that law.

The “Provisions and Procedures” delimit the jurisdiction and authority of the electoral organs, determine at what level a complaint is to be filed, specify how the complaint is to be submitted, list the cases in which the file must be forwarded to a higher level, and set the terms applicable to each phase. With regard to jurisdiction and authority, the municipal electoral councils are considered the bodies of first instance.

For violations of any of these regulations, the pertinent electoral authorities may order compensation for material damage caused and the private and/or public admonition of violators. When the inquiry produces evidence of a crime, the “Provisions and Procedures” call for referring the matter to the electoral magistrate to be handled by the appropriate legal instance. When the election authorities deem it necessary, they may request the intervention of agencies with investigative capability, such as the police.

## **2. Complaints filed**

From the time of its arrival in Nicaragua on February 16, the Mission gathered information on the complaints that had previously been filed, to determine their current legal status.

Most of the complaints filed before the election had to do with three kinds of alleged actions: participation by public officials in the campaign while on duty, use of government property for campaign purposes, and destruction of election publicity by rival political organizations.

The few complaints filed with the electoral authorities while the Mission was in the country pertained largely to destruction of campaign materials, defamation, and threats.

**3. Handling of complaints**

The handling of complaints was generally slow, and most of them were not resolved during the electoral process. As a rule, the electoral councils automatically forwarded them to the Offices of Electoral Magistrates, which did nothing about them, claiming that it was up to the electoral agencies. With both sides denying responsibility, the majority of the complaints remained unresolved.

## **CHAPTER VIII**

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### **Conclusions and Recommendations**



According to the observations of the members of the Mission, the elections held in the Atlantic Coast for members of the RAAN and RAAS regional councils proceeded normally, peacefully, and as provided for by the electoral authorities.

The smooth functioning of the electoral process unequivocally confirmed the commitment to democracy of the various social and political sectors of the country, and the capacity of the electoral institutions to learn from past experience. In that regard, the elections on the Atlantic Coast represented substantial progress in the logistical and organizational aspects of elections in Nicaragua.

### **Recommendations**

As a contribution to the efforts of Nicaraguan society to refine the electoral system, the Mission offers the following recommendations.

#### Electoral complaints

Under the election law and regulations, electoral councils are authorized to receive, transmit, and settle objections and appeals filed by both citizens and political organizations. However, the law provides that if investigation shows that an offense has been committed (as specified in articles 180, 181, and 182), the case should be submitted to the Office of the Electoral Magistrate, which in turn transmits them to the regular justice system.<sup>14</sup>

The Mission found that this system led to an excessive workload for the electoral authorities, who had to investigate cases without the infrastructure to do so, and to considerable delay in the resolution of complaints. Consideration might therefore be given to amending the procedure, to permit allegations of crimes to be filed directly with the regular justice system, leaving the receipt and resolutions of complaints or claims related to the administration and organization of the elections to the election authorities.

It should be made clear that the current law does provide for the filing of complaints about electoral offenses with the regular justice system, but it is not ordinarily used. In some cases, observers noted that protests submitted directly to the regular justice system were returned to the Office of the Electoral Magistrate, which added to the confusion and further delayed a resolution.

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<sup>14</sup> The Office of the Electoral Magistrate is a temporary body, created six months in advance of each election, plebiscite, or referendum, as part of the Office of the Attorney General.

Given the nature of the complaints about election offenses, which in general need to be settled within a strict time limit, consideration could also be given to creating a special procedure within the regular justice system that would permit expedited handling and settlement of election complaints. In addition, consideration might be given to creating new classifications for election offenses.

#### The staffing of polling stations

According to the election law, poll workers must be recommended by the political organizations participating in the elections. For the elections on the Atlantic Coast, the legal reforms, required that the President and first member be nominated by the political groups that won a majority in the last elections and the second member by the other political organizations.

The staffing of polling stations with persons recommended by the political parties poses a significant challenge to the CSE, since it is responsible for ensuring that poll workers conduct themselves as election officials rather than representatives of political organizations. In the period before the elections on the Atlantic Coast, the authorities tried to do this by means of a series of measures aimed at enhancing the sense of professionalism among the poll workers by, among other things, promoting the publication of lists of the poll workers' names in the mass media, swearing them in solemnly, and having them sign a document in which they committed themselves to complying with the electoral regulations. To ensure the presence of the poll workers on election day, the CSE also arranged for half of their per diem to be paid at the start of the preparatory work, and the rest when the election materials were delivered.

Although the conduct of the poll workers was exemplary, the structure of the current system is cause for ongoing concern among the electoral authorities. To reduce the potential risks, and to reinforce the control and presence of the CSE during this phase of the electoral process, consideration could be given to amending the current regulations to permit one worker at each station to be appointed by the election authorities. A similar practice could be followed in the staffing of departmental electoral councils.

It should be pointed out that CSE authorities have already raised this possibility in the National Assembly and are proposing that electoral agencies be composed of both members of political organizations and officials of that body.

#### Technical aspects

*Issuance of identity cards.* During the Atlantic Coast elections, the CSE made a great effort to provide the citizens of the region with identity cards. However, this process is still incomplete, at both the regional and the national levels. To strengthen the development of the electoral process, it is of the utmost importance to finish distributing the cards before the next general elections.

*Updating the electoral list.* Given the characteristics of the Nicaraguan electoral system, in which voting is by residence, the continuous updating of citizens' addresses is essential to ensure a high level of participation on election day. Since responsibility for this lies with the citizen, it would be highly



beneficial to redouble the efforts that the CSE is currently making to disseminate information on this through a variety of publicity campaigns.

*Data transmission.* As was described above, the system of data transmission and processing during the post-electoral phase functioned properly to ensure that the returns transmitted by the CSE regional and municipal electoral councils were correct. However, it included a large number of manual procedures, which required a considerable number of controls. To streamline data transmission and receipt and minimize the possibility of errors, consideration could be given to automating some of the steps.

#### Abstention

As has been said, the rate of abstention during the elections on the Atlantic Coast, was high. According to official figures, 52% of the population registered failed to show up at the polling stations. Taking into account the fact that 14% of this 52% were not entitled to vote on election day, then the rate of abstention was 38%. Since this undermines the proper development of democracy, the election authorities, civil organizations, and the various associations and political parties should do all they can to encourage greater participation by citizens in future regional and national elections.



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**CHAPTER IX**  
**Appendices**



