

Nicaragua

Election Observation Report

October 20, 1996

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**Observer Delegation
Nicaraguan Elections
October 17 - 22, 1996**

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Executive Summary

The October 20, 1996 elections marked the first time since 1990 that Nicaraguan citizens had a chance to vote at the national, as well as local level. Nicaragua elected a new president, vice president, deputies to the National Assembly, deputies to the Central American Parliament, mayors and vice mayors, and members of the municipal councils. In all, some 34,000 candidates competed for the approximately 2,000 positions being contested.

Nicaragua's 1996 democratic exercise was characterized by numerous challenges and deficiencies, and in many cases, commendable efforts to overcome them. In the end, most of these challenges and deficiencies were adequately overcome, largely through the extraordinary dedication and commitment to democracy of ordinary Nicaraguans. In this report, IRI chronicles the challenges, deficiencies, and successes in Nicaragua's 1996 election process and makes recommendations for improving and strengthening the system in advance of the 1998 Atlantic Coast regional election and the 2001 general election.

Election Administration

- X The January 1996 reforms to the Electoral Law technically and politically affected the electoral process. Their lateness and the controversies they generated delayed and distracted the Supreme Electoral Council (*Consejo Supremo Electoral* or *CSE*) as it prepared for the October elections.
- X The provisions on *inhibiciones* (disqualifications) of candidacies caused major controversies and forced the CSE to expend an inordinate amount of time and energy ruling on numerous cases.
- X The allocation and distribution of state campaign funds to the political parties suffered numerous delays and controversies resulting in parties not receiving their funds until after the official campaign period began. Smaller, less well-financed parties complained they were disadvantaged by these delays.
- X Initiated late and inadequately, the civic education campaign notably failed to inspire confidence among the electorate regarding the registration and election processes.
- X The training of election workers and party pollwatchers did not meet expectations. In some cases, it appeared that workers were not familiar with voting procedures or how to use the manuals provided to guide them through the process. During the review and recount process at the departmental level, for example, workers utilized widely varying procedures.

- X The long-delayed completion of the Voter Registry List (*Padrón Electoral*) and its audit resulted in numerous errors and insufficient time to correct them. The audit indicated that approximately 11 percent of the data in the registry (corresponding to approximately 225,000 citizens) contained errors that, among other results, could result in citizens • not receiving proper voting documents, being assigned to incorrect JRVs, or otherwise making voting unnecessarily confusing and difficult.
- X Delays in the production and distribution of electoral materials caused serious election day problems, including late JRV openings and isolated cases of citizens • being unable to vote. In some cases, insufficient materials were sent and in others, ballots were sent to the wrong places, which particularly affected local elections.
- X Deep political polarization, technical complexities, and organizational and administrative inefficiencies contributed to conflicting claims and several parties refusing to accept preliminary results. Some parties challenged the results • legitimacy, claimed fraud, and demanded the election's annulment in various departments.
- X In response to the legal challenges, the CSE initiated a laborious, complex, and tense process of reviewing and recounting the votes. The process was further complicated by the department electoral councils • establishing their own procedures, resulting in different situations in each department. Managua, Matagalpa, and Carazo proved to be the most controversial in this process.

Electoral Environment

- X Although relatively calm and peaceful, this electoral process revealed a growing and deepening polarization between the two principal political forces -- the Alianza Liberal and the Sandinista Front.
- X There were several incidents of armed violence in the northern and central regions of the country, where former members of the Resistance and the Sandinista Army as well as armed delinquent bands operate. These re-armed groups, however, did not represent serious obstacles to the normal development of the electoral process.
- X Overall, election advertising generally remained in accordance with ethical agreements agreed to by virtually all parties.
- X The post-election environment was characterized by rising tensions, confrontational rhetoric, mass demonstrations, and lingering controversies regarding various aspects of the vote-counting process. Sandinista leaders and party-affiliated media adopted confrontational and provocative postures that risked violent outbreaks. Although there were no major outbreaks, several minor skirmishes did occur.

Introduction

Historically, Nicaragua had only two major political parties -- the Liberal Party and the Conservative Party. The advent of Sandinista rule consolidated power in the hands of single party. Although other parties existed during the Sandinista regime, they mostly were allied with the Sandinistas and were allowed to operate to perpetuate the Sandinista myth of a multipartisan system. The traditional parties were not permitted to freely exercise their role as a political opposition to the regime.

Prior to the 1996 elections, Nicaragua had 43 different political parties. Despite Nicaragua's long tradition of authoritarian rule, the majority of current political parties have advanced greatly in their tolerance and respect for diverging views and perspectives. The overwhelming majority of these parties committed themselves to the normal development of the electoral process and contributed to achieving that goal.

Establishing a legal and political environment in which political parties can flourish is an undeniably positive contribution to Nicaragua's democratic development. Nevertheless, the multiplication of parties during the 1996 election process led to a fragmented political panorama and revealed the profound financial and institutional weakness of all but a handful of parties. Of the many parties competing, some 75 percent failed to achieve parliamentary representation. Other than the Alianza Liberal and the Sandinista Front, no party receive more than four percent of the presidential vote.

Caudillismo, leadership by a single strongman figure, continues to be a defining characteristic of many parties. The *inhibiciones*, or disqualifications of candidates, emphatically demonstrated this reality. Parties whose leader's candidacy was disqualified during the electoral process were virtually devastated, practically disappearing from the political scene. Because many party leaders were unwilling to cede their dominant positions (if only in the limited context of their own parties), this same *Caudillismo* substantially contributed to the failure of forming a grand •centrist alliance• that could have filled a deep political void between the two major and diametrically opposed parties, the Alianza Liberal and Sandinista Front.

The 1996 election results reflect the reality that these parties, at opposite ends of the political spectrum, were the two winners. Now, both face the responsibility given them by the Nicaraguan people to govern the country. The Alianza Liberal will control the Executive branch of government as well as the largest bloc of National Assembly seats, albeit short of an outright majority. The Sandinistas control the second largest bloc. Forging a productive working relationship between the Executive and the Legislative branch, the latter of which will gain much more independence and authority after constitutional reforms fully come into effect on inauguration day (January 10, 1997), will be a great challenge for both leading parties.

Those smaller parties that survived the elections consequently will play an extremely important role in the legislative body and could hold the balance of power on many key issues.

The Alianza Liberal's prospects for legislative success depend to a large extent on its success in forging working alliances among various parties. One also should note that the Alianza Liberal itself is an alliance whose unity and cohesion will be challenged. The Sandinista Front, by contrast, appears at this point to be a united, cohesive single party.

Ultimately, the Alianza Liberal and Sandinista Front will share responsibility for taking the nation into the next century in a dignified and meaningful manner. As Nicaragua embarks on its second democratic administration, the coming years will present myriad and profound challenges to the Nicaraguan people, their political system, and the ongoing transition to a more deeply rooted, successful democracy. Success will depend on enlightened leadership among the major political forces, a willingness to respect democratic principles and the rule of law, and the endurance of the Nicaraguan people.

Recommendations

The 1996 general election process was burdened from its inception with numerous obstacles and deficiencies, which, to a considerable degree, the Nicaraguan people overcame with patience, dedication, and a determination to make democracy succeed. While it is true that many of the deficiencies and obstacles could have been avoided if better and more advanced preparations had been made, it is also true that the process was characterized by a substantial level of cooperation and effort among election officials, party pollwatchers, citizens, and others involved in the process.

IRI believes that the elections offer valuable experiences from which Nicaragua can draw important lessons that will assist in preparing for Atlantic Coast regional elections in February 1998 and general elections again in 2001.

Legal and Legislative

1. The process and formula by which state resources are allocated to the political parties for campaign purposes should be reviewed to clarify the exact allocation the parties will receive. The law also should specify in greater detail what constitutes a political party's eligibility to receive state funds as well as the requirements for parties having to reimburse the funds. Consideration should be given to adopting stricter requirements to minimize state funding of trivial parties.
2. Regarding the proliferation of political parties, the Electoral Law establishes a five percent of the vote and one seat in the National Assembly threshold for parties to continue existing as legal entities. While this provision is designed to eliminate parties that lack meaningful levels of support, regulations should be strengthened to ensure that newly formed parties and other electoral organizations are not too easily placed on the ballot.
3. Under current laws, the CSE appoints members to the departmental electoral councils (*Consejos Electorales Departamentales* or *CEDs*) from lists provided by the political parties. Because partisan considerations and accusations permeated the selection process and the work of the CEDs, a more democratic, equitable approach should be developed to avoid the problems that resulted in the 1996 election cycle. The CEDs also should receive greater, more sustained professional training, and to the extent possible, serve longer terms.
4. If the financial resources are available, the government should conduct a new national census. The *Ad Hoc* voter registration process, which ultimately registered some 60,000 more citizens than official statistics indicated lived in those 26 municipalities, clearly reflected the deficiencies of the 1995 census. Other applications of the inadequate census data should take these flaws and deficiencies into consideration.

5. The methodology used to determine the allocations of seats in the National Assembly and on municipal councils should be reformed and clarified. The electoral quotient currently in use to determine the proportional representations is confusing and the source of much criticism.
6. The Law on Municipalities should be amended to more clearly define the relationship, duties, and responsibilities shared between the newly directly elected mayors and the municipal councils. Although constitutional and electoral reforms adopted prior to the 1996 elections permitted direct election of mayors who previously were appointed by the municipal councils, the current law still must be modified to define the new relationships between the mayors and municipal councils.

Voter Registration

7. The CSE should vigorously and energetically finish the *cedulación* process for those citizens who received *documentos supletorios* and *libretas cívicas*, giving particular emphasis on the 26 *Ad Hoc* municipalities and the Atlantic Coast region, which will hold regional elections in February 1998. The CSE also should conscientiously correct the errors included on the *cédulas* and *documentos supletorios* many citizens already have received. In coordination with relevant executive branch ministries, the CSE should mount a civic education campaign to inform the citizenry of the multiple uses of the *cédula*, which also serves as a national identity card.
8. Completing the *cedulación* process also will permit completion of a single permanent national voter registry (*padrón electoral*). The CSE should redouble its efforts to verify the accuracy of the data contained in the *padrón electoral*, including submitting the registry for an independent audit.

Administration and Procedural

9. For future elections, the CSE should develop and implement a well-conceived organizational and administrative plan to ensure the effective and timely administration of all aspects of the election process. Developing and adhering to such a plan should help reduce the multiple organizational and administrative problems that plagued the 1996 elections.
10. For future elections, the CSE should develop and implement a comprehensive, effective, and timely civic education campaign that informs and educates the citizenry about different elements of the electoral process (registration, voting locations, how to mark ballots, etc.), as well as encourages citizens to vote and otherwise participate in the process.

11. The CSE should improve and extend the training it provides to election workers and others involved in the process. Improved training would further the professionalization of the workers and should help reduce the inconsistent application of rules, regulations, and procedures governing the different components of the electoral process.
12. The CSE should seek to limit last-minute polling site relocations to an absolute minimum. If such changes are necessary, the CSE should notify voters and all political parties promptly, and in the case of the parties, simultaneously. Notifications also should be posted at previous locations to inform voters of the new polling places.
13. The CSE should develop a long-term, comprehensive plan and budget to address its current and anticipated resource needs in preparation for the 1998 Atlantic Coast regional elections and 2001 national elections. The plan should be based on realistic conditions and capabilities of the Nicaraguan system and not reflect simply a •wish list• for the most technologically advanced and sophisticated equipment available. International support for future elections, on which Nicaragua will continue to rely, should be coordinated in conjunction with the CSE •s strategic plans.
14. The CSE should carefully and thoroughly examine its own organizational structures, decision-making processes, and administrative practices to learn from past experiences and improve its operations for future elections.

Election Administration

The *Consejo Supremo Electoral* (CSE) is Nicaragua's fourth branch of government. It comprises five magistrates and five substitute magistrates who were elected by the National Assembly on July 3, 1995. The CSE and its departmental and local level agencies are intended to be multipartisan, which, while well-intended, has been less effective than anticipated in practice. At the national level, the composition of the CSE constantly was criticized by some anti-Sandinista parties that asserted the electoral authority was dominated by the Sandinistas and their supporters. The CSE President is recognized as a supporter of the Movimiento Renovador Sandinista (MRS) party, and her husband was a (successful) candidate for a seat in the National Assembly under that party's banner. The current CSE President's predecessor was a well-known Sandinista, and upon his resignation from the CSE, was designated as the Sandinista presumptive foreign minister. Other magistrates, however, with their respective affiliations, ensured on paper at least a genuinely pluralist composition. Nevertheless, in practice, because of the extraordinarily centralized nature of CSE decision-making, concerns about partisan partiality effectively were limited to the CSE President.

Ironically, in the post-election period, the harshest criticisms of the CSE came from the leftist parties, led most energetically by the Sandinista Front. Once the CSE made public the partial preliminary returns showing the Alianza Liberal with a healthy lead, the Sandinistas accused the CSE of being Somocista and initiated an aggressive public relations assault against the state institution. Although marginally tempered by more rational voices within the party, some Sandinista leaders proclaimed their candidates winners in outright contradiction to official CSE results, while others insisted that the party would recognize the legality but not the legitimacy of the new government.

At the departmental level, the CSE distributed leadership positions of departmental electoral authorities based on party affiliations, seeking to divide up the departmental responsibilities as equitably as possible among the major parties. Because the number of Nicaraguan political parties significantly exceeds the number of departments, it is impossible that every party obtain a departmental electoral presidency. Complicating the task, it also is very difficult to determine the relative representativeness of parties prior to the elections. Additionally, because departmental electoral presidents were chosen from among party activists, many decisions they made, no matter how logical or reasonable, often raised concerns about their impartiality among other parties and the general population.

Technically and administratively, the electoral process suffered from numerous deficiencies, including various problems with the Electoral Law, complicated and controversial voter registration processes, inadequate organization and implementation at the national and departmental levels, complicated and controversial political maneuvers by some political parties, an oft-modified Electoral Calendar, and other matters.

Electoral Legal Framework

The July 1995 constitutional reforms modified the Sandinista-era Constitution in several important ways, predominant among them diminishing the quasi-absolute powers of the President. The reforms established a more equitable balance of power between the Executive and Legislative branches, but also created important controversies between them. Most important of the controversies were the provisions disqualifying certain presidential candidates, the so-called *inhibiciones*, based on family relations to the sitting president. Although addressing an historic phenomenon in Nicaraguan politics, dubbed *continuismo* by some, the immediate impact of these provisions would be to disqualify the candidacy of Antonio Lacayo, then Minister of the Presidency, and son-in-law of the sitting President. After many months of negotiations over this and other reforms, the Executive and Legislative branches agreed to limit the implementation of certain aspects of the reforms until the end of the current administration. The *inhibiciones* provisions, however, were put into effect immediately.

Having considerable repercussions in the electoral environment, the constitutional reforms ratified the powers of CSE as the fourth branch of government, solidifying the exclusiveness of its authority to organize and implement elections. In electoral matters, any resolution reached by the CSE could not be challenged. The CSE exclusively would be responsible for the organization of the Civil Status Central Register, the citizen identification program (*cedulación*), and the voter registry (*Padrón Electoral*), as well as officially recognizing the political parties.

In addition to the issues noted above, there were other important electoral changes implemented by the constitutional reforms. Among the most significant: the requirement for a second round runoff in the presidential election if no candidate obtained at least 45% of the vote in the first round; the reduction in the presidential term of office from six to five years; the prohibition on consecutive presidential terms; the requirement for public officials to resign their office 12 months prior to the elections in which they will be candidates; the prohibition of candidates who have renounced their Nicaraguan citizenship; the reduction in mayoral and municipal council terms of office from six to four years; the direct election of mayors; and the election of 20 National Assembly deputies from national slates and 70 deputies from departmental and regional slates.

After much contentious debate and long delays, a new Electoral Law embodying these reforms came into effect on January 8, 1996, less than one year before the elections. Among its many other effects, the new law limited the CSE's authority to name departmental and local electoral authorities, requiring instead that the CSE choose these authorities from lists provided by the political parties. Heavily criticized by the CSE President at the time, Dr. Mariano Fiallos, the National Assembly's refusal to modify these provisions provoked Fiallos's resignation. The National Assembly's long delay in naming Dr. Rosa Marina Zelaya to replace Fiallos created a period of uncertainty for the CSE during a critically important time, when its focus and energies more appropriately should have concentrated on organizing and implementing the elections.

Mixed System of Voter Registration

In 1993, the CSE initiated the process of citizen identification registration, or *cedulación*. The national identity document (*cédula*) was intended to serve multiple functions, among them being the voter registration document. It also would be used to create a permanent, single voter registry list (*Padrón Electoral*). For a variety of reasons, even though the *cedulación* process began in 1993, it was clear by late 1995 that the CSE would not be able to complete the process prior to the October 1996 elections. The failure to complete the *cedulación* process greatly complicated voter registration and compelled the electoral authorities to implement a mixed registration process, in which 119 municipalities (most closely akin to counties in the United States) were to be *cedulized*, and 26 municipalities would be registered via the traditional *ad hoc* process.

The January 1996 Electoral Law establishes the following as valid voting documents:

- X *Cédula de Identidad*: national citizen identification document; those citizens *cedulized* would constitute the permanent *padrón electoral*.
- X *Documento Supletorio*: supplemental document distributed to those citizens who applied for the *cédula* but did not actually receive it.
- X *Libreta Cívica*: temporary voting document given to citizens who registered via the *Ad Hoc* process in the 26 municipalities that were not *cedulized*.
- X *Constancia*: although not anticipated in the Electoral Law, the CSE adopted this fourth voting document on the day before the election to be given to citizens, who, although having applied for registration, had still not received either the *cédula* or the *documento supletorio*.

There were several steps in the *cedulación* process. As noted above, in some municipalities, the application process began in 1993; it was carried out slowly and laboriously, and did not reach an intensive stage in the main cities until 1996. The deadline for application was July 22, 1996. According to official data, 2,060,000 citizens applied for *cédula* in the 119 municipalities.

During the period between June 1-10, 1996, prior to the application process even concluding, citizens were to go to a designated election office to verify the accuracy of the data included on their *cédula* application. This verification process, while designed to ensure the accuracy of the information, generated considerable confusion among the electorate, due in part to inadequate civic education as well as the coincidence of timing between the verification and the *Ad Hoc* voter registration, which took place at the same time. Overall, the verification process did not accomplish its objectives, leading to numerous problems and errors on the *padrón electoral*.

After the application and verification phases, the CSE was responsible for manufacturing and distributing the *cédulas* and *documentos supletorios*. The last day for manufacturing the *cédulas* was August 22. The CSE's statistical data indicate that 1,008,798 *cédulas* were manufactured. The majority of citizens who applied for the *cédula* but were not among those who received one (more than 1 million citizens) were to receive a *documento supletorio*. These supplementary documents were manufactured based on the data given in the applications for the *cédula*. After several delays, the manufacturing of the *documentos supletorios* began on September 10.

The distribution of *cédulas* and *documentos supletorios* took place gradually, as the manufacturing of the documents progressed. However, it was not until election day drew closer that the manufacturing and distribution pace increased considerably. Even with this last-minute effort, the CSE was not able to reach its goal.

The CSE attempted a massive distribution *cédulas* and *documentos supletorios* in the 119 municipalities. Managua was given priority, followed by the departmental capitals and the municipalities. IRI expressed concern over the distribution of these documents in the rural areas, which were left out until the end of the distribution plan. This is where the distribution was more difficult, due to the rural conditions and lack of accessibility.

The scheduled dates to start this massive distribution effort repeatedly were postponed. Once initiated, the effort consisted of five days of intensive distribution of the voting documents to the voting locations (*Juntas Receptoras de Votos -- JRVs*). Citizens were to be notified where they should report to retrieve their voting documents. In most cases, electoral authorities notified citizens via public announcements and house-to-house visits. After the intensive five-day distribution, the CSE continued distributing notifications and voting documents through house-to-house visits and establishing permanent retrieval locations in the municipal and district CSE offices.

The distribution was to conclude on October 12. However, IRI's second election assessment mission observed that many citizens were not able to retrieve their voting documents within that time. IRI recommended that the distribution deadline be extended, which the CSE eventually did, allowing citizens to retrieve their voting documents until October 19, the day before the elections.

IRI's second assessment mission, which visited numerous JRVs in several departments, confirmed a high level of dedication and commitment by the CSE departmental and local authorities and noted that JRV officials worked conscientiously despite limited resources available to them. Notwithstanding these notable efforts, IRI also reported a high degree of confusion among the population regarding the different voting documents and the distribution/retrieval process. There were particular problems among those citizens who received a *documento supletorio* instead of a *cédula*. Many of these citizens expressed deep disappointment and alleged that they were being treated as second-class citizens. IRI believes

that this concern could have been alleviated had the CSE undertaken a more effective civic education campaign that better explained the complex system, particularly the value and role of the *documentos supletorios*. Such an education campaign would have helped spread confidence in the system among the electorate.

Instead, the lack of popular knowledge about the voting documents, coupled with delays in their distribution and the often incorrect information they contained, generated suspicion about the process. IRI observed long lines of citizens waiting to retrieve their documents one and two days prior to the elections. However, because many of these citizens were unable to obtain their document in time, the CSE adopted a fourth voting document, called a *Constancia*. Basically a certificate containing a voter's personal data but no picture or JRV voting location, the *constancias* were distributed the night before the elections and on election day. Adopted at the very last moments before voting was to begin, this measure had little impact, and an undetermined number of citizens were unable to vote on election day for lack of an acceptable voter registration document.

The *ad hoc* voter registration is the system traditionally used in Nicaragua. For various reasons, discussed at length in IRI's October 10, 1996 report on the registration, 26 municipalities in the northern and central regions of the country were not included in the *cedulación* process and were registered instead using the *ad hoc* system. Historically, these municipalities comprise areas that were the nucleus of Contra operations during the civil war. It also is the region to which the majority of former Contras, their families and supporters have been demobilized and repatriated. In 1990, the anti-Sandinista UNO coalition won 24 of the 26 municipalities. In the 1996 elections, the Alianza Liberal presidential candidate also won 24 of 26 races in these municipalities.

To register voters in these areas, the CSE conducted the *Ad Hoc* registration during four weekends -- three in June and one in July. Officially, 352,893 citizens registered during these four weekends, exceeding by 20 percent the CSE estimate of 292,655, a figure based on the inadequate 1995 country-wide census. IRI observed the registration all four weekends and was deeply impressed by the Nicaraguan people's desire and commitment to register to vote. Citizens overcame myriad obstacles, many of which could have been avoided with better planning, organization, and implementation of the process. Originally scheduled for only two weekends, the CSE extended the *Ad Hoc* registration period, as IRI, other observer delegation, and Nicaraguan political parties and organizations repeatedly had urged.

Candidate Registration

The registration of candidates was an important phase in the electoral process, one that included considerable controversy. In all, the CSE disqualified four presidential candidates: Eden Pastora (PAD), Alvaro Robelo (Arriba Nicaragua), and Haroldo Montealegre (PUL) for having renounced their Nicaraguan citizenship; and Antonio Lacayo (PRONAL), for his relation to the sitting President of Nicaragua, Violeta Chamorro. Additionally, the Unión Demócrata

Cristiana (UDC), a party that played an important role in the National Assembly during the Chamorro administration, was disqualified because it had integrated itself into an alliance of several parties, violating its own internal statutes.

Formation of Departmental Electoral Authorities

The CSE oversees the electoral infrastructure at the departmental and local levels. In accordance with the new Electoral Law, the CSE created the departmental *Consejos Electorales Departamentales (CED)* from lists provided by local branches of political parties. Long delayed, the councils were established just days before the *Ad Hoc* registration began and were criticized from the outset by political parties that did not receive council leadership positions. The parties that have the greatest number of presidencies in the local *Consejos* are the Sandinista Front (3); MRS (3); and the PLC (Liberals) (3). The formation of departmental councils presented numerous practical difficulties in that most members had little professional preparation for their duties, which accounts for a significant portion of the councils' disorganization and inefficiencies. Additionally, the members' partisan affiliations did not engender the trust and confidence of other parties' supporters.

Formation of the JRVs

The delay in the formation of departmental councils, in part because of the political parties' delay in presenting their respective candidate lists, resulted in serious problems with the JRVs during the *Ad Hoc* registration. The departmental councils were responsible for naming the JRV workers, which in some cases was accomplished late or without sufficient commitment on the part of the newly named JRV worker. If workers did not show up for duty, their replacements could be named only with authorization from the departmental level authorities. Obtaining such authorizations on short notice in regions not characterized by ease of communications and transportation proved to be difficult.

The formation of JRVs for the October 20 elections is identical to the system used for the *Ad Hoc* registration. For the most part, the JRVs are comprised of a president and two members. Each JRV also includes two electoral police and two scribes, whose responsibilities include assisting in the writing and registering of all data. Although JRV workers proved to be extremely dedicated and hard working both during the *Ad Hoc* and the general election, IRI notes that numerous JRVs lacked at least one member, who, for whatever reasons, simply did not report for duty. This caused some last-minute organizational difficulties, but overall, the JRVs functioned well under generally difficult conditions.

Location of JRVs

The physical location of JRVs was the source of significant difficulties, particularly during the *Ad Hoc* registration. According to the Electoral Law, no citizen should have to travel longer than five kilometers to reach his designated JRV. For a variety of reasons that include but

are not necessarily limited to the inaccessibility of the region, the lack of adequate transportation, and the prevalence of heavy seasonal rains, many citizens traveled substantially longer than five kilometers and in some cases, were not able to reach their JRVs at all.

Furthermore, recent modifications in the administrative division of the municipalities caused confusion among the inhabitants of the affected regions. Citizens who historically had belonged to one municipality inexplicably (from their perspective at least) found themselves assigned to another municipality, which, in many cases, greatly complicated citizens' efforts first to identify their proper municipality and second, to reach it. Although the frequent "splitting" or redesignating of municipalities and corresponding JRVs was more serious during the *Ad Hoc* registration than during the general election, "relocating" voters to areas with which they have no particular connection potentially could affect the outcome of local elections.

Training for JRV Workers

The complex electoral process -- with two types of voter registration, four different voter identity cards, six different ballots -- necessitated considerable training efforts by the CSE to ensure that JRV workers, party pollwatchers, electoral police, and others involved in the electoral process competently executed their respective duties. Although many training recipients for the *Ad Hoc* registration said they believe the training was insufficient and they would have benefitted from more extensive practical exercises, IRI observers noted relatively few problems at the JRV level that could be attributed to inadequate training and preparation.

For the October 20 elections, CSE training took place in three phases: at the national, departmental, and municipal levels. The last phase of training occurred within three days of the election. Particularly as it pertained to the counting and transmitting of results, IRI would characterize the training as deficient. For example, as IRI recommended following the 1994 Atlantic Coast regional elections, clearer guidelines were established to determine what constitutes a valid ballot. In practice, however, ballots that clearly indicated the voter's intention, such as being marked on the candidate's picture but not inside the corresponding circle, sometimes were nullified, even though the guidelines establish the voter's intention as the standard for allowability.

Civic Education

Perhaps the CSE's weakest election-related effort, the civic education campaign was given low priority, implemented late, and apparently with little official enthusiasm. In a relatively straightforward election process, a lackluster education campaign might have sufficed. Given that this was the most complex registration and election process in Nicaraguan history and considering the low levels of education among the population, the Nicaraguan people would have benefitted from a much more serious CSE effort to educate the electorate about the complicated registration system, the multiple voting documents, the six separate ballots as well as the overall importance of civic participation.

IRI's several assessment missions detected a high degree of voter confusion about these issues. On several occasions, IRI urged the CSE to implement an urgent voter education campaign to help minimize citizen confusion during the registration and verification processes and on election day.

Electoral Ballot Manufacturing

For these elections, six different ballots were used for the six levels of government being contested: President/Vice-President; National Deputies, elected nationally and departmentally; Central American Parliament Deputies; mayors/vice-mayors; and municipal council members. A total of 15,720,000 ballots were manufactured. Like the electoral process overall, the ballot manufacturing also was tainted by political maneuvering and controversies. The CSE opened bidding for the ballot manufacturing contract to all those printing companies that qualified as having the necessary capabilities to produce the ballots to specifications and in a sufficiently timely manner.

The CSE selected a company called INPASA from among other competitors, several of whom later asserted that their capabilities were comparable and their bids were lower than INPASA's. INPASA also was alleged to have ties to the CSE President's husband, who was a candidate for a National Assembly seat under the MRS banner. The alleged links could not be confirmed, and the CSE maintained that INPASA was the only company that could guarantee the quality and timely delivery of the ballots and was not linked to any political party. Other prospective printing contractors were linked to political parties -- one to the Sandinista Front, the other to then-presidential candidate, Haroldo Montealegre, owner of the *La Tribuna* newspaper. The Comptroller General eventually accepted the CSE's decision to award the contract to INPASA, although the controversy delayed production.

Other factors that delayed production included the CSE's decision to require that all National Assembly candidates' names appear on the ballots. Because citizens actually were voting for a party list of candidates rather than for individual candidates, this step was not necessary. Further delays developed when some candidates resigned their candidacies and insisted that their names be taken off the ballot, forcing INPASA to reprint those ballots. Although scheduled to be completed by October 4, INPASA continued printing ballots up to the last possible moment, one day before the elections.

Distribution of Electoral Materials

These printing delays resulted in predictable problems in distributing the ballots to the 9,000 JRVs. On the reasonable belief that distributing ballots to the more rural, less accessible regions would be the most difficult, the CSE gave those regions the highest distribution priority. Paradoxically, many JRVs in urban areas did not receive their materials until the morning of election day and consequently opened hours late, while most rural JRVs appeared to open more or less on time or at least earlier in the day than their urban counterparts.

After observing the substantial distribution problems that occurred during the *Ad Hoc* registration in which some JRVs opened late or not at all for lack of materials, IRI repeatedly had urged the CSE to develop and implement a serious distribution plan for the October 20 elections. Although these problems generally were overcome by extending the *Ad Hoc* registration period, there would be no such option on election day. Irrespective of whatever strategic plans the CSE might have had, delays in manufacturing the ballots and completing the *padrón electoral* caused serious distribution problems for election day. IRI observed many areas, such as in Chontales and Managua, where JRVs did not open until late in the day for lack of ballots. In some areas, only a portion of the ballots arrived; it appeared that most of the problems pertained to ballots for mayoral, municipal council, and Central American Parliament races. According to the CSE, three JRVs did not open at all due to a lack of materials. Other JRVs suffered shortages of carbon paper and voting stations (called *recintos*, they are cardboard privacy shields behind which voters mark their ballots). The lack of carbon paper caused delays in completing a sufficient number of copies of the official election day forms that each party pollwatchers has a right to request. In some cases, not all party pollwatchers received copies of these forms (*actas*).

To assist the CSE in meeting its distribution requirements, the Executive Branch and other public institutions made available to the CSE whatever resources they had available, including vehicles; locales; and personnel, in some cases including ministers and vice-ministers. The CSE, nevertheless, expressed concern about a lack of sufficient support to meet its admittedly huge needs. For the most part, the Army assisted in packaging the electoral materials and handled the distribution of materials to departmental authorities and local JRVs.

Electoral Environment

Electoral Campaign

As stipulated by the Electoral Law, the campaign officially began on August 2 and concluded on October 16. Given the deep polarization of Nicaraguan politics and the lingering effects of historical conflicts, the election campaign took place peacefully without major security problems or concerns. Although the debate and political rhetoric often were heated and intense, with the Sandinistas seeking to link the Alianza Liberal to former dictator Somoza and the Alianza reminding Nicaraguans of the •dark past• of Sandinista rule, the campaign generally stayed within the margins of the CSE-prepared •Ethical Compromise,• which the parties signed on July 31. The post-election period, however, was characterized by the Sandinistas • hostile and aggressive public relations confrontation with the CSE over disputed election results.

In their quests for more electoral support, both major political forces made alliances, sometimes making for unusual combinations. The Sandinistas, for example, allied with a small group of former Contra Resistance leaders as well as private entrepreneurs, including one as its vice presidential candidate. For its part, the Alianza Liberal succeeded in including leaders of its historical rival, the Conservative Party, as well as other members of the Resistance.

During the campaign, issues affecting the levelness of the playing field included public and foreign financing of the parties • campaigns, the use of government resources, the role of and access to the media, and the overall security environment.

Public Financing for Political Campaigns

According to the Electoral Law, the CSE must appropriate 15 percent of its budget to political parties to help finance their election campaigns. Although the official Electoral Calendar required these funds to be disbursed between July 7-19, as of the August 2 campaign start date, the CSE had not yet released the funds. The delay in disbursement was caused by different interpretations of the 15 percent requirement -- is this figure based on the CSE •s operational budget derived from the national budget, or that budget plus international contributions? After weeks of negotiations among the CSE, executive ministries, the National Assembly, and the political parties, it was agreed that the parties would receive 15 percent of the CSE's total, overall budget, including foreign support, equaling approximately C\$34.1 million (of the total C\$227 million budget).

The CSE otherwise had been budgeting for 15 percent of its operational budget derived from national sources, which would have required a lesser disbursement to the parties. To provide the higher level of support, the CSE requested that the National Assembly increase its budget, which it did. With just more than one month before the elections, however, the National Assembly passed additional reforms, which provided even more funds to the CSE, in turn increasing the share provided to the political parties, bringing that total to approximately C\$75 million.

The delays in disbursing these funds to the political parties, however, led a number of the smaller parties, which were relatively more dependent on state financing, to call for a postponement of the elections to allow them to campaign more amply, once they received their funds. The CSE rejected that call.

Another important aspect of public financing of the election campaigns pertains to Article 105 of the Electoral Law, which requires that parties receiving public funds but not obtaining at least one seat in the National Assembly must repay the government. Thus, once the preliminary results were announced, the issue of National Assembly representation, which is governed by an admittedly complicated mathematical formula, became very controversial and subject to various interpretations. The majority of political parties and political organizations that failed to obtain at least one seat quickly opted not to recognize the results and to impugn them through legal procedures established by law.

Foreign Financing

Article 109 of the Electoral Law prohibits contributions from abroad, except for technical assistance and training. Although difficult to prove definitively, both major parties were widely suspected of having received foreign contributions. The Sandinistas accused the Alianza Liberal of receiving contributions from the United States, mostly from the Nicaraguan- and Cuban-American exile communities. For its part, the Alianza Liberal accused the Sandinistas of receiving funds from the Libyan Government and others. Although both accused each other, it did not appear that either considered the matter to be of overriding importance. The Comptroller General did not comment on the allegations.

Use of Government Resources

Prior to Antonio Lacayo, ex-Minister of the Presidency and son-in-law of President Chamorro, being prohibited from running for the presidency, the potential use of government resources for partisan political purposes was a major concern. The constitutional reforms that barred close relatives of the sitting president from running and required sitting public officials to resign their posts one year before the elections greatly contributed to avoiding this type of problem. The Chamorro government did not actively favor any candidate and sought to avoid potential abuses of government resources.

Role of and Access to the Media

In the pre-election period, the media's reporting generally followed their own respective political biases, contributing to the polarization of the political environment. Regarding access to the media, the political parties generally did not find grounds for serious criticism. Overall, the freedom of expression that prevailed during the campaign was marred only by a few controversial television advertisements, about which the CSE received several complaints on the basis that the spots violated the Electoral Ethics Compromise signed by the parties.

Perhaps the most controversial of these complaints dealt with an advertisement paid for by the Association of Confiscated Citizens, which depicted images of Daniel Ortega in the full negative glory of his authoritarian rule. The Sandinistas quickly challenged this spot, which the

CSE President barred from further broadcast. That censure itself became controversial, particularly among the other CSE magistrates, who were not consulted on the decision to ban the spot. The CSE later rescinded the ban, allowing the commercial to be broadcast. For its part, the Sandinistas sponsored a controversial advertisement showing U.S. Representative Bill Richardson with Daniel Ortega, depicting the Congressman as a • good friend • of the Sandinistas. This spot provoked strong protests from the U.S. Department of State. The Sandinistas did not rebroadcast the advertisement.

In the post-election period, party-affiliated media, particularly that of the Sandinistas, pursued a very aggressive and confrontational campaign against the Electoral authorities. Radio Ya, headed by the Sandinista mayoral candidate for Managua, and the Sandinista newspaper *Barricada* urged their listeners and readers to take to the streets in massive protests. The intense rhetoric risked unleashing acts of violence. Some parties even adopted stances hotly critical of international observation groups and technical assistance organizations.

Security Environment

Another obviously important element in Nicaragua • s ongoing transition to a more deeply rooted democracy is establishing a secure electoral environment in which competing views can be expressed without fear of retribution. After many years of civil war and turmoil, Nicaragua has made substantial progress toward the pacification of the country. Nevertheless, small armed groups still operate in the norther, central, and Atlantic regions of the country. Most of these groups comprise former members of the resistance and former members of the Sandinista Army. Although estimates vary, there appear to be approximately 12-15 different armed groups that total some 500 individuals. There are an additional 40-45 criminal bands, ranging in size from three to 12 people. In addition to thievery and banditry, some of these groups have social and political demands due to the government • s failure to fulfill its commitments agreed to after the 1990 elections.

During the *Ad Hoc* registration there were a number of incidents that caused concern regarding the safety and security of election workers, observers, and political activists. During the first weekend of *Ad Hoc* registrations, a re-armed commander known as *El Pajarillo* kidnaped an American observer and demanded that the CSE relocate some JRVs and add additional ones. Between the first and second *Ad Hoc* weekends, the re-armed commander know as *El Charro*, who operated in the Matagalpa and Jinotega areas, was killed in a gun battle with the Army. The incident caused a great deal of tension among the re-armed groups and might have been directly linked to the kidnaping of a large group of CSE workers after the third *Ad Hoc* weekend. These kidnapers demanded support for social services and the removal of the Army from the region. Fortunately, both kidnapings ended peacefully. Other smaller, but no less intense, incidents also occurred.

Contrary to the fears expressed by several political parties and others that these groups might interfere with the actual election campaigns and voting processes, after the events of the *Ad Hoc* period, there were no major incidents of re-armed group activity that affected the

campaign and voting. The Nicaraguan Resistance Party and the Sandinista Front denounced the murders of some of their political activists in the northern region. Although not inconsequential, these incidents appear to have been isolated.

The Sandinistas also claimed that their activists in some conflictive zones could not safely campaign due to the presence of armed anti-Sandinista groups. One week before the elections, the Sandinistas and several smaller parties requested the relocation of 90 JRVs located in five northern municipalities arguing that the security conditions were unsatisfactory. Relying on information and assessment provided by the Army, the CSE determined that the claims of insecurity did not warrant the relocation of the JRVs.

Security on election day was the combined responsibility of the Electoral Police, Auxiliary Police, National Police, and the Army. Election day saw no incidents of violence, and the voting took place peacefully. The CSE reported that one JRV in the South Atlantic region did not open because of the presence of armed groups in the area. After the elections, however, particularly during the revision and re-counting processes, security authorities deployed to protect the departmental electoral offices in response to threats of violence and massive demonstrations.

Vote Counting and Related Processes

Vote Counting

Upon completion of voting at each JRV, the pollworkers and pollwatchers counted the votes and completed the required vote count form (*Acta de Escrutinio*). This *Acta* includes the following tallies: total votes cast, valid and invalid votes, ballots received, and ballots used. The *Acta* also shows the number of votes received by each political party or organization for each race as well as any party pollwatcher objections and complaints. Once the vote count concluded, the JRV President, together with party pollwatchers, transmitted the results to the CSE's National Computing Center. Later, all electoral materials were taken to the appropriate departmental electoral offices (CED). Once at the departmental office, the CED reviewed the results and sent them on to Managua. This process of receiving, reviewing, and further transporting the results and electoral materials was organized by the CEDs. In many cases, such as in Managua, this process turned out to be very disorganized and resulted in some minor disturbances and the loss of some electoral materials. The Managua collection site was so chaotic at times, exhausted and frustrated workers simply abandoned their materials outside the site.

IRI notes that it observed some irregularities in the counting process, most of which appear based on varying interpretations of established laws and procedures. As a result, different procedures often were followed at different JRVs, leading to inconsistencies, errors, and allegations of fraud. It appears to IRI, however, that this phenomenon resulted not from fraudulent intentions (there was no evident pattern to the irregularities), but rather inadequate training of the JRV workers and party pollwatchers and, in some cases, insufficient electoral materials. An example of the latter problem was the lack of carbon paper at many JRVs. The carbon paper was intended to be used to make multiple copies of the *Actas* for the party pollwatchers. Lacking sufficient supplies, the JRV President sometimes filled out 15 copies of the *Actas* or simply passed out multiple blank copies of the *Actas* for the pollwatchers to complete themselves. In practice, this resulted in numerous mistakes, inconsistent reporting, and tremendous delays. This potentially could explain, at least in part, many of the discrepancies and irregularities to which some parties referred in alleging fraud.

IRI also noted that at several JRVs valid votes were nullified even though the voters' intentions were clear. These nullifications, however, appear to have been made randomly, without any particular pattern against a specific political party, candidate, or organization.

Transmission of Preliminary Results

Each JRV transmitted its results to the CSE's National Computing Center, where the information was processed, with technical assistance from a Spanish firm, INDRA. Incomplete or illegible data was not entered into the system until its accuracy could be verified. This process went much slower than anticipated and provoked considerable speculations as to the causes of the delays and possibilities for tampering with the results. The first preliminary results were

announced early in the morning of October 21, with only 1.5 percent of the JRVs counted. These very preliminary results indicated that the Alianza Liberal candidate, Arnoldo Aleman, led in the presidential race. Minutes later, Aleman proclaimed victory, an announcement that seemed somewhat premature at the time. On October 23, with votes counted from 86 percent of the JRVs, the CSE announced that Alianza Liberal candidates were the preliminary winners in the presidential and Managua mayoral races, and that the Alianza captured the most National Assembly seats, although short of an outright majority. Only one political party and one political organization (*Partido Conservador de Nicaragua* [PCN], and *Viva Managua*) immediately conceded defeat. Virtually all other non-Alianza parties and organizations called for an exhaustive review of the results and in some cases, for nullifying the elections altogether.

Departmental Vote Count Review, Preliminary Total Results, and Appeals and Final Results

Departmental Vote Count Review

The Electoral Law stipulates that the Departmental Electoral Councils (CED) review the arithmetic used to total the votes indicated in each JRV • s *Actas de Escrutinio*. The CEDs also have the responsibility to decide on political party challenges to JRV results. Only in the latter case is the CED authorized actually to open the bags that contain the electoral ballots. Otherwise, they are supposedly limited to reviewing the forms that contain the summary information on the results of those ballots.

As noted above, however, the CEDs often followed a variety of procedures in this review process, leading to inconsistencies and challenges to the results. The political affiliations of the CED presidents often caused suspicion among party pollwatchers and even among other CED members. These and other factors combined to create a very long and tedious vote count review process that concluded 19 days after the election.

The review process took place in all CEDs around the country. However, the departments that encountered the most serious difficulties were those with the larger populations: Managua, Matagalpa, Carazo, and Chontales. IRI observed the review process in Managua, Matagalpa, Chontales, Leon, Chinandega, and Masaya, among others.

IRI notes that the major problems encountered included the following:

- X *Arithmetic mistakes:* In some cases, the sum of valid votes and invalid votes did not equal the total number of votes cast. In these cases, the *Actas* and telegrams were revised. If the difference was more than 10 votes, some CEDs recounted the votes by opening bags containing the ballots, although according to the Law, they should not have taken that step unless the results of the JRV in question were impugned by a political party or organization. Errors of less than 10 votes were resolved by revising the arithmetic on the *Actas*, in the presence of party pollwatchers.

- X *Incomplete Documentation:* In some cases, the materials received at the CEDs from the JRVs did not include the *Actas* or copies of the results telegrams; in other cases, required signatures were lacking. For the most part, these inconsistencies were resolved by recounting the votes.

- X *Missing Documentation or Materials:* More serious than incomplete documentation, these were cases in which the CED received no documentation or the bags containing the ballots were missing. In such cases, the results from that JRV were completely annulled. In Managua, election results from 258 (out of 2,265, or more than 11 percent) JRVs were annulled because of this problem. At the national level, six percent of the JRVs were nullified.

- X *Challenges at the CED Level:* According to the law, CEDs are to adjudicate challenges to JRV results made on election day. However, some CEDs changed those rules and decided on challenges made during the review and recount process.

- X *Transcription Errors:* Sometimes referred to as the •rain phenomenon, • it consists of recording votes for one candidate, political party or organization in the columns of another. Given the configuration of the telegram forms used to transmit the results, some parties appearing directly above or below the principal political forces benefitted from the •rain phenomenon, • collecting the votes of other parties that fell erroneously in their columns. Perhaps the most common errors, these were corrected in the review of *Actas* and telegrams.

Preliminary Total Results

The 19 days between election day and the announcement of preliminary total results were very tense. As noted in other sections of this report, some political parties, prominent among them the Sandinista Front, launched aggressive campaigns against the electoral process and authorities, denouncing irregularities as a fraud committed against the democratic will of the people, even proclaiming their own candidates the victors. In the Managua mayoral race, for example, the Sandinistas claimed victory, notwithstanding their candidate's third place finish. The Sandinista stance and actions did provoke cracks in party unity, however. The Sandinista vice presidential candidate and presumptive foreign minister (also the former president of the CSE) dismissed the fraud accusations and publicly expressed their view that although there had been some irregularities, they were not intentional or directed against any particular party.

On November 8, after completing the review and recount process, the CSE announced the preliminary total results, which included results from all JRVs and all corrections and revisions that had been made. These results confirmed that Arnoldo Aleman of the Alianza Liberal won the presidential race. It is important to note the review and recount process did not change the outcome of the presidential race, although it did confirm a wider margin of victory than was originally announced. For local level elections, however, some changes did occur as a result of the review and recount. Both the Sandinista Front and the Alianza Liberal had two mayoral races taken away, but also gained two, for no net change. The MRS gained a mayoral victory and the Partido Integracionista de America Central (PIAC) lost one.

Appeals and Final Results

As permitted in the Electoral Law, within three days of the announcement of the preliminary total results, the Sandinista Front, the Partido Comunista de Nicaragua, the Partido de Unidad Liberal, the Alianza Pan y Fuerza, and two •write-in• organizations presented formal appeals to the CSE. The Sandinistas requested the annulment of all the elections in Managua and Matagalpa, as well as the further review of the elections in 11 other departments. The other parties requested the review of specific elections (presidential, mayoral, etc.) in specific departments or municipalities. The CSE determined the appeals to be unfounded and on November 22, officially proclaimed the final results and confirmed the victories of the new elected authorities.

In the presidential race, the Alianza Liberal obtained 50.99 percent of the votes, followed by the Sandinista Front, which received 37.83 percent. No other party received more than 7 percent of the votes. These same proportions held consistent in the other elections as well.

The CSE also announced the composition of the new National Assembly. The distribution of seats in the National Assembly, determined by a complicated proportional system based on a mathematical electoral quotient, has been fiercely criticized by candidates who believe they were negatively affected by it. The CSE adopted two resolutions regarding the distribution of seats, the second one two weeks prior to announcing the results, but without any public disclosure. Absent a clear explanation of how the seats were distributed, the public and political community speculated and suspected possible CSE violations of the law.

After much criticism, the CSE issued a press release on December 4 explaining the methods used to determine the proportional allocation of seats in the National Assembly. Some parties and candidates affected by this process, including parties that did not obtain at least one seat and therefore are obliged to return to the government the public financing received for their campaigns, appealed the CSE decisions to the Supreme Court. Although the Supreme Court has not ruled on the appeals as of this report •s publication, one should note that the Nicaraguan constitution states that CSE decisions regarding electoral matters are final and cannot be appealed. An issue in this case is what constitutes an electoral matter as opposed to constitutional rights of citizens.

In response to the rejection of its appeals, the Sandinistas have refused to concede defeat. They have stated that they will recognize the legality of the new government led by the Alianza Liberal, but not its legitimacy. According to published reports, Sandinista leader Daniel Ortega says that neither he nor the Sandinistas • 36 National Assembly deputies will attend the presidential inauguration, asserting their continued contention that the government is not legitimate.

It is important to note that even though there were irregularities that contributed to creating a tense and distrustful atmosphere, they were resolved through palliative mechanisms that preserved the transparency and legitimacy of the elections. At no time did IRI observe any evidence of a systematic fraud taking place. IRI did observe, however, serious legal deficiencies and other problems that indicate the weaknesses and the potential for abuse of the electoral process. It is essential that these weaknesses and deficiencies be addressed seriously and promptly to ensure the continued integrity of Nicaragua's electoral mechanisms.