

Nicaragua

Election Observation Report November 4, 2001

Table of Contents

Observer Delegation	
Executive Summary	Page 2
Introduction	Page 7
Recommendations	Page 10
Legal and Legislative	
Voter Registration	
Administrative and Procedural	
Election Administration	Page 16
Electoral Authorities	
Electoral Legal Framework	
Voter Registration	
Distribution of Voting Credentials	
Formation of Departmental Electoral Authorities	
Formation of Municipal Electoral Authorities	
Formation of JRVs	
Location of JRVs	
Training for JRV Workers	
Civic Education	
Manufacturing of Electoral Ballots	
Distribution of Electoral Materials	
Retrieval of Electoral Materials	
Electoral Environment	Page 30
Electoral Campaign	
Voter Participation	
Public Campaign Finance	
Foreign Campaign Financing	
Use of Government Resources	
Role of and Access to Media	
Security Environment	
Vote Counting and Related Processes	Page 35
Vote Counting	
Transmission of Preliminary Results	
Final Results and Proclamation of Winners	
Conclusion	Page 38
Appendices	Page 41
The International Republican Institute in Nicaragua	
Situation of Nicaragua's Conservative Party (PC)	
Nicaragua's Atlantic Coast Regional Elections, March 3, 2002	

**IRI DELEGATION
TO THE NICARAGUAN ELECTIONS
NOVEMBER 1 - 6, 2001**

THE HONORABLE DAVID DREIER
Member of IRI Board of Directors
Head of Delegation
28th District, California
U.S. House of Representatives
Washington, DC

DALE APLEY JR
Vice President for Public Policy
K-Mart Corporation
Troy, MI

MIGUEL DIAZ
Director, MERCOSUR/Southern Cone
Center for Strategic & International Studies
Washington, DC

THE HON. CRESENCIO ARCOS
VP, International Public Affairs
AT&T
Miami, FL

STEPHEN DONEHOO
Managing Director
Kissinger-McLarty Associates
Washington, DC

THE HON. CASS BALLENGER
10th District, North Carolina
U.S. House of Representatives
Washington, DC

ARTURO ESTOPINAN
Office of Congresswoman Ros-Lehtinen
Washington, DC

MRS. CASS BALLENGER

BRIAN FOX
Legislative Assistant
Senate Foreign Relations Committee
Washington, DC

TED BRENNAN
Staff Member
Office of Congressman Cass Ballanger
U.S. House of Representatives
Washington, DC

PATRICIO GAJARDO
Director, Latin America and the Caribbean
IFES
Washington, DC

MEREDITH BROADBENT
Committee on Ways and Means
U.S. House of Representatives
Washington, DC

JAIME A. GUZMAN-FOURNIER
Executive Director
Puerto Rico Venture Forum
Gauynabo, PR

THE HON. WILLIAM DELAHUNT
10th District, Massachusetts
U.S. House of Representatives
Washington, DC

STEVE JOHNSON
Policy Analyst for Latin America
Heritage Foundation
Washington, DC

ELISABETH DEMOSS
The Arthur S. DeMoss Foundation
Washington, DC

KIRSTEN MADISON
Minority Staff Director
Senate Foreign Relations Committee
Washington, DC

CALEB MC CARRY
Committee on Foreign Relations
U.S. House of Representatives
Washington, DC

PATRICIA MCNERNEY
Republican Staff Director
Senate Foreign Relations Committee
Washington, DC

LAWRENCE MELLINGER
Senior Managing Director
Head of Private Equity
American International Group
New York, NY

JOHN MURPHY
Vice President, Western Hemisphere Affairs
U.S. Chamber of Commerce
Washington, DC

ANA NOVARRO
Attorney
Miami, FL

MAURICE PERKINS
Staffer
Senate Foreign Relations Committee
Washington, DC

WILLIAM PERRY
President
William Perry & Associates
Washington, DC

JOSEPH W. RECINOS
Director for Latin America
The Center for Economic and Social Justice
Washington, DC

CAMILA RUIZ
Research Director
Cuban American National Foundation
Washington, DC

EUGENIO SEVILLA SACASA
Vice President of Finance
Ryder Corporation
Miami, FL

JOHN SANBRAILO
Executive Director
Pan American Development Foundation
Washington, DC

BRAD SMITH
Chief of Staff
Office of Congressman David Drier
U.S. House of Representatives
Washington, DC

THE HON. JOSE S. SORZANO
Chairman
The Austin Group
Arlington, VA

MAUREEN TAFT-MORALES
Latin American Affairs Analyst
Library of Congress
Washington, DC

GENERAL JOHN THOMPSON
U.S.A. (Ret.)
Alexandria, VA

THE HON. CURT WINSOR
Donner Foundation
McLean, VA

ALBERT ZAPANTA
President and CEO
U.S. Mexico Chamber of Commerce

IRI STAFF
NICARAGUAN ELECTION OBSERVATION
NOVEMBER 1 - 6, 2001

LISA BEDOLLA
Program Officer, LAC

TRACEY BERRY
Press Manager
Mission Chief Communication Officer

CLAIRE CASEY
Program Assistant, LAC

BARBARA CORDANO
Program Assistant, LAC

BRIAN DEAN
In Country Director, Peru
Mission Chief Security and Logistics
Officer

MICHAEL FERBER
In Country Program Officer, Venezuela

GEORGE FOLSOM
President

JEFFREY KRILLA
Regional Director, Africa

STANLEY LUCAS
Senior Program Officer, LAC

CESAR MICHEO
In Country Program Officer, Guatemala

LAURA MOZELESKI
Deputy Director, LAC
Mission Chief Operating Officer

BEATA SIAKOWSKA
Accounting

LUIS ARTURO SOBALVARRO
Program Officer, LAC
Mission Chief Political Officer

MARGUERITE SULLIVAN
Vice President for Communications and
External Affairs

KATIE UHRE
Chief of Staff

DYLAN WALSH
Program Assistant, LAC

MICHAEL WILSON
Regional Director, LAC

EXECUTIVE SUMMARY

For only the third time in history, Nicaraguans were afforded the opportunity to choose their country's next president in the recently concluded November 4, 2001 general elections. Citizens across the country turned out in massive numbers and went to more than 9,500 polling stations in what can be described as the freest and fairest electoral process ever undertaken in Nicaragua. Nicaraguans also elected a total of 90 deputies to the National Assembly, and 20 deputies to the Central American Parliament.

With an overwhelming mandate, Enrique Bolaños, of the Liberal Constitutionalist Party (PLC) was elected as the President of Nicaragua for the 2002-2007 period, garnering more than 56 percent of the votes. His closest rival, Daniel Ortega, of the Sandinista National Liberation Front (FSLN), received only 42 percent of the vote, handing the Sandinista leader his third straight defeat in a presidential contest. In a highly surprising and unexpected gesture, Ortega conceded defeat shortly following the Supreme Electoral Council's (CSE) second preliminary announcement of results, which included the final tally for less than 10 percent of the total number of polling stations. Analysts had warned of a potential Sandinista refusal to recognize election results. In the meantime, the Conservative Party (PC) was entrenched in an administrative battle with the CSE to preserve its very existence as a political party in Nicaragua. Initially, the PC was eliminated by the CSE, who exercised its discretion in interpreting a new and very controversial electoral law. Recently, the CSE reinstated the PC's status as a political party, although this decision is tentative.

The PC, however, is present in the newly inaugurated legislature, having won one seat in the election for departmental deputies. Here, too, the PLC consolidated its strength, having won 52 of the 90 seats up for grabs. Despite important gains in the November 2000 municipal elections, the FSLN was unable to capitalize on the widespread discontent for outgoing President Arnoldo Alemán (PLC) and his cronies, many of whom are among the 52 deputies elected. The FSLN was able to capture only 37 seats, somewhat diminishing the little strength it had in the previous legislature.

With funding from the United States Agency for International Development (USAID), the International Republican Institute (IRI) dispatched a 56-member delegation of election observers to monitor the November 4, 2001 vote. Traveling by airplane, boat, and automobile, IRI observers visited scores of sites in 13 of Nicaragua's 17 departments. IRI delegates focused on adherence to proper voting and counting procedures, the secrecy of the vote, the presence and behavior of party pollwatchers, and any impermissible campaigning activities. (*See Appendix I for further details.*)

Despite numerous challenges and technical deficiencies during the pre-electoral period, Nicaragua's 2001 democratic exercise can be characterized as exemplary. Given the rules of the game – which by their very nature were flawed and deficient – the country's electoral authority demonstrated an admirable determination to carry out the electoral process. In the end, most of the obstacles were adequately overcome, largely through the extraordinary dedication and commitment to democracy of ordinary Nicaraguans.

In this report, the International Republican Institute (IRI) chronicles the challenges, deficiencies, and successes in Nicaragua's 2001 election process and makes several recommendations for the consideration of the Supreme Electoral Council (CSE) and the National Assembly for strengthening the system. The report scrutinizes administrative aspects of the electoral apparatus, such as electoral institutions, voter registration, the organization of polling stations, the voting and ballot-counting processes, and the transmission of results, among others. The report also surveys the electoral environment, focusing on voter participation and campaign activities. Furthermore, the report considers the underlying political aspects surrounding the elections.

While the CSE's technical administration of its elections has improved significantly in recent years, failure to strengthen certain areas could result in future complications. Politically, Nicaragua's electoral system leaves much to be desired. Borne out of an infamous January 2000 agreement between then-President Alemán and the former revolutionary dictator, Ortega, changes to the electoral law essentially eliminate competition from third parties, limiting the options of representation for a vast number of Nicaraguans. IRI will also examine the potential consequences of these limitations and the effect they had on the March 3, 2002 Atlantic Coast Elections. (*See Appendix III for further details.*)

Reflecting on the findings of IRI missions deployed to observe Nicaraguan elections in 1990, 1994, 1996, and 1998, the delegation noted a marked improvement in several key areas of the electoral process. Among these positive developments are the following:

- Pre-election distribution of materials: In past elections, the CSE continued manufacturing election-related materials up to a day before the vote. These delays adversely affected the distribution of said materials to polling sites. In some cases, polling sites did not even have enough ballots. This year, the CSE's efforts in this regard are commendable. Distribution of materials was undertaken in a very efficient and effective manner.
- Post-election collection of materials: In previous contests, the collection of electoral materials was slow and disorganized. In some cases, materials (including ballots) were found scattered in garbage sites, leading some participants to question the process and its results. This aspect has also improved significantly, closing the door on any suggestions of tampering. The National Police and the National Army should be applauded for their efforts in this regard.
- Transmission of results: Success in the transmission of results is, to a large extent, dependent on the success of the post-election collection of materials. As mentioned above, the inefficient and disorganized post-election collection of materials in past elections caused severe delays in the transmission of results, and therefore, preliminary announcements to the public. These delays caused some political party representatives and candidates to question the validity of the results. By 7 a.m. on November 5, 2001, however, the CSE had received final results from 30 percent of the polling stations. Due to the efficient collection of materials, preliminary results were never called into question, despite the fact that the first announcement included results for only 0.5

percent of the 9,502 polling stations. Final and complete results were announced on November 21 when the CSE made its official proclamation of winners. It is important to note that before final results could be announced, any and all challenges had to be resolved. The CSE's tremendous efforts in this regard helped ensure unquestionable electoral results.

As is true in any electoral process, some aspects of the recently-concluded elections in Nicaragua leave room for improvement. To that end, IRI observers offered a number of recommendations aimed at improving the electoral administration and the electoral environment. Some of these include the following:

- The most recent census in Nicaragua was undertaken in 1995. By all accounts, this census can be characterized as incomplete and unreliable. The Nicaraguan government should seriously consider undertaking a new census to determine the country's current population, and thereby determine the number of eligible voters. Given Nicaragua's birth rate, death rate, and emigration rate, the exact voting-age population is impossible to know. CSE estimates put the voting-age population at just under 3 million people. The real figure, experts claim, is closer to 2.4 million.
- The CSE should make every effort to complete the registration of all voting-age citizens and maintain a permanent voter registration system to register newly eligible citizens. The voting age in Nicaragua is 16 years.
- The CSE should ensure that all currently registered voters have a permanent voting credential, known as a *cédula*. For the November 2001 elections, the CSE employed two distinct voting credentials, the *cédula* and a *documento supletorio*.
- The CSE should re-assess its distribution of polling stations, or *juntas receptoras de votos* (JRVs). While there were more JRVs, these were concentrated in fewer locations.

Please see the "Recommendations" section for further details.

While the elections' administration was admirable, and there results relieving to many both inside and outside of the country, Nicaragua faces new challenges in its continued and long sought-after consolidation of democracy and freedom. A turbulent and often exasperating period under the administration of Alemán left many Nicaraguans deeply frustrated. Nonetheless, the election of Enrique Bolaños has awakened new excitement in the Nicaraguan people, regardless of their political ideologies and affiliations.

With Arnoldo Alemán at the helm of the National Assembly, and the Sandinistas left only to lick their wounds, many Nicaraguans believe Enrique Bolaños' biggest enemy will be the new legislative president, and not the party who imprisoned him several times in the 1980s. In fact, many believe the Sandinistas could be Bolaños' most useful allies. If recent developments are any indication, this analysis could certainly hold true. Alemán and Bolaños have already squared-off several times, and the Sandinistas have been more than willing to support the new Nicaraguan President.

Presidential Election

FINAL RESULTS PRESIDENTIAL ELECTION	NUMBER OF VOTES	PERCENTAGE OF VOTES
Enrique Bolaños <i>Partido Liberal Constitucionalista (PLC)</i>	1,216,863	56.28%
Daniel Ortega <i>Frente Sandinista de Liberación Nacional (FSLN)</i>	915,417	42.34%
Alberto Saborio <i>Partido Conservador (PC)</i>	29,933	1.38%
TOTAL	2,162,213	100%

Source: Consejo Supremo Electoral (CSE)

National Deputy Election (20 seats)

FINAL RESULTS NATIONAL DEPUTY ELECTION (20 SEATS)	NUMBER OF VOTES	PERCENTAGE OF VOTES	NUMBER OF SEATS
<i>Partido Liberal Constitucionalista (PLC)</i>	1,144,182	53.23%	11
<i>Frente Sandinista de Liberación Nacional (FSLN)</i>	905,589	42.13%	9
<i>Partido Conservador (PC)</i>	99,673	4.64%	0
TOTAL	2,149,444	100 %	20

Source: Consejo Supremo Electoral (CSE)

Departmental Deputy Election (70 seats)

FINAL RESULTS	NUMBER OF VOTES	PERCENTAGE OF VOTES	NUMBER OF SEATS
<i>Partido Liberal Constitucionalista (PLC)</i>	1,132,876	52.60%	41
<i>Frente Sandinista de Liberación Nacional (FSLN)</i>	901,254	41.84%	28
<i>Partido Conservador (PC)</i>	105,130	4.88%	1
<i>Yapty Tasba Masraka Nanih Asla Takanka (YATAMA) Union of the Children of Mother Earth</i>	11,139	0.52%	0
<i>Partido Movimiento de Unidad Costeña (PAMUC)</i>	3,520	0.16%	0
TOTAL	2,153,919	100 %	70

Source: Consejo Supremo Electoral (CSE)

Central American Parliament Election (20 seats)

FINAL RESULTS	NUMBER OF VOTES	PERCENTAGE OF VOTES	NUMBER OF SEATS
<i>Partido Liberal Constitucionalista (PLC)</i>	1,150,115	53.43%	11
<i>Frente Sandinista de Liberación Nacional (FSLN)</i>	907,237	42.14%	9
<i>Partido Conservador (PC)</i>	95,367	4.43%	0
TOTAL	2,162,213	100 %	20

Source: Consejo Supremo Electoral (CSE)

INTRODUCTION

“We cannot fool ourselves. In order to build the Nicaragua we all dream of, we must first conquer the vices that have historically characterized our society: corruption, the abuse of power, and *caudillismo*. Our history is widely marked by these vices, each of them equally damaging. We must break with this history and tradition. I will break from this past.” With these words, uttered during his January 10, 2002 inauguration, Enrique Bolaños became only the third freely elected president in Nicaragua’s history, opening a new era in the country; one filled with high expectations for the prospects of a new and fresh start.

Indeed, the inauguration of President Bolaños was filled with happiness and excitement. His ascension to the Nicaraguan presidency resulted from his landslide victory in Nicaragua’s November 4, 2001 general elections. The 14-point margin of victory commanded by Bolaños – coupled with an impressive 93 percent voter turnout – is interpreted in several ways, two of which predominate among analysts. Supporters claim his victory was a direct result of Enrique Bolaños and his ability to inspire confidence among Nicaraguans. Others claim his victory to be the result of an overwhelming rejection of the Sandinista National Liberation Front (FSLN), in general, and former dictator Daniel Ortega, in particular. Clearly, however, his victory was a result of both interpretations, with the addition of an important ingredient: a generalized feeling of frustration, and even disgust, with outgoing President Arnoldo Alemán.

Despite his overwhelming victory, Bolaños faces tremendous challenges. Prominent among these is his tense relationship with Alemán, who was recently elected President of the Nicaraguan National Assembly. For almost four years, Bolaños served under Alemán as his Vice-President, resigning in late-2000. While both are members of the right-of-center Liberal Constitutionalist Party (PLC), Bolaños has his roots in Nicaragua’s Conservative Party (PC). As the party strongman, Alemán essentially handpicked Bolaños to succeed him as President of Nicaragua. On the road to victory, however, it was clear that Bolaños could not count on the full support of the party machinery. In fact, Bolaños and his supporters organized and established a parallel, and completely separate, campaign committee; one dedicated and committed to Enrique Bolaños, not Arnoldo Alemán and the PLC.

A highly controversial January 2000 agreement engineered by Alemán and Ortega significantly altered Nicaragua’s political landscape, subsequently changing the rules of the game under which the November 2000 elections were held. Besides changing the structural make-up of Nicaragua’s institutions – including the Supreme Court of Justice, the Comptroller General’s Office, and the Supreme Electoral Council – the PLC and the FSLN stacked these branches of government with party loyalists. In electoral terms, the pact forced changes in the electoral law, essentially eliminating the participation – and even the existence – of third parties, thereby instituting a PLC-FSLN system of government in Nicaragua.

By all indications, the Sandinistas had been seemingly favored by the *pacto*, as the agreement is known. On the brink of collapse following many severe setbacks – including a disastrous performance in the March 1998 Atlantic Coast Regional Elections and sexual abuse

accusations against Daniel Ortega -- the *pacto* served to bring the Sandinistas back to life. In fact, the Sandinistas made important gains during the November 2000 municipal elections, winning the mayoral races in several important cities, including Managua.

By contrast, the PLC suffered the brunt of the criticisms following the *pacto*, both from within and outside Nicaragua. The *pacto* was seen by most as a way for Alemán to satisfy his uncontrollable thirst for power and protect himself from prosecution following an administration that was plagued by widespread allegations of corruption almost from its very beginning. In the end, many believed Alemán and Ortega had already decided the elections' results. While most predictions were wrong, many were right. It was against this backdrop that the November 4, 2001 Nicaragua elections took place.

Although the pre-electoral period leading up to the elections was surrounded by constant controversy and high degrees of skepticism, the Supreme Electoral Council (CSE) confronted numerous challenges and successfully administered the most efficient, free and fair electoral process in the country's history. Daniel Ortega and the FSLN's quick acknowledgment of the results and subsequent concession of defeat are testaments to the CSE's admirable efforts. However, the controversy did not end on November 4. A tumultuous and drawn-out post-electoral period followed into March, adversely affecting the Atlantic Coast Regional Elections process.

The latest victim to suffer the consequences of the infamous Alemán-Ortega agreement is the country's oldest political party, the PC. Changes in the electoral law borne *pacto*, afforded CSE magistrates the ability to make very loose interpretations. Basing their decision on personal interpretations of an article in the electoral law, the four PLC members of the electoral authority moved to eliminate the PC. While an appeals process continues, the *pacto* has seemingly met yet another of its goals: the elimination of third parties from competition.

Regardless, the overwhelming victory of Enrique Bolaños has not been tainted by the elections' administrative aftermath. However, his five-year term may be tainted by the ever-present shadow of Arnoldo Alemán. Whether Bolaños will actually be able to freely govern is a common topic of discussion in Nicaragua. With Alemán at the helm of the Congress, many analysts believe Bolaños will have his hands full. In the meantime, Bolaños has made a concerted effort to be assertive – even aggressive – in his first weeks in power. This has only led Alemán to be even more assertive, and even more aggressive.

As Nicaragua embarks on its third 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, truly representative democracy. Success will depend on the enlightened leadership of the country's political forces, a willingness to respect democratic principles and the rule of law, and the continued endurance of the Nicaraguan people. Nicaragua will also need the continued support of its unwavering friends, chief among those the United States.

Nicaragua is blessed with endless opportunities and the prospects for a new and fresh start. According to several analysts, President Bolaños has inspired confidence not only among his own people, but abroad as well. Both the national and foreign business communities in Nicaragua have promised to make every effort to reactivate the economy. The international community has stepped in, committing millions of dollars to Nicaragua for the next several years. Even the opposition FSLN has pledged support for Bolaños' initiatives. Most observers doubt that Enrique Bolaños is not the man that can lead Nicaragua into the bright and prosperous future it has sought for so long. Perhaps the only person standing in his way – and in Nicaragua's -- is the person that got him to the country's presidency.

RECOMMENDATIONS

From the outset, the 2001 general elections process was burdened with numerous obstacles and deficiencies. To a considerable degree, however, the Nicaraguan people overcame them with patience, dedication, and a determination to make democracy succeed. While it is true that many of the problems could have been avoided with better and more advanced preparations, it is also true that the process was characterized by substantial cooperation and effort among mid to lower level election officials, party pollwatchers, citizens, and others involved in the process.

However, the rules of the game – which by their very nature were flawed – prevented the process from developing on an even playing field. Changes to the electoral law made in January 2000, as the result the sinister agreement between then-President Alemán and Daniel Ortega, limited the participation of alternate parties. Almost from the beginning of the electoral process, the one alternative political party that was able to meet the new requirements and participate, the Conservative Party (PC), was systematically sabotaged and harassed. In the end, the CSE withdrew its recognition of the PC, eliminating it from future participation. Thus, the more than 100,000 Nicaraguans who voted for the PC are will essentially be disenfranchised in the future. While an appeals process is still underway, it is unlikely that the outcome will be favorable to the PC.

IRI believes that the November 4, 2001 elections -- coupled with previous electoral processes in the country -- offer valuable experiences from which Nicaragua can draw important lessons. As Nicaraguans continue forging their incipient democracy, these lessons can help solidify the country's political process and allow for the fine-tuning of its electoral system. In the meantime, a dismantling of the *pacto*-induced electoral laws is necessary to ensure a truly representative democracy in Nicaragua. The vices so prominently mentioned by President Bolaños in his inauguration speech – corruption, abuse of power, and *caudillismo* – are clearly evident in the new electoral law. Without a genuine commitment to democratic principles, Nicaragua's leaders are simply building a democratic house of cards.

Legal and Legislative

Given the flawed and undemocratic changes incorporated into the electoral law as a result of the infamous Alemán-Ortega partnership, it is here where IRI believes the most far-reaching and dramatic changes need to be made. The requirements imposed on political organizations handcuff them from developing into political parties, disenfranchising thousands of Nicaraguans. In an effort to level the playing field, the National Assembly should move to reform the electoral law and discard these self-serving and ineffective changes imposed by Alemán and Ortega. President Bolaños and many of his supporters in the National Assembly have expressed interest in seeing the laws changed to allow for a more equitable electoral system. However, as the main benefactor of the *pacto*, Alemán will most likely oppose any move in that direction.

1. Political Party Requirements: The 1996 elections included the participation of 24 political parties, most of which did not meet the pre-established requirements to continue functioning as political parties and were, thus, disbanded. But the new requirements are too stringent and too ambiguous. In fact, articles within the new electoral law contradict one another.

Undoubtedly, the PLC and the FSLN are the two major political forces in the country. However, a considerable number of Nicaraguans are not represented by either one of these parties. Without allowing for the proliferation of political parties, as occurred for the 1996 elections, the electoral laws should be designed to ensure a bedrock principle of democracy: representation.

The very unique case of the PC should be examined to prevent similar occurrences in the future. Article 10¹ of the current electoral law requires participating political parties to obtain at least four percent of the vote in a presidential election. The PC obtained only 1.38 percent of the vote for this race. Article 74² of the same law, however, stipulates the four percent requirement be applied to national elections. While the PC's performance in the presidential race was poor, a considerable number of Nicaraguans voted for PC candidates in the national election for deputies to the National Assembly. In fact, the PC did meet the four percent requirement established in Article 74.

2. Campaign Financing: Laws regulating the influx of campaign funds should be enforced, particularly those regarding donations originating abroad. Those political parties that meet the pertinent requirements are reimbursed by the state for all of their campaign related expenses. However, this reimbursement does not take place until after the elections. In the meantime, parties must raise funds to carry out their campaign activities. Allegations surrounding the origin of these funds are often a point of concern, leaving the electoral process open to questioning.
3. Composition of CSE: Under current laws, the CSE leadership is comprised of seven magistrates, one of whom serves as President. As a result of the *pacto*, the PLC and the FSLN arranged to have these seats filled by party loyalists. The PLC holds four seats, including the presidency, while the FSLN holds the remaining three seats. The electoral authority should be formed by a non-partisan commission composed of technical experts. The strong and open party ties resulted in high levels of distrust and inefficiency, as disagreements often led to impasses and ultimately, work stoppages.
4. Composition of CEDs: Changes stemming from the *pacto*, also affected the composition of the departmental electoral councils, known as *Consejos Electorales Departamentales*, or CEDs, and the municipal electoral councils, known as *Consejos Electorales Municipales*, or CEMs. Polling stations, known as *Juntas Receptoras de Voto*, or JRVs were also reconfigured.

¹ Article 10, section 17, subsection b: "Withdraw the legal recognition of a political party when said party fails to obtain at least four percent of the valid votes in a presidential election."

² Article 74, section 4: Legal recognition of a political party will be canceled when, "Said political party does not obtain at least four percent of the valid votes in a national election."

At all three levels, the leadership is comprised of three individuals. The electoral law stipulates that at each level, the president be a member of either the PLC or the FSLN. Depending on which party holds the presidency, the First Member must be held by a representative of the other party. Thus, if the presidency is held by the PLC, the First Member's seat must be held by the FSLN, and vice-versa. Finally, the seat of Second Member – a mostly figurehead position with little, if any, voice – is to be filled by a member of a third party; in this case the PC.

Again, strong party ties resulted in high levels of distrust among electoral officials. This, in turn, increased the levels of distrust among the population. While their dedication and selflessness was admirable, in many cases party affiliations caused unnecessary delays and difficulties. IRI commends the efforts of Nicaragua's election authorities, but believes that at these levels, officials should be apolitical individuals with a certain degree of technical knowledge.

5. Requirements for Victory: The process for electing deputies to the National Assembly and the Central American Parliament should be reformed. Under the current system, deputies are not directly elected, as Nicaraguans vote for a party, and not an individual. Participating political parties submit candidate lists. Depending on the number of votes received, a certain number of candidates from each party's respective list are elected.

Nicaraguans have repeatedly expressed their desire to elect their deputies directly, and not through party lists. This would be an important step in not only ensuring a more representative democracy, but also in increasing the levels of accountability among elected officials. Many citizens expressed displeasure with voting for unknown individuals just because they appeared on their preferred party's list.

6. National Assembly Seats to Out-Going President and Second Place Finisher: As a result of the Alemán-Ortega pact, the electoral law was modified to allow for both to become deputies to the National Assembly: Alemán as an ex-President, and Ortega as the second-place finisher in the November 4, 2001 elections. The objective for both men was to preserve their immunity from prosecution. Both were facing legal challenges. Alemán was subsequently elected President of the legislative body. Clearly, this article was introduced to serve only the interests of both men and not that of the Nicaraguan people. This article should be abolished.
7. Required Percentages to Win Presidential Election: The Alemán-Ortega pact also reduced the percentage of votes necessary to win a presidential election. While the absolute minimum required to win the presidential election was 45 percent of valid votes before the *pacto*, a participating candidate can now win a presidential contest with a mere 35 percent of the votes. Changes to this article of the electoral law state that a participating candidate must obtain a relative majority of at least 40 percent of the vote to win a presidential election. However, a candidate may win by obtaining at least 35 percent of the vote, with at least a five percent margin over the second place finisher.

This particular article was specifically designed to aid the Sandinistas. Despite Ortega's 42 percent showing in the November elections, the Sandinistas' traditional approval ceiling has never been above 40 percent. Given the lack of alternatives, many citizens who would not have normally voted for the Sandinistas, voted for Ortega. In fact, analysts believe a substantial number of Sandinista votes were the result of disgust with Alemán, and not necessarily support for Ortega.

Requirements to win a presidential race should reflect the clear will of the voters, not that of the parties. Given Nicaragua's rather unique political landscape, a 50 percent minimum requirement to win a presidential election should be implemented. Should no candidate reach that threshold, the first and second place finishers should face-off in a second round election.

8. Electoral Funding: After approval of the national budget each year by the National Assembly, the Ministry of Finance is charged with disbursing the allocated funds to the pertinent government entities. Severe delays in the disbursement of funds to the CSE jeopardized important preparatory activities, including voter registration efforts and the distribution of voting credentials.

The National Assembly should ensure sufficient funds are made available to the CSE during an electoral period. The Ministry of Finance should expedite the process of disbursing funds to the CSE. The funding mechanism for the CSE should be efficient and without obstacles. Emergency funds should be earmarked for unexpected costs related to the elections.

Voter Registration

The registration of all Nicaraguans is an essential element for the country's continued democratic development. Since the inception of its *cedulación* process in 1993, the CSE has faced innumerable challenges. Most prominently among these is the unreliable and inaccurate data from a 1995 census. Without a dependable estimate of the country's population and its birth & death rates, the CSE runs the risk of excluding a considerable number of Nicaraguans from the voter registry list, or *pardon electoral*, during each electoral process. The first step in facilitating the participation of all Nicaraguans in an electoral process is for a comprehensive and effective census to be undertaken. The National Assembly should make this one of its major priorities.

9. Voter Registration: The CSE should vigorously and energetically conclude the *cedulación* process for those citizens who received *documentos supletorios*. The mixed voter registration system (*cédulas* and *documentos supletorios*) puts a heavy burden on the electoral authority and further complicates on-going efforts to finish the *cedulación* process.

In practical every-day terms, citizens need a *cédula* to undertake most personal transactions. In an effort to encourage people to register to vote, the National Assembly passed a law making the *cédula* a national identity document. By law, only a *cédula* is accepted to apply for a passport, open a bank account, and even cash a check.

10. Voter Registry: 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.
11. Voter Credentials: The CSE should explore other possibilities for voting credentials. The first batch of *cédulas* – which were issued in 1993 – are due to expire next year, as they are only valid for 10 years. While the CSE has been unable to provide all registered voters with a *cédula*, now they will have to begin the process of renewing them. In addition, the *cédula* has proven very costly.

Administration and Procedural

12. Workplans: 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. This plan should be formulated with the coordination of other government entities, such as the Ministry of Finance, the Ministry of Education, and the National Police, among others. Developing and adhering to such a plan should help reduce many of the organizational and administrative problems that plagued the pre-electoral period leading up to the November 4 vote.
13. Civic Education: 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. The Ministry of Education could be instrumental in this regard, undertaking a civic education initiative in the school system's secondary schools.
14. Pollworker Training: The CSE should improve and extend the training it provides to election workers and others involved in the process. Such training should be undertaken in a timely manner. Improved training would further professionalize the workers and should help reduce certain inconsistencies between voting precincts. IRI observers noted that the citizens staffing the polling stations were significantly better prepared than in past elections. In many instances, those working in the voting precincts had participated as election workers previously. While the two-day training provided by the CSE was satisfactory, many expressed concerns about their preparedness; particularly those working the voting stations for the first time. In every case, however, citizens demonstrated an admirable degree of commitment and dedication to the task at hand, determined to successfully meet the challenges of their work.
15. Distribution of Polling Stations: While there was a total of 9,502 *juntas receptoras de voto* (JRVs), or voting stations, these were distributed among only 4,352 *centros de votación* (CVs) or voting centers. Thus, while there was a greater number of voting

stations where citizens could vote, there was actually fewer locations, as several JRVs could function in one CV.

Despite this challenge, Nicaraguans turned-out in record numbers to exercise their right to vote. The fact that many Nicaraguans walked several hours just to reach their assigned JRV -- and then waited in line several more hours -- is a testament to their commitment to democracy. The CSE should consider re-distributing the JRVs to more locations, as opposed to concentrating them in fewer locations.

16. Transmission of Results: The CSE should implement a single system for the transmission of results. The system should be tested several weeks before the elections, and should be in place well in advance of election day. The CSE should make every effort to ensure that transmission locations are duly equipped for successful connections.
17. Budget Projections: The CSE should develop a long-term, comprehensive plan and budget to address its current and anticipated resource needs in preparation for the November 2004 municipal 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.
18. Organizational Structure: 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

Electoral Authorities

Nicaragua's electoral infrastructure is vast and somewhat complex. While these characteristics are not necessarily new, changes in the electoral law – stemming from the PLC-FSLN *pacto* – made them ever-more visible. Despite itself, Nicaragua's electoral authority came through, administering surprisingly efficient and transparent elections. Much of the credit is due to the lower level structures within the *Consejo Supremo Electoral* (CSE), or Supreme Electoral Council.

The electoral authority in Nicaragua is divided into four levels: the governing and central level CSE; the Departmental Electoral Councils; the Municipal Electoral Councils, and the Polling Stations. Each level is inter-dependent on the others and played an extremely important role in the success of the elections. Together, they form the CSE.

The Supreme Electoral Council

The Supreme Electoral Council, or *Consejo Supremo Electoral* (CSE), is Nicaragua's fourth branch of government. Its authority is vested in seven magistrates and three substitute magistrates, all of whom are elected by the National Assembly to serve five-year terms. The current CSE leadership was elected in January 2000, following the controversial reforms to the Constitution, and subsequently, the electoral law. These reforms were borne out of an undemocratic agreement – known as *el pacto* – between then-President Arnoldo Alemán and Sandinista leader Daniel Ortega. Besides substantially altering the electoral rules of the game, including lowering the requirements to win the presidency with only 35 percent of the popular vote, the *pacto* overhauled the country's entire institutional apparatus.

The Liberal Constitutionalist Party (PLC), headed by Alemán, and the Sandinista National Liberation Front, headed by Ortega, divided the country's pie of power, installing supporters in any and all leadership positions, including the Supreme Court of Justice, the Comptroller General's Office, and the CSE. Ultimately, four of the seven CSE magistrates elected as a result of the *pacto*, are strong supporters of – if not active militants in – the PLC. Similarly, the remaining three magistrates are Sandinistas. The *pacto*'s main purpose was to institutionalize a two-party political system in Nicaragua. Consequently, this meant institutionalizing a two-party system in the CSE at the expense of prospective alternative political forces.

Roberto Rivas, who was elected CSE President by his peers, is a known PLC and Alemán sympathizer. But, of the seven magistrates, he is the only one with any election administration experience, having served as a member of the CSE leadership since 1995. While there were many concerns regarding his leadership and ability to undertake such an enormously daunting task, Rivas met the challenge, overseeing the organization of the most efficient and transparent electoral process in Nicaraguan history. His allegiance, however, along with that of his CSE colleagues, was constantly called into question. As the country's Atlantic Coast population brace for Regional Elections on March 3, 2002, allegiance was once again a point of concern.

The tremendously partisan nature of Nicaraguan politics simply could not be avoided by the CSE. While in many instances CSE magistrates undertook great efforts to be objective and impartial, in others, it seemed they went to great lengths to achieve the opposite. In one particularly worrying incident, the CSE failed to establish quorum, bringing the council's activities to a standstill and unleashing widespread concerns about a lack of quorum for the announcement of election results. (Please refer to the *Candidate Registration* section for further details.)

Nonetheless, CSE magistrates displayed a deep commitment to the process and an enviable degree of professionalism during, and immediately following the elections. Despite their profound differences, the CSE magistrates put Nicaragua first, closing perhaps the most worrisome chapter of the electoral process: the day after. The first preliminary results were announced at 7 a.m. on November 5, considerably earlier than expected. But there are still many who wonder aloud how the Sandinista members of the CSE would have reacted had the results been as close as predicted. Would they have recognized the results so willingly and so quickly? Would they have contested the elections? Clearly, the margin of victory commanded by Bolaños made their job, and that of the PLC members of the CSE, considerably easier.

Departmental Electoral Councils

Nicaragua is divided into 17 departments, two of which are called regions: the North Atlantic Autonomous Region (RAAN) and the South Atlantic Autonomous Region (RAAS). For election administration purposes, each department is governed by a Departmental Electoral Council, or *Consejo Electoral Departamental* (CED). For the Atlantic Coast regions, these are known as Regional Electoral Councils, or *Consejos Electorales Regionales* (CER). (Please see the *Regional Electoral Councils* section.) Both the CEDs and the CERs are headquartered in the various departmental capitals.

The composition of the CEDs is similar to that of the CSE. However, these are comprised of only three members: a President, a First Member, and a Second Member. All three are named by the CSE and chosen from lists of candidates presented for each department, or region, by the political parties. As per Article 16 of the electoral law, “the president and first member of each CED will be designated alternately among the political parties that obtained first and second place in the previous elections.” Given the *pacto*'s objective of essentially eliminating the existence of third parties, the FSLN and the PLC are guaranteed holding either the President's or the First Member's seat in each CED.

Article 16 goes on to say that the Second Member's seat in each CED, will be held by a member of “one of the other political parties participating in the upcoming elections.” As the Conservative Party (PC) was the only other political organization able to meet the extremely stringent requirements to participate in the November 4 elections – much to the dismay of the CSE, the FSLN, and the PLC – they were to have held the Second Secretary's seat in each of the CEDs. In many cases, the FSLN and the PLC worked in concert to infiltrate the PC's ranks, sabotaging the PC's efforts to hold the seat. In other cases, the FSLN and PLC members of the electoral councils worked together to minimize the Second Secretary's role. Consequently, the PC had little, if any, representation in the electoral boards, further debilitating its efforts to defend its interests at the departmental and regional levels.

The CEDs are extremely important entities within the CSE's operative system. While the CSE formulates processes and procedures, the CEDs implement these at the departmental level. Based on the unique characteristics of each department, each CED faces numerous logistical challenges. Coupled with the operational difficulties faced by the CSE, namely the financial obstacles, many of these challenges were significantly magnified.

In addition, the very composition of the CEDs themselves was somewhat troubling. Not only were the Second Members (PC) systematically left out of the decision-making process, but the President and First Members often had trouble coming to any sort of agreement. The strong party ties attributable to the President and First Members constituted a fundamental flaw in the make-up of the departmental electoral authorities, jeopardizing the integrity of the process at this very crucial level. Besides overseeing the administrative preparations before, during, and after the elections, the CEDs were also charged with resolving any post-electoral disputes. Given what was thought to be an extremely tight race, the CEDs were the focus of considerable scrutiny, particularly from the media and from domestic and international observers.

Despite continuous expressions of concern regarding their impartiality and ability, the electoral authorities at the departmental levels proved many analysts wrong. In fact, the various CEDs' leadership showed an overwhelming commitment to successfully carry out the elections and have the will of the Nicaraguan people heard and respected. Despite frequently mixed signals from their superiors in Managua, the departmental electoral authorities worked endlessly to bury their differences and find common ground. Without a doubt, the CEDs were instrumental in the overall success of the electoral process.

Regional Electoral Councils

The Regional Electoral Councils, or *Consejos Electorales Regionales* (CERs) are essentially the same as the CEDs, described above. However, the CERs govern Nicaragua's two Atlantic Coast Autonomous regions: the RAAN and the RAAS. The CERs serve precisely the same functions as the CEDs and are composed in the same way. However, given the regions' classification as "autonomous", the electoral law allows both the RAAN and the RAAS the participation of local political parties, distinctly unique to the regions³: *Yapty Tasba Masraka Nanih Asla Takanka* (YATAMA), or Union of the Children of Mother Earth, and the *Partido Movimiento de Unidad Costeña* (PAMUC), or the Coastal Unity Movement Party. As political parties in the regions, both YATAMA and PAMUC were eligible to be represented in the CERs (occupying the seat of Second Member). Given their rather weak support and lack of influence, however, these positions were occupied by a member of the PC in both the RAAN and the RAAS.

Municipal Electoral Councils

There are a total of 151 municipalities in Nicaragua. For electoral purposes, these are governed by Municipal Electoral Councils, or *Consejos Electorales Municipales* (CEMs). Like the CEDs, each CEM is led by a three-person commission: a President, a First Member, and a Second Member. Once again, the post-*pacto* electoral laws were designed to ensure

³ Both YATAMA and the PAMUC qualified to participate in the elections for Departmental Deputies for the RAAN and the RAAS. Both were subject to less stringent requirements as they are not national-level parties. Neither won any seats in the race for Departmental Deputies to the National Assembly.

control of the electoral commissions by either the FSLN or the PLC. Hence, all 151 CEMs were presided over by one of the *pacto*'s authors, with the First Members' seats going to the other; the PC was relegated, yet again, to the little-influential and mostly ceremonial Second Members' seats. All three individuals were chosen by the respective CEDs from lists presented to them by the political parties.

Undoubtedly, the CEMs carried out perhaps the most crucial and important tasks to ensure the success of the elections. While the role of the pollworkers was extremely important, their activities were limited to overseeing the voting process on election day. (Please refer to the *Polling Stations* section for further details.) The CEMs' involvement in the electoral process, however, spanned several months and included virtually every aspect of the electoral process: civic education, voter registration, distribution of voting credentials, distribution and retrieval of electoral materials, and pollworker training, among others. Most importantly, the CEMs were tasked with the rather unenviable responsibility of compiling polling station results and transmitting these to Managua. For all intents and purposes, the CEMs were all alone on the frontlines. The success of the elections was heavily dependent on the success of the CEMs. It can be said the Nicaraguan electoral process of 2001 was a success because of the CEMs and its workers.

Already crippled by a severe economic crisis, Nicaragua's municipalities were the last ones in line to receive any financial support from the central government. Many municipalities were – and continue to be – on the verge of financial collapse. Add to this the overburdening responsibility of administering a highly expensive electoral process, and it is hard to imagine so much was done with so little. As the CSE in Managua struggled to ensure financial resources from the Finance Ministry, election workers throughout Nicaragua went beyond the call of duty, working day and night to guarantee that the will of the Nicaraguan people would be heard. In its pre-election assessment missions, undertaken in the months leading up to the November 4 vote, IRI witnessed several instances of election workers using their own time, and what little personal resources they had, to ensure that every Nicaraguan who wanted to participate in the electoral process would be able to do so. In most cases, these Nicaraguan patriots had not been paid in several months. The unyielding commitment of Nicaragua's election workers can be described as heroic.

Polling Stations

There were a total of 9,502 polling stations, or *Juntas Receptoras de Votos* (JRVs) functioning in Nicaragua on election day. Like the CEDs and CEMS, the JRVs were presided over by three people: a President, a First Member, and a Second Member. As was the case with the entire electoral apparatus, the composition of the JRVs was also contemplated in the FSLN-PLC pact. The long arm of the electoral law reached even the lowest level of the electoral structure. Here again, the President and First Member of each JRV was chosen from lists presented to the CEMs by the FSLN and the PLC. Thus, in every case where a JRV President was from the PLC, the First Member was from the FSLN, and vice-versa. As per the electoral law, the Second Member was to be chosen from lists presented by the “other” participating political parties, in this case, the PC. However, in some JRVs in the North and South Atlantic Autonomous Regions, members of the PAMUC and YATAMA were designated to fill the Second Members' seats.

While the JRV workers were, in fact, the only ones in the entire electoral structure to have direct contact with the Nicaraguan people on election day, their work was finished once the last ballot had been counted and the results had delivered to the CEMs. However, their work was not in any way easy. Being at the bottom wrung of the CSE, the JRV workers had to contend with myriad challenges. Many withstood extremely uncomfortable conditions for extended periods of time; over 48 continuous hours, in some cases. Also, the CSE's training efforts were mediocre, at best. Had it not been for the fact that many pollworkers had previous experience, the voting process could have been substantially jeopardized. Again, the dedication and commitment to democracy of ordinary Nicaraguans outweighed the inadequacies of the pre-electoral process. JRV workers should be commended for their selfless efforts.

As was also true in many of the CEMs, many pollworkers were life-long acquaintances. Thus, despite political and ideological differences, the internal bickering that plagued the electoral apparatus at the higher levels was mostly absent. IRI observers witnessed a genuine willingness among JRV officials to work together and facilitate the voting process for Nicaraguan citizens. In the few cases where disagreements over administrative procedures emerged, the parties expressed their opinions and worked closely to reach acceptable agreements.

Electoral Legal Framework

Nicaragua's current Constitution was drafted and approved under the Sandinista regime in 1987. Since then, it has been modified twice: first in July of 1995 and later in January of 2000. In both instances, the existing electoral law was also modified as a

result of the Constitutional reforms. While the 1995 reforms can be described as a good-faith effort to modernize the Constitution, from one based in the Sandinista-era to one based in democracy, the January 2000 reforms were adopted strictly to serve the interests of two men: Arnoldo Alemán and Daniel Ortega.

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. This, in turn, created significant controversies between them. 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 registering the political parties.

In addition to the issues noted above, there were other important electoral changes implemented by the 1995 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. The 1996 general elections were the first test for the CSE, and the newly adopted laws.

And while the 1996 process encountered severe difficulties, it was characterized as free and fair. Building on the lessons learned from these elections, the CSE organized a significantly improved process for the 1998 Atlantic Coast Regional Elections. Despite the many challenges that lay ahead, the CSE seemed well on its way to perfecting a relatively acceptable electoral process, however flawed it may have been. But political – and even legal – challenges faced by then-President Alemán and opposition leader Ortega forced them to the back-room negotiating table, where a highly controversial and undemocratic pact was forged in January 2000. As a result of this arrangement, designed to protect both Alemán and Ortega from prosecution and institutionalize a PLC-FSLN political system, the Constitution was modified yet again. These constitutional reforms resulted in another series of changes to the electoral law, among these:

- The CSE leadership was increased from a five-person commission to one made up of seven members.
- Four of the CSE members would be from the PLC; three would be from the FSLN.
- Presidential elections could be won with only 35 percent of the popular vote, provided the margin between the first and second place finishers was at least five percent. Otherwise, at least 40 percent of the vote would be required to win, lowering the threshold from the previous 45 percent.
- Both the outgoing President and the second place finisher would hold seats in the National Assembly.
- In order for a political party to participate in an election, the organization would need to present to the CSE a list containing the signatures of at least three percent of registered voters.
- In order to preserve its recognition as a political party, the organization would need to receive at least four percent of the valid votes in a national election.

Clearly, the changes brought on by the reforms to the Constitution, and subsequently the electoral law, were formulated with the intention of serving only Alemán and Ortega, helping them institutionalize their hold on power. The ambiguities left behind in the quickly-approved laws, however, left the CSE leadership scrambling for answers. In lieu of any, the CSE has used its new-found authority to decipher the laws, interpreting them very loosely. One example of this is the case of the PC. (See Appendix II for further details.)

In the meantime, President Bolaños, who publicly opposed the *pacto* from its very onset, pledged to reverse the agreement. The Sandinistas, who were thought to have benefited most from the pact, are also calling for its reversal. With Alemán as President of the National Assembly, however, and Daniel Ortega as the president of the minority bloc in Congress, this might be easier said than done.

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, it was clear by late 1995 that the CSE would not be able to complete the process prior to the October 1996 general elections. Failure to complete the *cedulación* process greatly complicated voter registration efforts for those elections and set the stage for continued obstacles for years to come. Consequently, four distinct voting documents were used for the 1996 elections:

Cédula de Identidad: national citizen identification document; those citizens *cedulized* would constitute the permanent *padrón electoral*.

Documento Supletorio: supplemental document distributed to those citizens who applied for the *cédula* but, for various reasons, did not receive it.

Libreta Cívica: temporary voting document given to citizens who registered via a controversial *Ad Hoc* registration process undertaken in 26 municipalities that were not *cedulized*.

Constancia: although not anticipated in the Electoral Law, the CSE adopted this fourth voting document on the day before the election for citizens who had applied for registration, but still had not received either the *cédula* or the *documento supletorio*.

Five years later, and with the *cedulación* effort still incomplete, two different voting credentials were used for the November 2001 vote: a *cédula* and a *documento supletorio*. While this aspect of the electoral process developed with many fewer difficulties than in 1996, Nicaragua's voter registration efforts leave much to be desired. As mentioned above, to estimate Nicaragua's voting-age population, election officials based their figures on the findings of a flawed 1995 census. It is close to impossible to accurately determine Nicaragua's population, much less the number of its voting-age citizens. As a result, IRI believes that a small – yet not insignificant – number of eligible Nicaraguans are not registered to vote. For example, findings from several IRI pre-election assessment missions suggest this to be the case in Nicaragua's Atlantic Coast regions. While IRI recognizes the difficulties faced by the CSE, both financially and logistically, greater strides should be made to ensure that every Nicaraguan is able to participate in the country's democratic development.

Following the conclusion of its second pre-election assessment mission (August 2 – 9, 2001) IRI suggested the voter registration period be extended. The CSE's efforts in the months leading up to the August 6 deadline were inadequate, particularly in Nicaragua's more remote northern and Atlantic Coast regions. A last-minute call for help by the CSE resulted in a quick response from the United States Agency for International Development (USAID), offering financial assistance for an aggressive voter registration drive. The effort, which targeted 33 municipalities throughout Nicaragua's northern and Atlantic Coast regions, was to have lasted for 15 days, ending on the August 6 voter registration deadline.

In many instances, however, the registration drive began several days late. Coupled with a non-existent publicity campaign to inform citizens of the registration efforts, IRI believed the deadline should have been extended by at least the same number of days the final registration drive was delayed. Officials at both the CED and CEM levels also felt an extension was necessary. Ultimately, the August 6 deadline was upheld, and the CSE to proclaimed the effort a success. The CSE nearly doubled its goal of registering 35,000 citizens, indicating their original figures were based on the inaccurate census. In the meantime, a significant, undetermined number of Nicaraguans were left out of the registration process all together.

During its third pre-election assessment mission (August 26 – September 1, 2001), IRI observers met with representatives of several indigenous groups and community leaders in the historically neglected RAAN, a region heavily populated by former *Acontra* freedom fighters. These officials reported omissions of entire towns and settlements in the voter registration process. Despite the CSE's last-minute efforts to register as many citizens as possible, hundreds, if not thousands, of Nicaraguans were unable to exercise their right to vote. Any future voter registration effort needs to focus on the country's Atlantic Coast. With regional elections in the RAAN and RAAS scheduled for March 3, the process will be meaningless to a considerable number of Nicaraguans who were unable to register. Given the proximity of these elections to the November contests, a new voter registration period was not opened.

According to official figures from the International Monetary Fund (IMF), based on estimates from the Nicaraguan Central Bank, Nicaragua's population in 2001 was 5.2 million. According to the CSE, more than 2.9 million people appeared on the *padrón electoral*, or voter registry list. Of this number, approximately half a million corresponded to individuals who had either emigrated or were deceased. In electoral terms, then, Nicaragua's actual registered population stood at approximately 2.4 million voters. However, many estimates suggest a considerable number of Nicaraguans were unaccounted for altogether. Despite their best efforts, an accurate and reliable estimate by the CSE of the country's voting-age population is extremely difficult.

Distribution of Voting Credentials

As mentioned above, the CSE designated the *cédula*, or national identity card, as the main voting credential to be used for the November 2001 elections. However, given a series of difficulties in their elaboration, including misspellings on the *cédula* and the inability of the

CSE to manufacture these on time, an alternate document was allowed: the *documento supletorio*, or supplemental document. Citizens who had registered to vote but that for a variety of reasons were not provided with a *cédula*, were to be given *documentos supletorios*. These supplemental documents were to be used only once, and unlike the *cédulas*, which are good for ten years, would be retained at the JRVs after citizens voted.

Following the conclusion of the registration period, which expired on August 6, IRI began closely monitoring the CSE's credential distribution efforts. Once again, no distribution plan was evident, leading many to question the CSE's ability to distribute all of the credentials it had in its possession prior to the November vote. As of early October, the CSE had more than 360,000 voting credentials in its hands: approximately 240,000 *cédulas*, and 120,000 supplemental documents. Without these, a significant number of Nicaraguans – constituting 12 percent of registered voters – ran the risk of not being able to vote.

Eventually, the CSE formulated a distribution plan aimed at getting these credentials in the voters' hands. But the financial challenges faced by the CSE stalled the initiation of the distribution campaign several times. Once again, assistance from USAID proved vital, as significant advances were made in a so-called *Plan Mochilero*, or Backpackers Plan. This effort consisted in dispatching close to 1,300 individuals throughout the country to distribute the voting credentials house-to-house. By all accounts – especially the voter turn-out percentage – this initiative was highly effective. The CSE continued distributing voting credentials after the conclusion of the *Plan Mochilero*, in some cases, even the day before the election.

Nonetheless, greater efforts and resources should have been put in place to avoid last minute distribution of voting credentials. The delays in receiving their voting credentials proved frustrating to many Nicaraguans, some of whom complained about being treated as second-class citizens. In addition, these delays take a toll on the credibility of the process, leaving many citizens to question other aspects of the electoral process as well.

Candidate Registration

The candidate registration process was an important phase in the electoral process, and one that was not without its share of confusion and controversy. Given the very limited participation of political parties, this process was somewhat simpler than in the 1996 general elections, when 24 political parties participated 19 and fielded presidential candidates. For the 2001 elections, only three political parties participated, except for the unique cases of the RAAN and the RAAS where the PAMUC and YATAMA fielded candidates for the departmental deputy elections. Despite the reduced pool of candidates, however, the ambiguities in the new electoral laws proved challenging to the CSE. Once again, the PC had to pay the price.

The PC's original presidential ticket of Noel Vidaurre and Jose Antonio Alvarado was shot down by the CSE because of Alvarado's alleged dual nationality. The CSE determined that Alvarado was an American citizen, and thus unable to hold the office of Vice-President of Nicaragua. In fact, Alvarado had surrendered his U.S. citizenship several years earlier. Interestingly, however, this was never recorded, and was therefore never made "official."

Alvarado, a rising star in the Alemán administration, fell out of favor with the PLC leader and then-President for attempting to institute democratic reforms within the party and in the Nicaraguan state. Awakening Alemán’s wrath, he was “encouraged” to resign his cabinet post and leave the PLC. In its efforts to present a broad-based ticket, the PC offered Alvarado the vice-presidential candidacy. Polls undertaken in May of 2001 gave the PC a 20 percent approval rating, with Daniel Ortega leading at 37 percent, and Enrique Bolaños struggling at around 26 percent. Indeed, Alvarado was an attractive candidate, pulling votes from within the PLC and from anti-*pacto* forces throughout Nicaragua.

Thus, Alemán initiated a surprisingly open anti-Alvarado campaign, forcing the PLC members of the CSE to block his candidacy based on his supposed dual nationality. Meanwhile, seeing that Alvarado’s candidacy was beneficial to Daniel Ortega – as it split the anti-Sandinista vote – the FSLN members of the CSE insisted it be upheld. Subsequently, the CSE faced one of its biggest challenges in the entire electoral process. While CSE President Roberto Rivas (PLC) summoned his colleagues for a meeting to discuss electoral matters, including the disqualification of Alvarado, the Sandinista magistrates refused attend. Their refusal constituted a lack of quorum, disabling the CSE from making any decisions. The standstill lasted more than two weeks, bringing the entire CSE and its electoral preparations to a complete stop. After prolonged negotiations, and a visit from several United States Congressmen, the seven-member CSE established quorum and proceeded with the electoral process’ administration. With a four to three vote, their first decision was to disqualify Alvarado.

As the CSE attempted to regain its credibility, the PC struggled to regain its composure and field a vice-presidential candidate. Carlos Tunnermann, a former Sandinista ambassador to the United States, was tapped as the PC’s next vice-presidential candidate. The new Vidurre-Tunnermann ticket was short-lived, however, as both candidates ultimately withdrew. After much speculation, the PC nominated a little known, yet widely respected, academic as its presidential candidate. Along with businesswoman Consuelo Sequeira as his vice-presidential running-mate, Alberto Saborio emerged from relative obscurity to run for president of Nicaragua.

Thus, the presidential ballots used in the November 4 elections were composed as follows:

Liberal Constitutionalist Party (PLC):	Enrique Bolaños-President Jose Rizo-Vice President
Sandinista National Liberation Front (FSLN):	Daniel Ortega-President Agustín Jarquin-Vice President
Conservative Party (PC):	Alberto Saborio-President Consuelo Sequeira-Vice President

Formation of Departmental Electoral Authorities

As mentioned above, the Departmental Electoral Councils (CEDs) are comprised of three individuals: a president, a first member, and a second member. As per the new electoral law, the presidents' and the first members' seats were occupied by either the PLC or FSLN militants. PC militants were relegated to the second members' seats. Each member was chosen by the CSE leadership from respective lists of candidates presented to the electoral authority by the political parties. The electoral law stipulates that members of the CEDs must begin exercising their functions at least five months prior to an election. As municipal elections had been held a year earlier (November 2000) the CEDs had already been formed and had essentially continued their activities in preparations for the November 2001 contests.

Unlike previous electoral processes, the formation of the CEDs was not a considerable point of concern, although the way in which they were formed might have been. The same holds true for the Regional Electoral Councils in the RAAN and the RAAS, which too, had been formed a year earlier.

Formation of Municipal Electoral Authorities

Having had recently administered municipal elections, the CSE encountered few obstacles in its formation of the 151 Municipal Electoral Councils (CEMs). The composition of these followed the same procedures followed for the formation of the CEDs: one Sandinista, one member of the PLC, and one member from one of the other participating political parties. In most cases, the third member of the CEMs was a militant of the PC. In some municipalities in the RAAN and the RAAS, however, this seat was designated to a member of either YATAMA or the PAMUC.

Formation of JRVs

Perhaps the greatest concerns regarding the composition of the CSE apparatus revolved around the formation of the polling stations, or *juntas receptoras de votos* (JRVs). While the formation of the 17 CEDs and 151 CEMs encountered little difficulties, the formation of the 9,502 JRVs was not as trouble-free. As the electoral law required the establishment of the CEDs and CEMs several months prior to the elections, the JRVs did not have to be established until three weeks before the November 4 vote.

Participating political parties had until September 19 to present the CEMs with their lists of proposed JRV workers. The CEMs, in turn, had until September 30 to designate the JRV workers from these lists. Subsequently, the JRVs had to be officially comprised and installed by October 10. But due to the administrative and financial difficulties faced by the CSE, these designations were delayed by several days in many cases, considerably reducing the period in which JRV workers could be trained.

To the extent possible, the participating political parties were asked to propose individuals with previous JRV experience. Overall, these delays did not adversely affect the functioning of the JRVs on election day. Thanks to the previous experience of most JRV

workers, the voting process was relatively smooth. The Nicaraguans who worked at the JRVs on election day should be commended for their dedication and commitment to democracy and the well-being of their country. Despite difficult conditions, and perhaps insufficient support, Nicaragua's pollworkers overcame significant challenges to ensure a free and fair voting process.

Location of JRVs

According to the electoral law, no citizen should have to travel more than five kilometers to reach his/her designated JRV. For a variety of reasons that include, but are not limited to, the inaccessibility of the region, the lack of adequate transportation, and the prevalence of heavy seasonal rains, many citizens traveled much farther than five kilometers. While the distribution of JRVs has seen a marked improvement over previous electoral contests, a closer analysis of their disbursement should be considered.

For example, although the number of JRVs has increased, the actual number of locations has not increased accordingly. A total of 9,502 JRVs were functioning on election day. While this number constitutes a considerable increase from the number of JRVs that operated during the last presidential elections (1996), their distribution was somewhat questionable. The JRVs were concentrated in 4,352 *centros de votación* (CVs), or voting centers. The CVs could house several JRVs, and thus, while there may have been more polling stations, there were actually fewer locations.

Many Nicaraguans reported having to travel several hours just to reach their JRVs. Considering the 93 percent turn-out for the elections, it would seem that distance was not a deterrent. However, the CSE's efforts at increasing the number of JRVs to better accommodate Nicaraguan voters should have been coupled with a more equitable distribution throughout the country. Nonetheless, Nicaraguans' determination to exercise their right to vote resulted in an historic level of electoral participation.

Training for JRV Workers

The somewhat complicated electoral process – with two types of voter identity credentials, and four different ballots – necessitated considerable training efforts by the CSE to ensure that JRV workers, electoral police, and others involved in the process competently executed their respective duties. Although a significant number of JRV workers had previous experience, many said they would have benefited from more extensive practical exercises. IRI observers, however, noted very few problems at the JRV level that could be attributed to inadequate training and preparation.

For the November 4, 2001 elections, training took place in three phases: at the national, departmental, and municipal levels. Implemented in previous processes, the “train the trainers” approach proved relatively effective. However, the previous experience of a majority of workers should be taken into account.

Civic Education

Surely the CSE's weakest election-related effort, the civic education campaign was given low priority, implemented late -- if at all -- and apparently with little official enthusiasm. In a relatively straightforward election process, a lackluster education campaign might have sufficed. Considering the low levels of education among the population, however, the Nicaraguan people would have benefited from a much more serious CSE effort to educate the electorate about the registration procedures and dates, the four different elections that were being held, the four separate ballots that were used, as well as the overall importance of civic participation

IRI's assessment missions detected a relatively high degree of confusion about these issues, particularly the national and departmental deputy elections, as well as the election of deputies to the Central American Parliament. On several occasions, IRI urged the CSE to implement an urgent voter education campaign to help minimize citizen confusion during the registration process and on election day.

Manufacturing of Electoral Ballots

As mentioned above, a total of four different elections were held on November 4, 2001, each needing its own set of ballots: President and Vice-President, National Deputies, Departmental Deputies, and Deputies to the Central American Parliament. More than 15 million ballots, or *boletas electorales* were manufactured.

Unlike previous electoral processes, the actual printing of ballots for the 2001 general elections was uncontroversial. As per Nicaraguan law, the CSE opened a bidding process in which it specified its needs and requirements to printing companies, which in turn provided the CSE with an overview of their capabilities and respective cost estimates. Relatively early on, the CSE selected *La Prensa*. Owners of the Nicaraguan daily newspaper of the same name, *La Prensa* provided the CSE with the most advanced technology and security options for the manufacturing of the ballots. In addition, given the amount of ballots required, *La Prensa* was able to guarantee prompt delivery. In fact, delivery was several days early.

As a precautionary measure, the CSE requested the manufacturing of an additional 300,000 presidential ballots to use in the case of shortages. Two months after the elections' conclusion, an investigation showed that CSE President Roberto Rivas awarded a second firm the contract for the elaboration of these emergency ballots. Preliminary accounts indicate Rivas benefited financially in awarding this contract. While documents seem to corroborate this allegation, Rivas insists there was no wrongdoing.

The obstacles facing the CSE in this aspect of the electoral process were laid not by the printing company -- as was the case in the 1996 general elections -- but by the government authorities. The central government's inability, or unwillingness, to disburse desperately needed funds to the CSE jeopardized many phases of the electoral process, including the printing of the ballots. *La Prensa* came close to suspending the printing process several times after not receiving partial payment for the work, as had been previously agreed upon.

However, *La Prensa* continued its work, despite the CSE's inability to meet its financial obligations. After the more than 15 million ballots had been printed, the CSE was finally able to pay *La Prensa* for its services.

Distribution of Electoral Materials

The involvement of other government entities and institutions, particularly the National Police and the National Army, were fundamental in the distribution of electoral materials prior to the November 4 vote. Both agencies contributed considerable resources towards this effort, including manpower, vehicles, aircraft, and watercraft, not to mention security. Without a doubt, this aspect of the electoral process would not have been successful without the participation of these groups. In addition, the government made available resources from other agencies, making sure the electoral materials were distributed effectively, and efficiently, but most importantly, on time.

Despite some of the logistical weaknesses witnessed by IRI during the last phases of the registration process, the distribution of electoral materials was very successful. While success stories do not often make the news, IRI congratulates the CSE for its efforts in this regard, and commends all the individuals involved for making this important aspect of the electoral process a success.

Retrieval of Electoral Materials

The retrieval of electoral materials was perhaps the most important and worrisome task in the period immediately following the elections. The elections' results – and their dissemination – depended on the effectiveness and efficiency of the retrieval process. Given what was expected to be an extremely tight presidential election, Nicaragua was braced for potential outbreaks of violence and chaos. Coupled with a complicated and insufficiently tested results transmission apparatus, many feared the worse.

The overwhelming commitment and dedication to a free and fair process by the National Army, the National Police, pollworkers and Nicaraguans in general, helped overcome these fears, as the retrieval of materials unfolded in very much the same way as their distribution: effectively, efficiently, and in a timely manner. Once again, IRI would like to congratulate the CSE for its efforts in successfully carrying out this very important electoral task.

ELECTORAL ENVIRONMENT

Tensions heavily predominated the pre-electoral environment in Nicaragua leading up to the November 4, 2001 vote. The absence of political alternatives heavily contributed to this, as the country's electorate was considerably polarized, essentially being forced to choose between two options. To a large extent, neither option was particularly attractive to many Nicaraguans. The PC's participation in the elections was mostly symbolic, although its presidential candidate brought a high degree of honor, respect and dignity to the process. But even before its began, the stage on which the electoral process unfolded had already been set. The January 2000 *pacto* guaranteed the 2001 race would be between the PLC and the FSLN.

Early polls indicated a landslide Sandinista victory, leading many anti-Sandinista forces – and even anti-PLC forces – to pressure the PC to drop out of the race; or at least have its candidates drop out. The PC's original ticket of Vidaurre-Alvarado was garnering 18 to 20 percent in these early polls, dividing the anti-FSLN votes. Eventually, the pressure became too much for the PC to handle, as it presented another ticket before settling on a third. By this point, the PC's hopes – however remote they may have been – had evaporated. Polls taken in October 2001 showed the PC struggling at below five percent.

Adding to the tensions was the CSE's partiality. The very make-up of the CSE leadership provoked considerable differences among its magistrates; in one instance leading to a lack of quorum in which the electoral preparations came to a standstill. In addition, the CSE's pre-electoral efforts seemed uncoordinated and directionless. Would the CSE experience another quorum crisis? Did the CSE have the capability of providing preliminary results the morning after the election? Would the results be recognized? These were only some of the questions causing widespread concern. Concerns that were, by all accounts, well-founded.

Nonetheless, it is important to note that all three participating political parties demonstrated a high degree of maturity, civic-mindedness, and responsibility. While widespread incidents of violence were expected, only remote cases were reported. IRI pre-election assessment teams found that, although tensions were high, the political parties seemed intent at avoiding confrontations. IRI observer teams were dispatched to several areas where violent outbursts had occurred during the November 2000 municipal elections, and were expected to occur again. Fortunately, no incidents were reported. IRI applauds the Nicaraguan people for their unwavering dedication towards a free and fair electoral process.

Electoral Campaign

As stipulated by the electoral law, the campaign officially began on August 18 and concluded on October 31. In spite of the deep polarization of Nicaraguan politics – which was exacerbated by the PLC-FSLN *pacto* – and the lingering effects of historical conflicts, the election campaign took place peacefully and without any major security problems or concerns. Although the debate and political rhetoric were often heated and intense, the campaign stayed generally within the margins of the CSE's "Ethical Compromise," which was signed by the

parties. While the Sandinistas were mostly quiet in their attacks on Bolaños, they did try to link PLC members with former dictator Anastasio Somoza. In the meantime, the PLC was very active in reminding Nicaraguans of the “dark past” under the Sandinistas. Following the tragic events of September 11, the PLC wasted no time in linking the Sandinistas with Mu’ammarr Qadhafi and Saddam Hussein. This strategy proved to be very effective.

In their quests for more broad-based support, all three political parties forged alliances, several of which resulted in highly unusual combinations. The FSLN’s Vice-Presidential Candidate for example, Agustín Jarquin, had been a staunch anti-Sandinista, and was even jailed several times under their regime. After failing to meet the requirements needed to be recognized as a political party, his Social Christian Party (PSC) joined the FSLN in what was dubbed the *Convergencia*, or Convergence. Other members of the *Convergencia* included Azucena Ferrey, a former *contra* leader; and Sergio Garcia Quintero, a PLC member, and close Alemán associate, who had fallen out of graces with the *caudillo*.

The PLC, meanwhile, took under its wing two “foster” parties, as they were known: the Nicaraguan Resistance Party (PRN), and the Christian Way Party (CCN). Both of these had been unable to meet the stringent requirements to be recognized as a political party, and were encouraged by the PLC to join them. With a small, but not unsubstantial base, these parties helped broaden the PLC’s support. In return, the PLC promised to cede both parties several seats in the National Assembly.

Although suffering a series of defections, the PC was joined by another of the “foster” parties, the Liberal Independent Party (PLI). One of the more prominent members of the PLI was Virgilio Godoy, Vice-President under Violeta Chamorro. At the same time, the PC enjoyed the support of many individuals who were not members of the party, but were staunchly against the *pacto*.

Voter Participation

The administration of Arnoldo Alemán inspired widespread frustration among the population almost from its very beginning. After having handedly defeated Daniel Ortega and the Sandinistas in 1996, many believed Alemán would bring Nicaragua into the 21st century. Instead, most Nicaraguan’s believe, he took Nicaragua back to the pre-Sandinista days when corruption and impunity plagued the country. Because of this, many analysts believed voters would punish Alemán and his PLC; not by voting for the Sandinistas, but by not voting at all.

Coupled with what was clearly a partial CSE, and what was seemingly an inadequate pre-electoral process, experts predicted high abstention rates. While the very disciplined and organized Sandinistas were sure to vote on November 4, any abstentions were to most likely be made up of the anti-Sandinista electorate. And although the PC was garnering only three to five percent in opinion polls, it was enough to split the anti-FSLN vote and swing the election in the Sandinistas favor. In addition, the very real possibility of higher-than-usual abstentions significantly jeopardized the PLC’s chances.

Despite these very unique dynamics, the predictions proved to be wrong. Almost from the moment polls opened at 7 a.m., it was clear that turn-out would be very high. Indeed, 93 percent of registered voters exercised their right to vote on election day, handing Enrique Bolaños a resounding victory over Daniel Ortega. With the record turn-out, it was impossible to question the legitimacy of the enormous mandate given to Bolaños. The expected 20 percent abstention rate was more than cut in half.

Public Campaign Finance

Many *pacto*-supporters contend that the electoral law regulations were put in place to address campaign finance. During the 1996 general elections, a total of 24 political parties participated. In an effort to level the playing field, the Nicaraguan government, through the CSE, financed the elections' campaign activities, lending the participating political parties significant amounts of money to carry out their efforts. However, only four of these two dozen political parties received more than one percent of the votes.

Following the 1990 debacle of the Sandinistas, there was an energetic and concerted push to open-up Nicaragua's political system. As a result, the country experienced a massive proliferation of political parties. Prior to the 1996 elections, for example, Nicaragua had 43 different political parties. Any effort to limit the existence of political parties, or establish stricter requirements, was seen as counter-productive to the country's nascent and still-fragile democracy. Many of these political parties were legitimate political organizations, but a majority was seeking to benefit from this "electoral industry." Despite the clear lack of public support, the electoral law stipulated that the CSE finance the campaign activities of all participating political parties. For the 1996 elections, most of these parties never re-paid their loans.

Following the 2000 PLC-FSLN agreement, stricter rules would be applied for the public financing of election campaigns. First of all, the CSE would now reimburse the political parties after the conclusion of the elections. Secondly, this reimbursement would take place provided the parties met the electoral requirements needed to continue being recognized as a political party: obtaining at least four percent of the votes in a national race.

To many, this new arrangement seemed to consolidate the advantages the *pacto* afforded its drafters, unleveling the playing field for the smaller parties; in this case the PC. While the PLC could count on a massive party machinery – not too mention state resources – and the FSLN could count on its extraordinarily well-organized bases and party-run enterprises, the PC had few resources. The PC was clearly at a disadvantage, but the new rules on public campaign financing were clear. Given that the PC was the only other participating political party, this aspect stirred little controversy.

Foreign Campaign Financing

Article 103 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

PLC of receiving contributions from the United States, mostly from the Nicaraguan- and Cuban-American exile communities. For its part, the PLC accused the Sandinistas of receiving funds from the Libyan Government, and from Hugo Chávez in Venezuela, among others. While both accused each other, it did not appear that either considered the matter to be of overriding importance.

Use of Government Resources

Given the widespread corruption attributed to the Alemán administration, the use of government resources for PLC campaign activities was highly expected. There were constant media reports of government vehicles being used to transport party activists and other campaign-related activities, but there was no real effort to uncover any improprieties, or investigate allegations. The government agency charged with investigating such abuses is the Comptroller General's Office, one of the agencies restructured as a result of the *pacto* and stacked with FSLN and PLC loyalists.

Role of and Access to the Media

In past electoral processes, the media's reporting in Nicaragua generally followed their own respective political biases, contributing to the polarization of the political environment. While this was not completely absent during the 2001 electoral cycle, it was clear that the media had made substantial strides in their impartiality. There were, however, media organizations owned by both the PLC and the FSLN who slanted developments somewhat.

Regarding access to the media, the political parties generally did not find grounds for serious criticism. Again, ownership of several media outlets by the PLC and the FSLN increased their advantage. The PC's access to the media was limited. Overall, the freedom of expression that prevailed during the campaign was marred only by a few television advertisements that were perceived to have violated the Electoral Ethics Compromise signed by the parties prior to the elections. In every instance, the cases were resolved without further controversy.

In the post-election period, the media undertook a very positive stance, strictly reporting the developments that were taking place. Even the party-affiliated media took a surprisingly non-aggressive approach, helping contribute to a celebratory environment in the country.

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 so many years of civil war and turmoil, Nicaragua has made tremendous progress in this regard. In particular, the National Police and the National Army have been essential in meeting this goal. While there is still persistent questioning about the true loyalties of the police and the armed forces' leaders (many

were members of the Sandinista security apparatus) both institutions have made impressive strides towards their professionalization. In fact, the United States has re-instated military relations with Nicaragua.

Coupled with the very real concerns of a tight race and the possibility of the FSLN not recognizing the elections results, the police and the military were heavily scrutinized. However, the expected outbreaks of violence and the high tensions that existed prior to the elections significantly subsided after it was clear that election results were available, and that they were conclusive.

Both the members of the police and the armed forces were dispatched throughout the country several days before the elections. In meetings with police and army officials, IRI was assured that their main concern was the security of the voters. In addition, IRI was told that all necessary measures would be undertaken to ensure the free and fair development of the process on election day. Indeed, both agencies played an important role in the 2001 elections in Nicaragua.

VOTE COUNTING AND RELATED PROCESSES

All 9,502 polling stations were to have opened by 7 a.m. on November 4, 2001. And while the overwhelming majority of JRV openings observed by IRI encountered some delays, these were minor and not detrimental to the voting process. In most cases, lines of voters had already formed by the time the JRVs opened. In other cases, lines began forming the night before. Across the country, Nicaraguans -- both those working the JRVs, and those lining up at the polling stations to vote -- demonstrated an admirable commitment to their country's democracy.

Throughout the long day, voters patiently waited for their turn to mark the ballots and deposit them in the ballot boxes. While some Nicaraguans encountered very short lines, other waited up to eight hours. Under the intense heat of the Nicaraguan sun, it would not have been surprising to see some voters give-up and leave. But, on the contrary, these voters were determined to have their voices heard.

At 6 p.m., the official closing time of the JRVs, many voters still stood in line. While electoral law requires that all JRVs remain open if voters are still in line, there was some apparent confusion at several polling stations, prompting CSE President Roberto Rivas to go on national television just before the deadline to urge JRV workers to remain open until every single voter had had chance to vote. IRI received reports that, in fact, some JRVs had remained open well beyond midnight. Turn-out had clearly been underestimated as Nicaraguans voted in force. The CSE, in general, and the JRV workers in particular, should be commended for their selflessness and inspiring dedication.

Vote Counting

Upon completion of voting at each JRV, the pollworkers proceeded to count the ballots from each of the four ballot boxes used for the four separate elections and recorded the results in one single *Acta de Escrutinio*, or vote tally form. Besides containing the amount of votes received by each party, the *Acta* also illustrated the total number of votes cast, the total number of ballots received and used, and the total number of valid and invalid votes. The *Acta* was divided into four distinct sections, each corresponding to one of the elections. If there were any objections by political party pollwatchers, these would also be documented in the *Acta*.

Once this process was completed, the JRV President, along with the First and Second Members, was charged with physically transporting the *Acta*, and the used and unused ballots, to the Municipal Electoral Authority (CEM). This was to be done with the assistance of a member of either the Police or the Army. Should any of the JRV's political party pollwatchers so chose, they were allowed to accompany the JRV workers with the election materials to the CEM.

Depending on the time of closing of each JRV, the number of votes cast, whether or not the JRV had electricity for light or not, time for the counting of votes varied among JRVs. In some cases the process lasted two hours, and in others it extended to more than six hours.

Notwithstanding, this very important process encountered few difficulties. While there may have been varying interpretations of established procedures, in no way did IRI detect these to be irregularities. Once again, the previous experience of a considerable number of pollworkers contributed to a rather smooth and uneventful vote counting process.

Transmission of Preliminary Results

At the conclusion of the vote counting process, the *Actas* were to be physically transported to the corresponding CEMs, along with the used and unused ballots and other electoral materials. Once there, the *Actas* were to be transmitted via fax to the CSE's *Centro Nacional de Cómputos*, or National Computing Center, in Managua, where the information was processed. Each of the 151 CEMs (except for Managua) was provided with a fax machine for this purpose. In addition, the CSE had designated one telephone line for each of the 151 CEMs. The enormous volume of calls caused the system to collapse during the November 2000 elections, leading the CSE to install additional lines. For those municipalities that did not have telephone lines, the CEMs were provided with satellite phones.

Initially, the process was to be the same in Managua. Each of the Managua JRVs would transport its results to a central location, the National Stadium. Once there, the results would be transmitted by fax to the National Computing Center. But less than three weeks before the elections, the PLC members of the CSE decided that results would be directly transmitted from the JRVs to the National Computing Center. The three Sandinistas magistrates protested vociferously, but were overruled. Despite lacking the required fax machines, the CSE felt this new procedure would be more effective and efficient. Some JRVs had no telephone lines available. The CSE proceeded to coordinate with ENITEL, the national telephone company, and had lines quickly installed. At other sites, the CSE provided satellite phones. While most were skeptical, the CSE's decisions proved correct. Indeed, few complications were encountered in the transmittal of results.

The results transmittal process was undoubtedly the most concerning aspect of the electoral process. Besides not sufficiently testing the system, many operators were not properly trained. In some cases, workers at the CEMs were unfamiliar with faxes and did not know how to use them. Coupled with what was expected to be an extremely tight race, many believed the results transmittal process would be the downfall of the entire process, and perhaps the CSE. Much to the surprise of those monitoring the CSE's efforts in this regard in the weeks leading up to the elections, the transmittal process worked extremely well and with very few difficulties. By 7 a.m. on November 5, the CSE had received the results of close to 25 percent of the 9,502 JRVs. However, it had processed the results of only 515 JRVs. At this point, the CSE made its first preliminary announcement of results, showing Bolaños with an eight percentage point lead over Ortega.

As the reception of results at the National Computing Center continued, it became clear that other controversies would arise. As they were being processed, the results indicated a widening of the margin between Bolaños and Ortega. At the same time, the PLC's lead in other races was also increasing. While many believed the PC would garner strong support in the races for national and departmental deputies – at the expense of the PLC – the PLC was

fairing better than expected. In the balance hung the PC's recognition as a political party. What followed was a back and forth dual which extended into the new year. As of early-March 2002, the PC's fate had still not been sealed. (See Appendix II for further details.)

In the meantime, the FSLN was struggling to regroup in the face of an overwhelming defeat. As the process of distributing National Assembly seats developed, the Sandinistas were surprised to find they had been awarded only 37 seats. Immediately, they began to question the process, demanding more seats. According to their interpretation of the electoral law, they were entitled to more. They were effectively overruled by their PLC counterparts.

Final Results and Proclamation of Winners

After having received and processed the results from more than 9,500 polling stations, the CSE was ready to announce the final results and proclaim the victors. Seventeen days after the elections, on November 21, 2001, the CSE convened its members to formalize the elections' results and make them official. Meanwhile, the FSLN magistrates refused to meet – thus avoiding quorum – arguing that they did not agree with the process that was employed to distribute the National Assembly seats. Without a quorum, they claimed, the CSE could not formalize any results.

Earlier, in their attempts to secure as many seats in the National Assembly as possible, the FSLN magistrates had introduced a motion to eliminate the PC, which had won one seat in the race for departmental deputies. By eliminating the PC, the Sandinistas hoped to claim the additional seat. When it became clear that the PC would keep its seat – despite the real possibility of being eliminated as a political party – the FSLN rescinded its motion, suddenly becoming the PC's defenders. Without a quorum, the Sandinista magistrates claimed, any decision taken by the CSE would be invalid, and thus should not be legally recognized.

Meanwhile, the PLC magistrates proceeded with the November 21 meeting, formally making the results official and proclaiming the winners of the four elections. The Sandinista magistrates protested, ultimately presenting their case to the Nicaraguan Supreme Court of Justice (CSJ). Claiming the proclamation of results was invalid because of a lack of quorum, the Sandinistas hoped to gain additional seats in the National Assembly. Finally, on December 10, 2001, the CSJ heard the case and upheld the CSE's decision, recognizing the legality of the proclamation of victors and putting an end to the controversy. In the meantime, the PC's struggle to preserve its recognition as a political party would continue.

CONCLUSION

February 25, 2002 marks the 12th anniversary of the most historic elections in Nicaragua's history. While those elections paved the way for the country's transformation, the transition has not been easy. After suffering through a decade-long war between the ruling Sandinista National Liberation Front (FSLN) and insurgents -- and a 40-year dictatorship before that -- Nicaragua rode the wave that washed communism away from most of the world. Although the outcome of the February 25, 1990 elections, which ousted the FSLN, closed one of the country's darkest chapters, it marked the beginning of its biggest challenge yet: the establishment and consolidation of a true democracy. And while Nicaragua's road has not been without its share of obstacles and detours, there have been genuine achievements in the country. However, Nicaragua's democracy remains a work in progress.

The post-Sandinista government, headed by Violeta Barrios de Chamorro, was faced with the enormous task of guiding Nicaragua through a substantial and painful metamorphosis. This undertaking would not be easy, as the Sandinistas still enjoyed widespread support and influence. Following tremendous pressure from the FSLN, the Chamorro administration eventually acceded to the now infamous "Transition Agreement," in essence surrendering much of its power to the Sandinistas. And even though outgoing President Daniel Ortega tried to "govern from below," in general, the Chamorro administration was able to navigate the country through fierce storms and towards democracy, treading carefully as the Sandinistas lost what was left of their credibility. After more than six tumultuous years in office, President Chamorro handed the reins of government over to Arnaldo Alemán in January 1997. Alemán, a fiery conservative who had handily defeated Ortega and the Sandinistas three months earlier, promised to govern alone; he was not going to make the mistake of sharing power with the Sandinistas.

Indeed, Alemán's first months in office were peppered with several aggressive initiatives designed to rectify Sandinista abuses. While the Chamorro administration had been hesitant to challenge the Sandinistas, Alemán was assertive, even confrontational. Although the FSLN continued to enjoy considerable support, the party had dwindled down to a splintered political force. Clearly, the Sandinistas were now fighting for their political life. And as they seemed to self-destruct, facing one crisis after another -- including substantial losses during the 1998 Atlantic Coast elections and accusations by Daniel Ortega's step-daughter that he had abused her -- Alemán's Liberal Constitutionalist Party (PLC) seemed well on its way to securing a successful and effective administration. However, almost from its inception, the Alemán administration was dogged by allegations of widespread corruption.

In fact, it was this corruption that brought him to negotiate with Daniel Ortega and the Sandinistas. The fruits of their labor were announced in January 2000 and are comprised in what is known as *el pacto*. This agreement sought not only to institutionalize an FSLN-PLC system of government, but an Ortega-Alemán partnership. The far-reaching agreement affected every branch of government and every institution. The spoils of power were shared between both parties, with Alemán securing a slight advantage over Ortega. With

municipal elections slated for November 2000, and general elections scheduled for November 2001, the *pacto* focused on country's electoral authority, the Supreme Electoral Council (CSE), and the electoral law.

From the onset, then-Vice President Enrique Bolaños was strongly and publicly against the *pacto*. Arguing that the agreement was undemocratic, Bolaños' already tense relationship with Alemán worsened. He was, however, nominated to be the PLC's presidential candidate for the November 4, 2001 elections. Alemán seemed supportive of Bolaños. But many believe that Bolaños not only had to beat Ortega, but Alemán and his supporters as well. In fact, the *Amigos de Bolaños* group, or Friends of Bolaños, served as his real campaign team; many claim he could not count on the unconditional support of the PLC machinery. Subsequently, Bolaños did win the election, giving Nicaraguans hope that things really will change this time. Few question Bolaños' ability to bring democratic progress to the country; but most wonder whether Alemán will let him.

While the November 4, 2001 elections can easily be characterized as the freest and fairest in Nicaraguan history, the rules under which they took place were not. Administratively, there is little the CSE could have done better. Politically, though, the CSE's hands were tied. The CSE administered these elections under extremely difficult conditions: politically, financially, technically, and administratively. Bearing the brunt of constant questioning and criticism, the CSE leadership marched on, determined to prove pundits wrong. Indeed, the effectiveness and efficiency of the elections was surprising. It is important to remember that the CSE did not make the rules under which the elections were administered; Alemán and Ortega did. The CSE was simply the executioner. However, they exhibited little reluctance in basing their decisions on party affiliations, and not the law.

Promising to reverse many of the *pacto*'s questionable reforms, Bolaños received the unquestionable mandate of more than 56 percent of voters. To many Nicaraguans, the daunting task that lies ahead already seems insurmountable. As a result of the PLC-FSLN agreement, Alemán obtained a seat in the National Assembly. Shortly after leaving the executive office for the National Assembly, Alemán arranged to be elected President yet again, this time of the legislative branch. While publicly and repeatedly promising to support President Bolaños' initiatives, Alemán has already shown this is not a given. Alemán and his cohorts in the PLC have heavily criticized Bolaños' newly appointed cabinet. In an effort to prove to Nicaraguans that he would, in fact, be the person running the country, Bolaños selected a very respected and talented group of individuals. Alemán frowned on the selections. Apparently, they are not *Alemanistas*, as his supporters are known. In some cases, they are not even members of the PLC. Regardless, Bolaños' choices were widely applauded.

Alemán's criticism of Bolaños has become louder. On several occasions, Alemán has indirectly referred to Bolaños and his supporters as ingrates. Tensions between the two men will only increase. In the meantime, two prominent PLC deputies have defected and formed the Blue and White Bloc in the National Assembly. Resistance to Alemán has gained a foothold and analysts believe additional PLC deputies might defect. While insignificant as far as political power is concerned, symbolically, this new congressional bloc is very influential. They will most likely prove to be a very important vehicle for Bolaños and his anti-corruption, and thus anti-Alemán, crusade.

Many outgoing presidents have said that, while deeply saddening, passing the presidential torch onto the next president is an extremely rewarding and gratifying experience. Indeed, inaugurations are often-times very emotional moments. At the same time, however, an enormous sense of excitement and hope envelope an entire country, as the promise of a new tomorrow accompanies the in-coming president. As is common protocol in presidential inaugurations around the globe, the newly elected president enters the inaugural venue last, as he represents a new start and the country's future. Perhaps foreshadowing what is in store for President Bolaños and Nicaragua, still-President Alemán insisted he march in last at the Bolaños' inauguration on January 10, 2002. As Bolaños waited, Alemán slowly and deliberately walked towards the stage, enjoying the applauses of the *Alemanistas* he filled the stadium with. Alemán expects to march in last on January 10, 2007, as well, following the 2006 presidential election he hopes to win.

APPENDIX I

The International Republican Institute in Nicaragua

With funding from the U.S. Agency for International Development (USAID), the International Republican Institute (IRI) deployed a 56-member delegation of election observers to monitor Nicaragua's November 4, 2001 general elections. Among the delegates were 39 election law and regional experts from the United States, as well as 17 IRI staff members. In addition, IRI subgrantee *Hagamos Democracia* (HD), a Managua-based civic group, participated in IRI's efforts with a parallel election observation effort comprised of 150 domestic monitors. IRI was invited to observe the elections by Nicaragua's Supreme Electoral Council (CSE).

Before and after the elections, IRI delegates and staff met with Nicaraguans representing a wide range of institutions and perspectives throughout the country. They interviewed officials with the CSE, representatives of the participating political organizations fielding candidates, civic and community leaders, members of the clergy, and private citizens.

On election day, IRI observers visited scores of polling stations in 13 of Nicaragua's 17 departments: Managua, Granada, Rivas, Rio San Juan, RAAS, RAAN, Jinotega, Nueva Segovia, Madriz, Estelí, Chinandega, Leon, and Matagalpa. IRI delegates focused on issues such as the secrecy of the vote, adherence to proper voting and counting procedures, the presence and behavior of party pollwatchers, police or military presence at the polls, and any impermissible campaigning. The observers then reconvened in Managua for debriefings and a November 5 press conference at which IRI issued its preliminary statement.

The objectives of IRI's observation project were to lend international support for an open and fully participatory democratic process in Nicaragua; to help ensure a peaceful electoral environment and to deter electoral irregularities and acts of intimidation; and to offer an objective analysis of the electoral system, identify its strengths and weaknesses, and make recommendations for future elections.

Nicaragua was one of the first countries where IRI began conducting programs in the mid-1980s. In addition to major election observation programs focused on the 1990 and 1996 presidential and legislative elections and the 1994 and 1998 Atlantic Coast elections, IRI has worked to strengthen Nicaragua's democratic institutions through programs with local civic organizations.

Hagamos Democracia (HD) is one of these groups. HD was founded in 1994 with the goal of strengthening the country's democratic institutions and values. Currently, IRI and HD are implementing a project designed to give Nicaraguan citizens a voice in the democratic process and ensure that legislators are held accountable by their constituents. To do so, IRI and HD organize town-hall meetings with National Assembly deputies throughout the country, including the historically isolated Autonomous Regions of the Atlantic Coast. These events build on experience garnered through IRI and HD's 1997 town-hall meetings, which brought

together several thousand citizens and their representatives in the National Assembly. IRI and HD have also created a National Assembly database to monitor votes and attendance of deputies and to track the progress of legislation — something which has never been done before in Nicaragua.

IRI and HD have also established grassroots committees in 11 departments. These consist of civic leaders, members of the clergy, and local government officials. Serving as a primary interlocutor for the departmental deputies, the grassroots committees present specific proposals through town-hall meetings and other forums and follow up on whether the National Assembly has responded. Coupled with these efforts, IRI and HD have developed a series of very successful radio programs with departmental deputies to be broadcast on their home-town stations.

IRI has conducted over 70 election observation missions. Through these activities, IRI has earned a reputation for impartiality and professionalism in the analysis of this fundamental democratic practice. In Nicaragua, IRI played an important role in making the case for extending voter registration deadlines by two additional weekends prior to the 1996 elections. This move was particularly significant in the 26 municipalities in the northern and central regions of the country where *ad hoc* registration has traditionally been employed. The people of these war-torn regions in the past have been excluded from the political process, and IRI's efforts helped ensure that they were given a voice in government.

IRI's long experience in Nicaragua also includes party-training and civic education activities conducted with *Grupo FUNDEMOS*, a local civic organization currently receiving funding from USAID/Managua. In 1995, IRI helped launch *Etica y Transparencia*, an umbrella group that brings together dozens of non-governmental organizations.

APPENDIX II

Situation of Nicaragua's Conservative Party (PC)

Besides looking to share Nicaragua's institutional power and seeking constitutional protection from prosecution, the January 2000 political agreement between Daniel Ortega, of the Sandinista National Liberation Front (FSLN), and then-President Arnaldo Alemán, of the ruling Liberal Constitutionalist Party (PLC), sought to do much more. Contemplated in the agreement, were changes to the Constitution that looked to establish a two party political system in Nicaragua, thereby eliminating the participation – and even existence – of third parties. To that end, the electoral reforms borne out of this agreement, or *pacto*, as it is known, established stringent, and many times unrealistic, requirements for political parties to participate in the country's political processes. Indeed, the electoral reforms achieved their purpose: eliminate Nicaragua's smaller political parties, forcing Nicaraguans to choose between the PLC and the FSLN. Much to the dismay of the *pacto*'s authors, but particularly Alemán and the PLC, one party withstood the challenge: the Conservative Party (PC), Nicaragua's oldest political organization.

With municipal elections on the horizon, the FSLN and the PLC expected to obtain very positive outcomes as a result of the *pacto*. The PC, in the meantime, was struggling to take advantage of the enormous anti-*pacto* backlash and establish itself as a viable alternative for the national elections, scheduled for one year later. The results for the November 5, 2000 municipal elections were widely surprising, particularly to the PLC. Despite capturing 41.5 percent of the votes and obtaining 94 mayoral seats, the PLC's performance was disappointing. While obtaining fewer votes, the FSLN's electoral campaign was seen as a rotund success. With 40.3 percent of the votes and 52 mayoral seats, the FSLN was cashing-in on anti-Alemán discontent. More importantly, FSLN candidate Herty Lewites won the mayoral race of Managua, the very same platform Alemán used to propel himself to the presidency. Most surprising, however, was the PC's performance. The five mayoral seats and 13.4 percent of the votes captured by the PC led many in the county to look to the Conservatives as a genuine alternative for the 2001 elections.

For doing so well, the PC would now have to face the wrath of Alemán through the *Alemanista* magistrates in the Supreme Electoral Council. At every turn, the PC faced the systematic sabotage ordered by Alemán. Most times, this sabotage consisted of childish pranks by the CSE's Liberal magistrates. Other times, the obstacles erected by these same magistrates resulted in real threats to the institutional integrity of the electoral authority. In the meantime, the PC would undergo serious internal challenges, as well as severe financial difficulties. Throughout the process, however, the PC -- and particularly its presidential candidate -- brought a high degree of honor and dignity to the elections, according to many analysts. Supporters claim that despite the constant hassling by the CSE and several PLC-induced defections and infiltrations, the Conservatives formulated a realistic, politically mature, and economically responsible platform aimed at bringing Nicaraguans the genuine democracy they have sought after for so long. For that, many believe, the PC is on the verge of distinction.

Polls released in April and May 2000 showed Daniel Ortega leading PLC presidential candidate Enrique Bolaños by nearly 20 percentage points. While the Sandinista candidate had a 46 percent approval rating, Bolaños was hovering at only 26 percent. In the meantime, the PC's ticket enjoyed a 20 percent approval rate. But thanks to Alemán and his magistrates in the CSE, this would not last long. Jose Antonio Alvarado, a former Alemán cabinet minister and rising star in the PLC, was the PC's candidate for Vice-President. His reputation as a hardworking, honest, and innovative politician had attracted scores of potential voters to the PC, regardless of their political backgrounds. In fact, it was his effectiveness and vitality as a cabinet minister that resulted in his essential expulsion from the PLC. When he left the PLC, he took thousands, if not tens of thousands, of votes with him. In a conscious effort to present a broad-based political alternative, the PC offered Alvarado the vice-presidential candidacy. As a result however, the anti-Sandinista electorate was now split, substantially increasing the FSLN's chances.

In a highly controversial decision, the PLC magistrates in the CSE found that Alvarado's candidacy could not be allowed due to his American citizenship. As was the case for thousands of Nicaraguans, Alvarado had been forced to leave the country during the Sandinista regime, subsequently settling in the United States. Ultimately, Alvarado obtained U.S. citizenship. After the fall of the Sandinistas in 1990, Alvarado moved back to Nicaragua, looking to contribute to the country's democratic development. After serving in several cabinet posts under Alemán, Alvarado was "encouraged" to resign. Seemingly, the democratic development he wanted to bring to the country was not wanted within the party. While Alvarado had, in effect, surrendered his American citizenship – as required under Nicaraguan law for high-level posts – the *Alemanista* magistrates in the CSE claimed this had not been made "official." Looking to preserve their substantial lead in public opinion surveys, the Sandinista magistrates challenged this decision. What ensued was a drawn-out fiasco that did little to restore the little credibility of the CSE.

Nicaraguan electoral law stipulates that any decision made by the CSE must be taken with the participation – or at least the presence – of five magistrates. As CSE President Roberto Rivas (PLC) summoned the magistrates for a meeting to discuss electoral preparations, including the disqualification of Alvarado, only his three PLC colleagues showed-up. The three Sandinista magistrates refused to attend, thereby preventing a quorum. The CSE and the elections preparations came to complete standstill. The work stoppage lasted for more than two weeks and was only resolved after intense public outrage and substantial pressure, including the visit of several U.S. Congressmen. After promising not to prevent a quorum of the electoral authority in the future, the CSE magistrates met for the first time in close to three weeks. With a four to three decision, the CSE disqualified the PC's vice-presidential candidate.

While the PC scrambled to replace Alvarado, their public approval ratings plummeted. And although the PLC ticket experienced an important surge in support, the PC was still substantially splitting the anti-Sandinista vote. Still wanting to present a broad-based, anti-*pacto* alternative, the PC tapped former Sandinista ambassador to Washington, Carlos Tunnermann, as their new vice-presidential candidate. Coupled with some heavy prodding by the PLC, the PC's somewhat controversial decision led to several defections. The

Conservatives were facing a severe crisis. Ultimately, the PC's second ticket of Noel Vidaurre and Tunnermann collapsed. With only three months remaining before the November 4 elections, the Conservatives did not have candidates for president and vice-president. At this point, the PC's poll numbers struggled at just above 10 percent.

After substantial introspection, accepting that the race for president was well beyond their reach, the PC presented its third and final ticket; one that insiders claim represented the real objectives of the Conservative struggle. A well respected, if little-known, academic accepted the challenge and became the PC's presidential candidate. Along with businesswoman Consuelo Sequeira, Alberto Saborio would lead the PC into a futile battle, but one that would rally thousands of Nicaraguans before, during, and after the elections. Not only would the Saborio-Sequeira ticket have to contend with Bolaños and Ortega, they would have to contend with an even bigger challenger: the CSE. In many ways, the Conservatives represented just as big a challenge as the Sandinistas to the PLC. Consequently, the Liberals waged an aggressive battle against both the FSLN and the Conservatives. Clearly, most analysts point out, the biggest losers were the Sandinistas.

As mentioned in the *Recommendations* section of this report, many of the changes incorporated into the electoral law as a result of the January 2000 Alemán-Ortega agreement are extremely ambiguous and even contradictory. The fundamental weaknesses in these reforms opened the way for very loose interpretations, and even personal opinions. The PC has been the biggest -- if not the only -- victim of these controversial laws tailored under the Liberal-Sandinista pact. Thus the Conservatives and their future were left at the mercy of the CSE. While one article in the electoral law requires participating political parties to obtain at least four percent of the votes in a presidential race (Article 10), another article in the same law stipulates this requirement be applied to national elections (Article 74). Thus, while the Saborio-Sequeira ticket obtained only 1.38 percent of the votes in the presidential contest, the PC obtained 4.67 percent of the votes in the elections for national deputies to the National Assembly.

The PLC dominated electoral authority, however, determined that Article 10 would be applied to the Conservatives, dismissing the validity of Article 74. But before the decision could be finalized, the Sandinista magistrates protested the designation of seats in the National Assembly, and broke quorum. The Sandinistas felt the distribution of National Assembly seats was overly skewed to favor the PLC and sought to ensure a greater number of FSLN representatives in the Congress. After walking out and essentially breaking quorum, the PLC magistrates proceeded to formalize their decisions regarding the distribution of seats and the elimination of the Conservatives. In so doing, they moved to publicly announce the proclamation of winners, effectively making their decisions final. Both the PC and the Sandinistas appealed the CSE's decisions. The matters were, eventually, taken to the Supreme Court of Justice, and on December 11, the CSE's proclamation of winners was upheld. The PC's situation, however, was not resolved. In the meantime, the CSE instructed the PC to begin the registration process of its candidates for the Atlantic Coast Regional Elections, scheduled for March 3, 2002. At least for the moment, it would seem, the Conservatives still had some hope.

As of the completion of this report, the PC's situation has still not been resolved. While the CSE tentatively allowed for their continued existence as a political party, they also decided that the PC could not participate in the March 3, 2002 electoral process. Interestingly enough, another article in the electoral law requires that all recognized political parties must participate in an electoral process. Failure to do so constitutes forfeiture of this recognition, resulting in a party's elimination. With its future at stake, the Conservatives hope a pluralist political system in Nicaragua will emerge.

APPENDIX III
Nicaragua's Atlantic Coast Regional Elections
March 3, 2002

After overseeing the freest and fairest elections in the county's history, Nicaragua's Supreme Electoral Council (CSE) failed to overcome the internal squabbling that has plagued it for much of its existence, and administered a highly controversial electoral process in the country's autonomous Atlantic Coast regions. The March 3, 2002 regional elections served to elect a total of 90 council members, 45 each in the country's North and South Atlantic Autonomous Regions. Still-lingering issues from the November 4, 2001 general elections adversely affected the CSE's preparations, essentially leading to a split in the CSE's leadership. The resulting impasse within the electoral authority, coupled with an increasing lack of credibility among voters, led to an alarmingly high abstention rate. Only 73,124 citizens cast their ballots, equal to 37 percent of the regions' eligible voters. Citizens from the historically neglected Atlantic Coast Regions have described the March 3 elections as a complete failure. While administratively acceptable, legally and politically, the elections were highly questionable.

As part of a 43-member election observation delegation organized by *Hagamos Democracia* (HD), a Managua-based civic group and IRI subgrantee, the Institute dispatched election monitors to observe the process on election day. As was true in the monitoring of the 1994 and 1998 Atlantic Coast Elections, the execution of the observation mission was extremely challenging, mostly due to the geographic and cultural isolation of the Regions from the rest of Nicaragua. Scattered populations, coupled with a very poor infrastructure, presented myriad challenges to every organization participating in this process, including election observation missions, electoral authorities, and even voters. Despite these obstacles, the HD delegation undertook observation efforts in both the North Atlantic Autonomous Regions (RAAN) and the South Atlantic Autonomous Region (RAAS). In the RAAN, IRI/HD observers monitored the elections in ten municipalities, covering 105 polling stations, or JRVs. In the RAAS, observers covered 107 JRVs in 11 municipalities.

Given the extremely high abstention rate, the vote counting and transmission process encountered little, if any, difficulties. In fact, results were evident by midnight on March 3. In the RAAN, the PLC and the FSLN were running a tight race, with YATAMA not far behind. The RAAS however was a clean sweep by the PLC, in the end taking 62% of the popular vote. (See table below for final results.)

Region	PLC	FSLN	PAMUC	PRN	YATAMA	Totals
RAAN	16,340	14,961	3,232	1,106	9,837	45,476
RAAS	17,186	7,315	n/a	1,425	1,726	27,652

Source: *Consejo Supremo Electoral* (CSE)

Overall, the IRI/HD delegation concluded that the elections took place in an efficient and orderly fashion. Based on the JRVs observed by the IRI/HD delegation, there were no instances of polling stations not receiving sufficient materials or wanting for any component thereof. JRV workers were well trained and dedicated, adhering to established electoral procedures. Voter accreditation, a serious concern during previous elections, was executed to the most successful level to date. CSE records show that 93.5 percent of the Regions' registered voters received voting credentials, either *cédulas* or *documentos supletorios*.

Unquestionably, the CSE's administrative efforts have improved significantly in recent years. Their efforts in regards to overcoming logistical and pollworker training hurdles should be commended. Furthermore, their improvement in voter accreditation and credential distribution is testament to the growth of certain democratic principles. As with any electoral process, however, there were some aspects of the Nicaraguan elections that could be improved.

The most striking feature of these categorically uneventful elections was the abstention rate. More than 63 percent of the population chose to stay away from the polls. While this figure can be attributed to several factors, it is significantly higher than that of previous years: in 1994 it was 27 percent, and in 1998 it was 43 percent. The chief reason for this increase is twofold: a lack of credibility fostered by the candidates and the standing Regional Councils, and the blatant partisanship exhibited by the CSE as prescribed by the PLC-FSLN *pacto* of 2000.

A September 2001 poll on political culture and attitudes conducted by the Nicaraguan Institute for Development and Democracy (IPADE) indicated that only 1.8 percent the Regions' population had a favorable opinion of the Regional Councils. In addition, 43.9 percent believed the Regional Councils served no purpose whatsoever, a severe and surprising blow to the 90 Council Members. Given this level of distrust, a general lack of interest in the March 3 vote was expected. However, the levels at which this distrust and disinterest were manifested was highly surprising, and even more worrisome.

A second, and more tangible, reason for the absenteeism can be attributed to the controversy surrounding the use of the *Actas de Promesa de Ley* (APL). Essentially, the APL would afford citizens the opportunity to vote even if they did not appear in the *padrón electoral*, or voter registry. The purpose of the APL is to allow migrant workers and those that do not have long term residency in a given area the opportunity to participate in the electoral process. Given the Regions' mostly agricultural focus, it is not uncommon for citizens to move constantly. To address this issue, the CSE opted to employ the AP by allowing citizens who do not appear in the voter registry the chance to vote provided they: 1 – have a valid voter credential; and 2 – have two witnesses who are on the *padrón* and can testify that they have been living in that district for at least three months. This form of voting, while not contemplated in the electoral law, was presented as an alternative by the CSE in 1996. Although used previously -- and without controversy -- three of the participating political parties began to call into question the validity of the APL vote.

Given that these elections were regional, and not national, the FSLN, PAMUC, and YATAMA felt that the autonomous nature of this particular process would be threatened. These parties argued that the possibility of individuals who were not citizens of the RAAN or the RAAS would be able to vote. By simply bringing along two “witnesses” to testify to their residency, individuals from outside of the Regions could vote, and thus influence the election’s results.

On the day prior to elections, the Sandinista magistrates of the CSE issued a resolution decreeing that the APL would not be valid. The resolution bore the stamp of the CSE, despite the fact that only the Sandinistas members of the Council had signed it. Shortly thereafter, the PLC magistrates -- who controlled the CSE Presidency -- issued statements negating the Sandinista stance and declared that the APL would be valid and accepted, adding that theirs was the official position of the CSE. Inevitable inconsistencies and confusion arose, resulting in some JRVs accepting the APL and others turning it away. Although the only documented APL-related disturbance occurred in Bluefields, where one person was detained, the CSE disjunction affected the process in the entire Atlantic Coast. In addition to any pre-existing apathy, the remaining incentive to vote for those who had planned on employing the APL method was snuffed out. According to a PRN representative, turnout was also affected by the prospect of violence in relation to the APL issue.⁴

The discontent of the Atlantic Coast population and the APL debacle clearly delineate the need for reform of the electoral laws, generally, and the CSE, specifically, as outlined previously in this report. The partisan composition of the CSE is a direct result of the January 2000 *pacto* between Alemán and Ortega. By filling the seats of the CSE with party loyalists instead of impartial technical experts, the CSE is wrought with distrust and in many cases, inefficiency. The levels of distrust in the CSE were only exacerbated by the March 3 vote, as the blatant partisanship clearly showed its face during these elections.

The political tone of the country is set by those who are in power and this translates directly to the perception of the government by its constituency. In Nicaragua’s Atlantic Coast, the populace has been witness to continuous bickering and empty promises of autonomy since 1987. Many analysts believe it was only a matter of time before the inhabitants of the Atlantic Coast turned a deaf ear to the political rhetoric and deemed the regional elections a farce. With more than 60 percent absenteeism, it appears that time has come.

⁴ See La Prensa, 4 de marzo 2002, Edición No. 22660, “Uso de Actas de Promesa de Ley dejan un detenido”