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Observing the 2001 Nicaraguan Elections

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Observing the 2001 Nicaraguan Elections

Final Report

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FOREWORD

The Carter Center has broad experience in observing elections around the world, but the depth and duration of our engagement in Nicaragua make it a special case. I first observed Nicaraguan elections in 1990 when Violeta Chamorro won the presidency, ending 11 years of government by the revolutionary Sandinista National Liberation Front. In 1995, I returned to mediate an agreement on property to help overcome the impasse that had resulted from nationalization of homes and farms. In 1996, we once again monitored the elections, but irregularities undermined confidence in the process for the future. And so, at the invitation of Nicaragua's Supreme Electoral Council, we returned in 2000 for the municipal vote and in 2001 to monitor national elections.

Democracy is not created overnight and certainly not by elections alone. It takes many years to develop effective democratic institutions and generations for citizens to assume democratic habits of lobbying their legislators for better laws, using the vote to hold presidents accountable and expecting impartial, speedy justice from the courts. But free elections are an essential element of that process.

Nicaragua's 2001 elections were framed by a political pact between the Sandinistas and Liberals that ostensibly was designed to favor creation of a strong two-party system but clearly worked to exclude other parties and alliances. The legislature altered the constitution and electoral law to favor the two collaborating parties, establishing a partisan election authority troubled by inefficiency and even deadlocks in election administration.

The success of the election resulted from the highly professional work of domestic monitoring groups and international technical advisors, dedicated polling station workers, and patient voters. Their desire to participate in this national decision despite the narrowed political options should not be mistaken for endorsement of the prevailing rules. The results in the presidential race were clear and were accepted gracefully by the candidates, but controversy surrounded decisions over which parties and candidates were permitted to run. Popular skepticism about partisan manipulation of electoral rules suggests that such exclusionary practices violate Nicaraguans' common-sense notions of what is democratic and could eventually corrode the system's legitimacy.

RICK DIAMOND

Change will be needed for Nicaraguans to have full confidence in their electoral system, one of the cornerstones of democracy. In this report The Carter Center makes recommendations for ways to improve laws and electoral administration to enhance their neutrality, efficiency, and effectiveness. I invite Nicaragua's new leadership and active citizenry to discuss these suggestions publicly and with an eye to bold reforms that can steer Nicaragua more firmly in a democratic direction. ■

Jimmy Carter

ACKNOWLEDGMENTS

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

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

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

A month in advance of the elections, The Carter Center fielded six medium-term observers to locations in the interior, including the North Atlantic Autonomous Region. Greg Bowles, Sandra Flores, Andrew Katona, Jacqueline Mosquera, Debbie Palmer, and Chris Stevenson deserve much of the credit for the success of this mission, having worked tirelessly to gather information from election officials, party representatives, and other citizens in the departments and regions under their watch.

As election day approached, short-term observers joined the effort and we were able to place two in each department or region. Among them were nine Emory University students who had studied Nicaraguan politics all semester to prepare for their role as observers, and who conducted themselves responsibly and made a valuable contribution to the mission. In addition, our delegation included many seasoned observers and Nicaragua experts, including some who had authored books and journal articles on that country.

The Sandinista, Liberal, and Conservative parties each invited us to place a liaison in their headquarters to assure good communication with the Center's leadership. Miriam Kornblith, Carlos Walker, and Aaron Schneider undertook those liaison roles. We also assigned Paulo de Miranda, a technical consultant with experience in dozens of elections, to track the transmission and tabulation of the vote at the National Counting Center.

We were lucky to have former U.S. President Jimmy Carter and former Costa Rican President Oscar Arias lead the mission, both of whom had led previous Carter Center election observation missions on Nicaragua. The directors of the Center's

Democracy Program and Americas Program, Charles Costello and Jennifer McCoy respectively, aided in setting the mission's course.

As project director, I want to express my appreciation for the office staff, including Logistics Coordinator Tatiana Rincon, Office Manager Brett Lacey, Delegation Liaison Sharon Lean McConnell, and our incomparable intern Jorgie Ellsworth, as well as our press assistant and our many loyal Nicaraguan drivers. Our most terrible calamity, an automobile accident injuring two observers and their driver, became the staff's finest hour, and they handled this and much more with a smooth demeanor that spelled the success of our endeavor.

Our fellow observers from the Organization of American States (OAS), the European Union (EU), and the International Republican Institute (IRI), as well as colleagues from the National Democratic Institute (NDI) and technical experts from electoral organizations in Central and South America, all coordinated their efforts with ours to varying degrees, and we thank them for the assistance they rendered. Nicaragua's national observers were also generous with their time and information and showed a level of professionalism that we had witnessed only in much larger countries such as Peru and Mexico. Ethics and Transparency was kind enough to share their quick count results with us in a timely fashion.

The Carter Center's election observation efforts rely on the financial generosity of individuals, groups, and governments seeking to foster democracy and the rule of law. USAID Nicaragua financed the 2001 election observation mission, as they had our previous efforts in that country – just one of many elements in their broad programming to promote good elections and democratic development in Nicaragua. The collegiality offered by the donor community, other international observer teams, and domestic observer groups is always heartening in the face of the challenging task of democratic deepening that still lies ahead for much of the Western Hemisphere. ■

Shelley A. McConnell
Associate Director
Americas Program

ROSSANA LACAYO

Key Carter Center staff Chuck Costello, Nancy Konigsmark, Jennifer McCoy, and Shelley McConnell advise President Carter during a press conference.

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EXECUTIVE SUMMARY

1 **Overview:** Backsliding in the long-term democratic transition underway since the overthrow of the Somoza dictatorship created serious concern among Nicaraguans and the international community that the 2001 elections could weaken commitment to the democratic electoral rules of the game and further diminish public confidence in the electoral branch of government. Voting day transpired without serious irregularities, and the very large victory margin of the winning presidential candidate obviated the potential for crisis. Nevertheless, the election exercise did little to bolster confidence in the election system and may have weakened it, and electoral reform is needed.

2. Election Observation: Political polarization along with controversial constitutional and legislative changes led to uncertainty and apprehension about the election process sufficient that the Supreme Electoral Council (Consejo Supremo Electoral, or CSE) and the political parties once again invited international observers to monitor the elections. Cognizant of the Carter Center's key role in monitoring the 1990 and 1996 elections, the CSE issued the Center an invitation on May 18, 2001. The Carter Center accepted after obtaining funding for the mission on June 29, 2001, and sent a 51-member delegation to monitor the elections. The CSE also accepted the participation of national observers including Ethics and Transparency (ET) and the Civic Electoral Consortium (CCE).

3. Administrative Concerns: The elections were complicated by a reformed electoral law and restructured election authorities, a new system for vote transmission, and revised procedures for tabulating national-level results. The reformed law worked to exclude the participation of many parties while partisan administration of the electoral branch of government led to inadequate internal communication and planning, postponement of necessary decisions, and wastage of resources. Breaches of quorum paralyzed the CSE on two occasions prior to voting day. Voting procedures were made unnecessarily complicated when distrust led the two main parties to insist on multiple safeguards against fraud. An overly complex system for transmitting vote results was only barely in place by election day but then functioned reasonably well. By contrast, partisan interference with the final tabulation contributed to a potentially serious delay in reporting the final tallies to the citizenry.

4. Election Day Procedures: The campaign was free of major violence and election day was orderly. The political parties were able to convey their messages to the public without obstruction, and although minor frictions occurred between supporters of the parties, none erupted into a serious act of violence. The media were free to cover the campaign without harassment or intimidation. The Nicaraguan people displayed strong civic spirit and determination in using the ballot box to change their governing authorities. Many citizens put up patiently with delays in the opening of polling stations and long lines occasioned by cumbersome procedures for voting.

5. Acceptance of Results: Despite serious shortcomings in administration, the elections met minimum international standards and the outcome reflected the will of the Nicaraguan people. In addition to multiple official safeguards, successful implementation by Ethics and Transparency of a reliable "quick count" helped guarantee against manipulation of the official results at the national level and fostered rapid acceptance of the

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

ROSSANA LACAYO

Former Presidents Oscar Arias, Violeta Chamorro, and Jimmy Carter meet to discuss the elections.

6. Resulting Political Alignment: The fact that two large parties together won 98 percent of the vote reflects the continuing emergence of a two-party system, albeit one reinforced since January 2000 by severe restrictions on the formation of other parties. The composition of the National Assembly, in which the Liberals will hold an absolute majority, implies that the government will be able to pass ordinary legislation unobstructed as long as executive and legislative leaders agree, while the assent of the Sandinista minority will again be needed to make changes to the constitution and the electoral law. Although the Conservative Party won one legislative seat, application of the new law resulted in cancellation of its legal status shortly after the election.

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

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

I. THE PRE-ELECTION PERIOD

Nicaragua's National Assembly passed constitutional amendments and a revised elections law in January 2000. The changes, known as a "political pact" between the dominant Liberal and Sandinista parties, served to entrench these two parties' control of key state institutions including the Supreme Electoral Council (CSE). The CSE's ranks increased in March 2000 from five to seven magistrates as Liberal and Sandinista leaders struck a political balance. Ostensibly an arrangement to provide each of the major parties with guarantees against fraud or wrongdoing, party politicization of the CSE drew immediate criticism and raised concern about how well the new body would work.

The experience of the municipal elections in November 2000 provided a first test of the law and suggested problems that might arise with its implementation. Controversial decisions by the CSE concerning party registration implied that the Council might not decide candidacy registrations fairly. Repeated interruptions in results transmission after the municipal voting could easily repeat themselves unless the Council agreed to hold a series of transmission simulations before election day. And the prolonged disturbances that followed the municipal balloting in several interior cities, touched off by delays in tallying results, sparked fear that similar disturbances could erupt if the national election were close.

Election observation could help relieve the uncertainty generated by this new legal framework and associated problems revealed during the municipal elections. As it had in the past, Nicaragua's CSE invited observers from the OAS, EU, IRI, and The Carter Center, among others. The Carter Center had observed Nicaragua's 1990 election, helping to assure that the outcome was accepted and assisting in the transition process. It had returned in 1996 to witness national elections again, but in that instance irregularities marred the process and public confidence in the electoral branch declined. Thus in 2001 The Carter Center accepted the CSE's May 18 invitation and

The Supreme Electoral Council (abbreviated CSE, in Spanish) is entrusted with administering Nicaragua's elections.

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Liberal Party supporters fly the U.S. flag in a motorcade en route to a rally…

returned to monitor an election that echoed the political polarization of the past, pitting the Sandinistas against the Liberals in what at first appeared to be a tight presidential race.

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

The race became polarized early on. In contrast to 1996, Daniel Ortega developed a surprise early lead in the polls. Polarization intensified as the surveys revealed the Conservative Party taking considerable strength from the ruling Liberals, propitiating a possible FSLN victory. Fear of the Sandinista leader's return soon prompted signs of capital flight, reproaches from Catholic church leaders, and expressions of distrust in Ortega's democratic credentials by spokespersons of the U.S. government, including the U.S. ambassador.

U.S. government representatives repeatedly stated that the United States would work with any president the Nicaraguans chose. But in a June 1 address to the Nicaraguan-American Chamber of Commerce, Lino Gutiérrez, a former ambassador to Nicaragua and acting Assistant Secretary of State

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…and Sandinistas do the same in an effort to show they also want good relations with the United States.

for Latin America, admitted U.S. concern over the prospect of an Ortega victory. Whatever their intent, such positions invited Nicaraguan voters to conclude that their country's interest in good relations with the United States lay in rejecting another bid by the former Sandinista president.

POLITICIZATION OF THE ELECTORAL BRANCH

The pact had restructured Nicaragua's election authorities along partisan lines, and decisions about party formation had already revealed political fault lines within the electoral branch. Partisan division of the CSE deepened in May 2001 when the magistrates decreed a restructuring of the election administration to provide for a systematic balance between the two major parties at all levels. The January 2000 election law (Law 331) had already enshrined the alternation of Liberal and Sandinista officials in running the departmental and municipal election councils. The new regulations extended the political job division to include technical staff as well. Opposition to the changes soon provoked quarrels and threats of work stoppages by CSE employees.

In 2000, acrid disputes had erupted over the CSE's insistence on canceling the registration of a host of minor parties for failing to meet a strict requirement to present three percent of valid citizen signatures on registration petitions. The Council made another controversial decision in January 2001 when it denied a registration petition from the National Unity Movement for failing to meet legal requirements. In contrast, the PLC, PC, and PRN successfully reregistered for elections in mid-May when their signature lists were accepted by the CSE without any problem.

The latter advance was marred, however, when Liberal magistrates boycotted the CSE's deliberations for five days to force their Sandinista counterparts to agree to the Council's reorganization. In June the Sandinistas replied in kind after the Liberal majority decided to ban the candidacy of Jose Antonio Alvarado, the Conservatives' choice for vice president. In an attempt to thwart this decision, widely interpreted as political, FSLN magistrates refused to form the Council's needed quorum of five members for nearly two weeks.

These interruptions in the CSE's deliberations elicited serious concern that in the wake of a close election, the Council could become bogged down and even suffer paralysis, impeding declaration of the winning candidates. With legislative action to amend the CSE's quorum rules stymied by political stalemate, observer groups began to recommend that Council members publicly pledge to maintain unity and keep decisions flowing.

Mounting perceptions of "Balkanization" and administrative deficiency in the Council reinforced this concern. Due in part to political frictions between officials of the two parties, the CSE went into the election process without benefit of a clearly drawn plan, creating an impression of administrative incoherence. CSE officials evinced an inability to communicate with one another and to make timely decisions. Council members demurred in deciding on or announcing dates for vote transmission trials, though the absence of these in 2000 had nearly caused a crisis. The magistrates initially determined to assign a large part of the responsibility for training polling station (*Junta Receptora de Votos*, or JRV) officials with the political parties, although this function normally fell to the electoral authorities.

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Citizens were called upon to verify their names on the voter registration list.

ELECTION ROLL VERIFICATION AND THE FIRST CARTER CENTER DELEGATION

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

In June, the CSE made a preliminary determination that the full election roll consisted of 2,877,871 people. This total included everyone eligible who had at one time or another solicited a national identity card called a *cedula*. At the end of April 2001, possession of a *cedula* became mandatory not only for voting but for accomplishing a series of other tasks requiring personal identification. Due to the presence of the deceased and émigrés, the 2.9 million figure was exaggerated as a calculation of the real election list. But to fulfill a legal requirement limiting each JRV to no more than 400 potential voters, the Council soon expanded the number of JRVs from the 8,500 that had functioned the previous year to 9,502.

During the municipal elections, many people had not known where to go to vote. To counteract this problem, the Council undertook verification exercises in late June and early July in which citizens were called upon to report to local JRVs and look for their names on the provisional rolls. The exercise resulted in some 300,000 corrections, mainly citizens being shifted from one polling station to another.

Amidst the concern generated by the CSE's erratic functioning to date, The Carter Center sent an initial delegation to Nicaragua in July to help identify problems and recommend ways to help. Dr. Shelley McConnell, associate director of the Center's Americas Program, led the mission, assisted by David R. Dye, the Center's field representative in Managua. Costa Rican elections expert Luis Alberto Cordero consulted to the delegation. Argentine anthropologist Nicolás Fernández Bravo was detailed to study electoral conditions in the

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

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

In the extreme case, a cascade of factors could potentially create a climate of disorder.

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

In a statement issued July 24, The Carter Center made a set of recommendations aimed at preventing such problems from cropping up. It urged the magistrates of the CSE to make a public commitment to keep quorum and avoid further episodes of paralysis. It recommended that the Council publish dates for simulations of the vote transmission along with details of the JRVs participating. The Center suggested further that the CSE assume full responsibility for training JRV officials, as leaving this process to the parties could open the door to damaging partisanship. In the same vein, it urged the Council to specify the procedures for challenges more clearly and called on the parties to limit challenges to those that merited real concern.

The Center also consulted with the general staff of the Nicaraguan Army about the lone security problem worth noting, which was occurring in the North Atlantic "mining triangle" of Siuna, Bonanza and Rosita. There, remnants of the Andrés Castro United Front had been committing depredations against the civilian population. Liberal Party leaders saw political bias in the killings of local peasants, which they charged were designed to intimidate rural people from voting, thus giving the FSLN an electoral advantage.

Coinciding with the Center's mission, a leadership crisis broke out in the Conservative Party. To expand his coalition and turn himself into a contender, candidate Noel Vidaurre attempted to forge an alliance with elements of the Sandinista left that had split off from Daniel Ortega in prior years. Certain PC candidates for deputy opposed this move, leading Vidaurre to tender his resignation amidst charges of outside interference in the party's affairs. On August 6, the party nominated Alberto Saborío as Vidaurre's replacement. A steep decline in public support for the party ensued immediately, to the benefit of Liberal candidate Enrique Bolaños.

ELECTION ORGANIZATION ADVANCES

After the delegation's first visit, organization of the elections advanced, albeit slowly and fitfully. By mid-2001, the CSE argued that its drive to provide all voting age (over 16) Nicaraguans with an identity card was successful and had nearly concluded. According to CSE estimates, challenged by some, only a bit more than 83,000 people had not filed to receive a *cedula*. The Council nevertheless launched a last-minute effort, called the Complementary Documentation Plan, to reach as many of the stragglers as it could.

Funded by the U.S. Agency for International Development (USAID), the Complementary Plan responded in part to pressure coming from the U.S. Congress in favor of a special effort to guarantee voting documents to 33 outlying municipalities. The group of 33 included many of the 26 municipalities in northern Nicaragua that had required ad hoc voter registration in 1996 and were presumed to contain supporters of the former Nicaraguan Resistance. The Plan gave citizens throughout the country a final chance to request *cedulas* before the deadline for new applications passed on Aug. 6. Though they were expecting to generate 35,000 new requests for *cedulas*, CSE officials in fact received more than 61,000 applications. Along with applications from other municipalities, this effort swelled the final election roll to 2,997,228.

The Plan also aimed to help resolve legal problems hindering 47,650 other people from receiving requested documents. A third goal was to hand out 146,643 *cedulas* from a pool of 293,286 already manufactured but not yet distributed. CSE officials argued that many of the latter belonged to people who had died or emigrated from the country. The distribution plan included mobile "knapsack" delivery of voting documents *(Plan Mochilero)*, which commenced on Oct. 6 and would continue right up to the eve of elections.

Campaigning commenced officially on Aug. 18. The opening rallies found the contenders scattered around the country. While the Liberals gathered in the town of Matiguás, Matagalpa, the Sandinistas met in Waspam in the North Atlantic Autonomous Region and the Conservatives in El Almendro, Rio San Juan. Rock throwing and other minor frictions marred the aftermath of the PLC and FSLN rallies, starting a pattern that would later gather force though it never degenerated into serious violence.

The main campaign messages improved in tone over those five years earlier. The Liberal Party candidate campaigned around the slogan "Yes Bolaños Can!" and made job creation the central plank in his appeal to voters. Telling people, "I'll make you a deal," Enrique Bolaños offered specific benefits to myriad sectors, asking in return for a commitment of hard work and support for his administration. Domestic business groups responded

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Daniel Ortega's campaign rallies emphasized his support from the broad-based National Convergence.

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

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

Mounting election costs and delays in disbursing the CSE's budget complicated preparations for the voting.

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

Starting in mid-August, the CSE speeded up the pace and began making decisions more expeditiously. Organization of the election process began to improve. At the urging of the observers, the CSE resolved to conduct four trials of the results transmission process before election day, starting in early September. Reversing course, it assumed full responsibility for training JRV officials, taking this activity out of the hands of the parties. After serious delays in preparing materials, training of JRV officials commenced in early September.

Under pressure from observer groups and the diplomatic Group of Six (the United States, Canada, Germany, Spain, Sweden, and Japan), the seven CSE magistrates also made a public commitment Sept. 4 that they would henceforth maintain the quorum of five members needed for decisions. In addition, the CSE effectively pledged to go into permanent session on Nov. 3, a device that aimed to obviate a subsequent boycott by either party and allow the decision to declare winning candidates to be made without undue delay.

Taken together, these measures eased but did not dispel concerns about the quality of the process on election day. Mounting election costs and delays in disbursing the CSE's budget complicated preparations for the voting. Lack of adequate communication between the CSE and the departmental councils, and between these and the municipalities, conveyed a sense of organizational disarray. Predictions of post-election trouble continued to be voiced. On balance, The Carter Center nonetheless expressed satisfaction over the improvements in the process in a special Sept. 24 bulletin.

POLARIZATION AND THE CENTER'S SECOND DELEGATION

By late August, national and foreign pollsters were describing their results as a "technical tie" between Bolaños and Ortega, and uncertainty in the electorate deepened. In the wake of the Sept. 11 terrorist attacks in the United States, allies of the Liberal Party began sustained negative campaigning

in an attempt to associate Ortega with world terrorism. The campaign temperature rose somewhat, and the media reported a plethora of minor frictions between the parties.

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

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

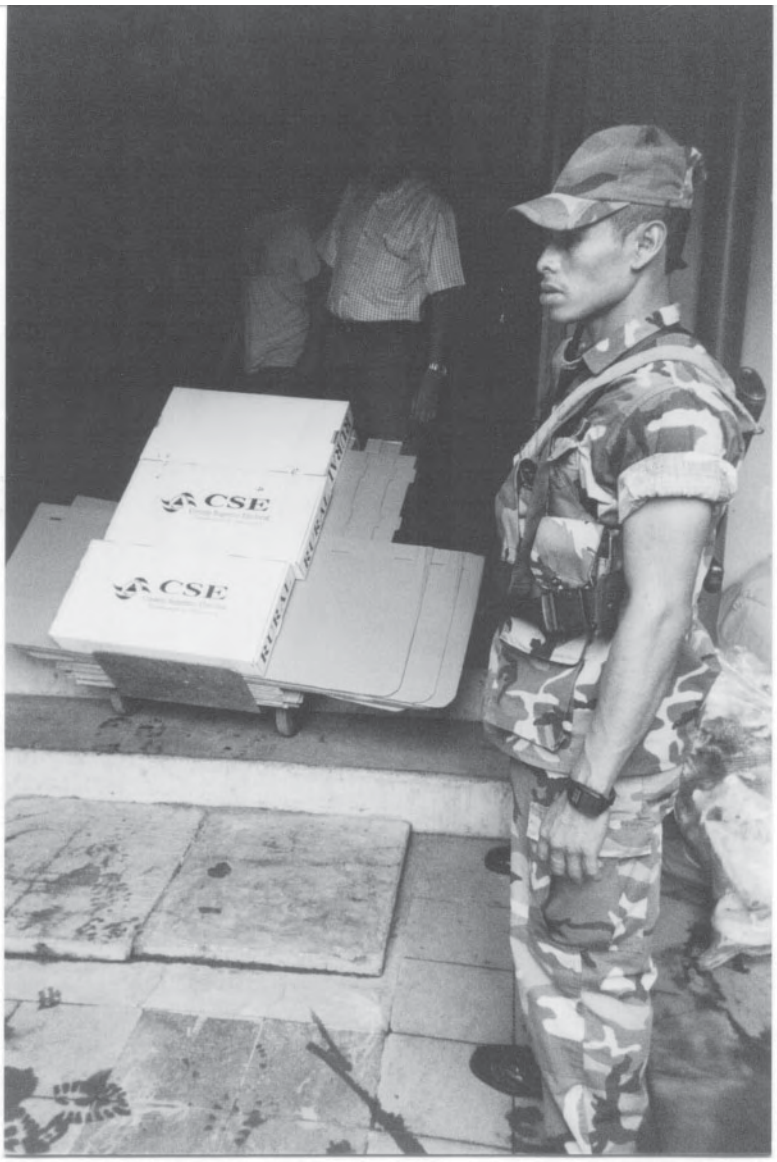
Issued Oct. 3, the delegation's report noted progress in preparing the election, including the speedy printing of ballots and selection of JRV officials. It also praised progress in distributing voting documents and in rectifying errors on the election roll. But it expressed concern about partisanship among officials in the polling stations. The Center recommended special attention to the quality of JRV officials' training, stressing their duty to act as neutral public officials, and urged parties to instruct their poll watchers not to lodge indiscriminate vote challenges on election day.

The delegation's statement conveyed heightened concern about vote transmission. It took note of the progress registered in two vote transmission trials undertaken prior to that date. But after both major parties expressed serious misgivings about the transmission preparations and voiced fears of possible fraud, the delegation urged the CSE to publish its simulation plans ahead of time and clearly explain transmission process details to the parties and observers, maximizing transparency.

The Center recommended special attention to the quality of JRV officials' training, stressing their duty to act as neutral public officials, and urged parties to instruct their poll watchers not to lodge indiscriminate vote challenges on election day.

Though it had to cope with a budget gap, the CSE strove to deliver new fax equipment to the municipalities on time while it resolved problems with the flow and quality of results transmitted. After the first few trials, officials concluded they could do little to improve poor quality phone lines in outlying areas and opted to use satellite phones instead. In Managua, they worked feverishly under pressure of time to install infrastructure and resolve software problems in the National Computing Center. Technical experts hired with money from USAID worked assiduously to help the CSE solve these problems and clarified details of the transmission scheme to the parties and to observer groups.

Last-minute decisions by the CSE created fresh complications. In Managua, the Council decided in late September to scrap the plan for physical delivery of tally sheets after the vote and replace it with fax transmission from the capital's 393 voting centers. But existing equipment was insufficient, and new faxes had to be purchased and installed.



Soldiers help guard the electoral materials as part of the armed forces' assistance to the election process.

Due to such delays, it proved impossible to mount a full trial of all stages of the transmission procedure before Nov. 4.

Nationwide *cedula* distribution under the *Plan Mochilero* meanwhile progressed. In some places, there were fears that the distribution of the remaining *cedulas* was becoming politicized. Resource problems impeded the delivery. In the end, however, some 76,051 new *cedulas* were handed out. Summing *cedula* distribution in all varieties, the CSE calculated that a total of 2,802,107 *cedulas* had been given out by election time. The Council also issued 110,000 alternate voting documents *(documentos supletorios)* to citizens whose *cedulas* could not be manufactured on time; 90,387 of these were distributed. Adding *cedulas* and *supletorios*, this meant that somewhat more than 100,000 Nicaraguans who had requested a voting document did not receive one by Nov. 4.

SAFEGUARDS AGAINST TROUBLE

These advances notwithstanding, suspicions lingered that election day could bring problems. Three initiatives undertaken over the following month allayed worries about a disorderly election scenario. To deter post-election disturbances, the CSE requested and obtained a commitment by the Nicaraguan army in late September to deploy troops at electorally strategic locations, including some departmental and municipal counting centers, in case the National Police found itself unable to keep the security situation under control. The army's assent surprised observers and helped lessen fears of clashes between supporters of the rival parties.

In early October, former President Violeta Chamorro invited the three presidential candidates to pledge publicly not to claim victory prematurely and to keep their supporters calm while awaiting the results of the balloting. Mrs. Chamorro also strove to secure agreements that the respective contenders would work together on policies and programs after the election and join the United States in the battle against world terrorism emerging in the wake of the Sept. 11 attacks. The FLSN and Conservative

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

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

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

II. THE ELECTION AND THE CENTER'S OBSERVATION

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

The Center's observation model, adapted from previous years, unfolded in stages. In visits to major departments, the Center's field representative laid the groundwork for six medium-term observers (MTOs) who arrived in early October to be trained and dispatched to departmental seats, including Puerto Cabezas in the RAAN. The MTOs set about establishing relationships with key departmental and municipal election officials, as well as with the campaign staffs of the parties, local NGO representatives, and members of other observer missions. MTOs in turn prepared for the arrival of 11 short-term observers (STOs), who received two days of training before deploying to additional departments Oct. 29. The Center complemented its observer contingent with students from Emory University, enabling it to place one international observer and one assistant in each of Nicaragua's 15 departments and two autonomous regions on election day.

ROSSANA LACAYO

Carter Center observers Jennifer McCoy and Juan Gonzalez greet national observers at a voting site.

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

ROSSANA LACAYO

Upon arrival, President Carter meets with Nicaraguan President Arnoldo Alemán.

Former U.S. President Jimmy Carter headed the Center's final election delegation, which began on Nov. 2. Costa Rica's ex-President Oscar Arias, a member of the Council of Presidents and Prime Ministers of the Americas, arrived shortly thereafter to co-lead the observation effort. Accompanying presidents Carter and Arias in the Center's leadership group were Charles Costello, director of the Center's Democracy Program, and Dr. Jennifer McCoy and Dr. Shelley McConnell, director and associate director of the Center's Americas Program. Field representative David R. Dye assisted their efforts.

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

President Arnoldo Alemán, Catholic church leader Cardinal Miguel Obando, and Nicaraguan army leader General Xavier Carrión all shared their views of the election process with the delegation and President Carter. ET, OAS Secretary General César Gaviria, and leaders of a European Union mission complemented these impressions and conveyed their concerns about the election aftermath. The Center's leadership also met with presidential candidates Enrique Bolaños, Daniel Ortega, and Alberto Saborío. Although rumors were heard of high-level political negotiations in progress, all three candidates said they opposed a deal settling the election outcome behind the voters' backs. Reflecting the polarized campaign, each major party expressed fear of violence from, and a premature victory declaration by, the other.

KAY TORRANCE

FSLN presidential candidate Daniel Ortega and vice presidential candidate Agustín Jarquín arrive for a meeting with the Carter Center team.

KAY TORRANCE

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

In a pre-election press conference Nov. 3, President Carter gave voice to, and then countered, many of the concerns conveyed to the delegation. He argued that despite its partisan structure the CSE would "serve well" and asserted his belief that the elections would be fair and free of blatant fraud. Predicting that the count would be slow, he urged Nicaraguan voters to remain calm and wait for the official results on Monday morning. Carter expressed full confidence in the work of ET and in its quick count, which he assured Nicaraguans would be extremely accurate, and ventured the opinion that ET's results would quickly be made public by the CSE magistrates through their political parties.

President Carter expressed pointed disapproval of any negotiated solution to a post-election impasse and firmly rejected the contention that conditions warranted a declaration of emergency, short of violence. "A close vote is not reason for a national emergency," he asserted. He also disavowed expressions of favoritism by U.S. government officials, saying, "I personally disapprove of statements or actions of another country influencing an election." He reassured voters that following a free election U.S. President George W. Bush would recognize the election outcome whoever won.

ELECTION DAY OBSERVATION

On Sunday, Nov. 4, Nicaraguans turned out in high numbers to vote for the candidates of their choice. Carter Center observers visited a total of 265 JRVs to watch the balloting. All those voting sites opened, most with some delay, and almost all had received their full complement of materials. The observers found a poll watcher from the FSLN in every JRV visited, from the PLC in 262, and from the PC in 188. The great majority of polling stations also contained the full complement of three election officials, one from each party. A member of a domestic observer group was present in 188 JRVs visited.

The voting proceeded in a normal and orderly fashion. Many polling stations visited by Center observers opened late, in part due to the scrupulous observance by JRV officials of the cumbersome opening procedures. Despite delays and long lines, voters displayed exemplary patience and continued to queue up to vote, in some cases late into the night. In only eight polling places was voting briefly suspended during the day, due mostly to malfunctioning of ultraviolet lamps and ID card punches. Partisan friction among JRV officials at times hindered rapid solution of the few problems that did occur.

The Center did not witness harassment or intimidation of voters and did not see anyone try to vote without a voting document. However, 38 people were turned away when their named failed to appear on the election roll and they could

ROSSANA LACAYO

Citizens line up to vote on election day.

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

ROSSANA LACAYO

A Nicaraguan citizen casts her ballot, which she has folded to preserve the secrecy of the vote.

Presidents Carter and Arias took time out Sunday afternoon to visit with former President Violeta Chamorro before witnessing the presidential vote count at various JRVs in Managua.

ELECTION NIGHT AND VOTE COUNT

The Center had arranged to place a special observer in each of the three parties' headquarters in Managua on voting day so as to be able to receive quick reports on any problems that developed during the day and after the balloting concluded. The observers reported a smooth flow of activity in the parties all day, and the vote aftermath turned out to be peaceful.

Contrary to expectation, vote transmission from the municipalities went relatively smoothly, as the vast majority of tally sheets were received in Managua by midnight on Nov. 4. Party poll watchers also displayed responsibility and refrained from specious and indiscriminate challenges to the work of JRV officials. In the end, only 185 challenges were lodged against the presidency vote totals, about two percent of total JRVs. Of these, some

ROSSANA LACAYO

In order to prevent double voting, election workers apply indelible ink to the thumb of a citizen who has voted.

were resolved by the Departmental Electoral Councils while others were sent up to the CSE.

In addition, 1,185 JRVs (about 12.5 percent of the total) emerged with arithmetical inconsistencies in their tally sheets for the presidential election. Carter Center observers recorded minor arithmetical inconsistencies in many of the JRVs they visited in the evening, but few were of any consequence.

Throughout the night, Carter Center mission leaders kept in contact with the political parties, visiting both the Convergence and the Liberals to learn what they believed was unfolding. Before midnight the Liberals were persuaded that they had won the presidency, basing their assessments on the party's quick count. The Center contacted the OAS to learn its quick count results, which emerged early but were not made public, and which confirmed the general trend of the Liberal numbers. As the hours wore on without any official data becoming available, the FSLN's campaign manager told supporters who had gathered to celebrate that they should go home. The grim faces of campaign leaders hinted that the Sandinista party PVT also may have registered the Liberals ahead.

ET President Gabriel Solórzano delivered the results of his group's quick count individually to the seven CSE magistrates at roughly 3 a.m. on Nov. 5. With 77 percent of its sample JRVs reporting, the count revealed that Liberal candidate Enrique Bolaños was winning by an unexpectedly large 54-44 percent margin, and final quick count results achieved shortly thereafter showed an even broader gap. It is presumed that Liberal and Sandinista magistrates communicated the news immediately to their respective parties, which could then compare ET's numbers to their own parallel vote tabulations. ET's decision to inform all seven CSE magistrates was intentional and designed to inform both parties at once. The strategy had been opposed by CSE President Roberto Rivas, who had insisted only he should receive the numbers.

President Carter conveyed his congratulations in person to Mr. Bolaños at 6:30 a.m. Shortly thereafter the first official numbers were announced, but with only five percent of the JRV data entered rather than the expected 30 percent. Despite the lack of any further official data, former President Daniel Ortega graciously conceded defeat shortly after noon and then visited President-elect Bolaños to pledge support for future democratic reforms. Bolaños thanked Ortega for his prompt and unqualified concession statement. Along with other observers, The Carter Center praised the generous exchange of messages by the main Nicaraguan contenders as a sign of maturity in the country's electoral processes and a positive omen for future democratic development.

In a post-election press conference, President Carter praised the work of ordinary election officials but expressed keen disappointment over the slowness with which the CSE was tabulating the final votes. He emphasized that the losing candidates had decided to concede on the basis of results from a quick count rather than official data.

PROBLEMS WITH TABULATION EMERGE

With the presidential race settled, President Carter held roundtable meetings on the afternoon of Nov. 5 with leaders from business and civil society. The groups conveyed their readings of the election outcome and their hopes for future economic and political development in the country. They expressed interest in a variety of Carter Center programs and shared their ideas concerning potential reforms, including election reforms.

The need for such reforms became more evident as the evening wore on. The night of Nov. 5, with only 25 percent of the votes fully counted, tabulation in the National Computing Center was suspended. The decision to suspend was taken amid suspicions of deliberate, politically motivated obstruction of the typing of JRV tally sheets into the CSE's computers. Just days prior to the voting, both major parties had insisted on replacing trained CSE data entry clerks with untrained people from their own ranks, something that lent itself either to obstruction or an increased incidence of human error. These new typists were still being

ROSSANA LACAYO

President Carter meets with then-candidate Enrique Bolaños, who would win the presidency.

registered and assigned passwords after close of polls and did not begin entering data as it arrived, slowing the recording and reporting of the results.

A Carter Center technical expert reported the next day that another problem had cropped up – a failure of the software used to read a series of security codes attached to the tally sheets. Eventually the CSE decided to remove some of the codes in order for the typing process to proceed more smoothly. After this was done, and the CSE's clerks were reinstated, the Council was able to produce preliminary results for 99.62 percent of the 9,502 polling stations by midday Wednesday, Nov. 7.

Carter Center observers monitored the resolution by the departmental electoral councils of arithmetical discrepancies and challenges to election tallies.

In many, but not all departments, Carter Center observers monitored the resolution by the departmental electoral councils of arithmetical discrepancies and challenges to election tallies. In some areas challenges were resolved unanimously, while in others they were decided by two-to-one votes. Severe wrangling over challenges took place in the South Atlantic (RAAS) regional electoral council in Bluefields. By contrast, Estelí department sent all its challenged results to Managua without considering their merit at the departmental level.

Several cases were significant. The FSLN challenged results for the entire municipality of El Cuá-Bocay, in the department of Jinotega, on the grounds that JRV officials there had been mistakenly instructed to allow people whose names were not on the election roll to vote even without witnesses backing up their claim to reside in the local area. This case passed to the CSE for decision. Responding to a claim by the Conservatives, Matagalpa's Departmental Council annulled the results for the municipality of Waslala on the grounds that the area had received ballots destined for use in the RAAN and which thus included the two regional parties registered on the Atlantic Coast. The Liberals appealed this decision to the CSE. Finally, the Rivas Departmental Electoral Council annulled all results for the municipality of San Jorge after receiving ballot boxes from the area that had not been sealed and were bereft of tally sheets.

When the 48-hour period allotted by law for Departmental and Regional Electoral Council consideration of challenges expired, the CSE insisted late Nov.7 that remaining discrepancies and challenges be sent to Managua for resolution by the Council itself. This process appeared to proceed smoothly without concern among the contending parties. But the subsequent stage, review of departmental level totals and challenges, followed by the allocation of Assembly seats, sparked controversy.

Preliminary totals at the national level and by department seemed to indicate that the PLC had won 53 seats (including one for outgoing President Alemán) and the FSLN 38 seats (including one for defeated candidate Ortega). In spite of this, the Sandinistas claimed that they deserved 41 seats. They based this claim on charges that the Liberal magistrates had deprived their party of valid votes and made an incorrect interpretation of the elections law article dealing with the assignment of Assembly seats in the departments.

When the three Liberal magistrates along with CSE President Roberto Rivas refused to accept these positions, the FSLN magistrates withdrew from CSE deliberations on Nov. 21 and refused to recognize the final allocation of seats made by their

ROSSANA LACAYO

Nicaragua's Supreme Electoral Council meets with the delegation.

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

Prior to their walkout, the FSLN magistrates voted with the Liberal majority to strip the Conservative Party of its legal registration. The unanimous argument of the magistrates was that in accordance with the law, the Conservatives had to achieve four percent of the presidential vote in order to maintain their legal status. The Council thus rejected the PC's contention that winning more than four percent in national deputy races – which it had done – sufficed to fulfill the legal stipulation. The Council also dismissed the Conservatives' claim that review of the departmental totals had short-changed them of the votes needed to win a national deputy. The vote thus left the Conservatives in the awkward position of having a deputy seat but no party recognition.

After the PLC magistrates and President Rivas rejected FSLN claims to additional National Assembly seats, the FSLN quickly backtracked on its vote against the Conservatives. The Sandinistas also called on the CSE to review its decisions, arguing that the election law's quorum rule required the presence and signature of five CSE magistrates to declare winners and that therefore no final determination of the vote had yet been made. The Sandinistas' position became that the solemn commitment their party had signed Sept. 4 not to break this quorum was not binding and could not take precedence over the election law itself. They announced they would go to court accusing the CSE president of *prevaricato* – ruling maliciously against the express intent of law – despite Rivas' immunity as a magistrate. The FSLN also decided to appeal (via *amparo*, a type of injunction) the substance of the CSE's rulings to the Managua Appeals Court, despite the fact that the constitution appears to ban appeals of decisions by the Supreme Electoral Council, regarded in Nicaragua as an independent branch of government.

On Nov. 27, Ethics and Transparency agreed that the CSE had not established a quorum in making its final decisions and called on the magistrates to reassemble and finish their job. However, ET rejected the FSLN's interpretation of the rule for allocating departmental seats in Boaco and the RAAS, indicating full agreement with the procedure employed by the CSE. In addition to procedural irregularity, the national observer body argued that the Council's decision to suspend the

ROSSANA LACAYO

President Carter meets with candidate Alberto Saborío, whose Conservative Party ended the election in a legal battle to retain its registration.

Conservative Party's legal status had been substantively improper; in ET's view, the PC's 4.7 percent vote total for national deputies fulfilled the constitution's requirement for maintenance of official status as a party.

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

THE COURTS DECIDE

The FSLN lodged its appeal against the CSE before the Managua Appeals Tribunal and simultaneously declined to participate in a CSE planning session for the Atlantic Coast regional elections scheduled for March 2002. On Dec. 3, amidst verbal protests by the Sandinista magistrates, CSE President Roberto Rivas nevertheless handed Enrique Bolaños and José Rizo their accreditations as the elected heads of Nicaragua's future government. The Liberal CSE majority had already taken the liberty to arrange for its Nov. 21 proclamation of elected candidates to be published in the official Gazette.

On Dec. 5, the appeals court accepted the FSLN's request for a writ of *amparo* against the CSE. The appellate justices based their decision to suspend the accreditation of the winning candidates, as well as the inauguration of President-elect Bolaños, on the presumed lack of a quorum during the CSE's Nov. 21 deliberations. The Liberal party immediately appealed this ruling to the Supreme Court, where magistrates coming from their party were in the majority.

The high court reached its decision with unusual speed. On Dec. 10, it overturned the appellate ruling but did not ratify the CSE's actions in all particulars. Eight magistrates from the Court's constitutional chamber, including two Sandinistas, avoided the thorny issue of the CSE's quorum by

declaring the case "closed" – i.e., by refusing to rule on the quorum matter on the grounds that the names of the elected candidates had already been published. This judgment effectively left intact the CSE's rulings on the departmental deputies and on the Conservative Party's registration. But in a contradictory vein, the Court ruled that the CSE's decision to award Vice President Navarro a place in the Assembly as Arnoldo Alemán's alternate was improper and that Alemán would have to do without an alternate.

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

If the logic of these decisions was confusing, the decision to hear the *amparo* at all appears to have set a precedent concerning the balance of powers and interdependence between them. In 1996, challenges to the CSE's interpretation of the formula for allocating legislative seats were rejected by the Court as outside its purview. This new decision established, in effect, the hitherto contested notion that the judicial system could intervene in the workings of the electoral branch in order to ensure compliance with the CSE's own rules of procedure. Sandinista leader Daniel Ortega cited this precedent in making a quick announcement that the FSLN accepted the high court's decision and would attend the Jan. 10 inaugural of Nicaragua's new president.

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

On Jan. 9, the 91 elected deputies from all three parties took their seats in the National Assembly and voted on candidates to occupy the seven seats on the legislature's governing board. Outgoing President Alemán, allocated the 92nd seat automatically by virtue of the January 2000 changes to the constitution, did not attend, as his presidential term had not yet concluded.

Against the expressed position of Bolaños, however, Alemán engineered the election of Liberal Oscar Moncada as the new Assembly's president. Moncada would shortly resign and give way to Alemán himself in a separate vote. The Assembly election also sparked a minor controversy when the Liberal majority voted to assign only one position on the seven-person Assembly board to their Sandinista opponents. The FSLN demanded three seats and cited a 1997 Supreme Court ruling requiring proportionality in allocating the legislative positions. The party announced a fresh appeal to that body but did not abandon the proceedings.

The inauguration of Enrique Bolaños Geyer as Nicaragua's 38th president on Jan. 10, 2002, brought the election process to a successful conclusion. President Bolaños' inaugural address, elevated in tone, stressed the need for a reform of election legislation and of the CSE to better ensure impartiality in future processes. Only the CSE's decision on whether to reconsider its ruling on the Conservative Party's status remained outstanding. The Council ratified its original decision on Jan. 18. ■

III. CONCLUSIONS AND RECOMMENDATIONS

The Carter Center congratulates the Nicaraguan people for the success of the 2001 electoral process and President Bolaños for his election. The Center also thanks the CSE for its invitation to us to participate once again as an observer body.

At the close of this report, with all due respect, the Center offers its reflections about the current electoral system and recent performance in the hope of contributing to future improvements.

ROSSANA LACAYO

The Carter Center helps draw media attention to inform Nicaraguans and the international community about electoral developments.

Nicaragua has successfully conducted a series of democratic national elections, making alterations in the election law and system before each vote. Unfortunately, the changes have not led to cumulative progress.

As the election processes in 2000 and 2001 have made abundantly clear, the current electoral system is seriously flawed and acts as a brake on the country's democratic development. Rules concerning the participation of political parties and ordinary citizens are unjustifiably restrictive and truncate basic democratic rights. In an environment of ongoing polarization, partisan composition of the electoral authorities tends to inject political considerations into decisions that should be neutrally considered and leads to poor management and excess complexity. The latter difficulties in turn make the system inefficient and overly costly. Aspects of the system, notably the registry base of the national election roll, also remain underdeveloped.

Taken together, these deficiencies have further sapped public confidence in the CSE – an electoral authority whose prestige was already declining – to the point where a significant minority of the populace regularly voices fear about fraud at election time. This sentiment is a danger signal, not only about elections but about the whole political system, that Nicaragua's leaders cannot afford to ignore.

Changing this state of affairs requires – in addition to the obvious ingredient of political will – modification of the constitution, the January 2000 election law, and other legislation, as well as reform of administrative rules, organization, and procedures. In what follows, The Carter Center offers a series of suggestions and recommendations drawn from its experience in observing Nicaraguan elections since 1990. We hope Nicaragua's political and

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

ERIC SWIBEL

Under a new, highly restrictive electoral law, only three presidential candidates competed on the ballot in 2001.

REFORMING THE CONSTITUTION AND ELECTORAL LAW

1. Ease requirements on the formation of new political parties

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

The stipulation that an aspiring party must form directorates in all 151 municipalities is very stringent. If it is not relaxed, new parties will rarely form. To then require that parties constantly submit lists of three percent of the registered voters' signatures coupled with cumbersome procedures for verification is onerous in the extreme. The percentage should be lowered, and the verification should be limited mainly to checking whether the *cedula* numbers on the petition match those in the CSE records. Systematic review of massive numbers of signatures by inexpert personnel is burdensome, ineffective, and potentially arbitrary; it also encourages use of thumbprints as signatures that the country does not have the technology to compare. A spot check by handwriting experts of the authenticity of a limited number of signatures should be deemed sufficient to detect fraud.

Whatever the method used, citizens must be accorded the right to sign for more than one party, just as they have the right to vote for different parties in different electoral races (e.g., in presidential and legislative elections). In addition, the citizenry's right to propose independent, nonparty candidates for public office at the municipal level should be restored as a vehicle for registering support for political alternatives and incubating fresh political talent. Citizens who wish to run for elected office definitely should not be hobbled by the requirement that they be born in, as well as reside in, the municipality or department they propose to represent; this birthplace criterion is no excuse for depriving any citizen of a political right to stand for office.

2. Loosen and clarify requirements for maintaining party registration

The requirements for retaining party registration are overly strict and, as the case of the Conservative

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

3. Reform the rules concerning alliance formation and dissolution

Maximizing political options for the citizenry also requires space for political parties to freely form alliances. The current stipulation that all alliance partners run under the banner of one of the participating parties is an unjustified limitation – parties should be free to choose the name, banner, and emblem of the larger grouping at will. The current requirement that a political alliance must win four percent of the vote multiplied by the number of parties composing it in order for the constituent parties (other than the banner party) to maintain their legal standing is even more unjustified and amounts to a severe disincentive to form alliances at all. In considering the rules for handling dissolution of alliances, Nicaraguans should give careful thought to whether registration should pertain to the parties within the alliance or only the alliance itself. Parties should not be able to enter and exit alliances as a means of circumventing registration requirements that would apply if they ran alone. At the same time, the breakup of an alliance should not eliminate the possibility of a party running separately in subsequent elections.

4. Modify the method for, and criteria for, choosing election officials, starting with the magistrates of the Supreme Electoral Council

Political parties are essential actors in elections, and some countries choose to have election authorities that are composed of party representatives. If all of the major political parties are represented, balanced partisan authorities can bring confidence to the system, but they also tend toward stalemates and often lack technical competence where authorities are chosen for political loyalties rather than electoral management skills. For such bodies to work, decisions need to be made in a transparent manner, and a strong international observer presence is often needed to aid accountability. In a highly polarized, post-war setting, a professional and autonomous electoral authority is preferable.

In Nicaragua, bipartisan control of the CSE left it politicized and paralyzed at crucial junctures. Partisanship extended downward through the electoral administration, affecting staffing decisions and producing inefficiencies. The Nicaraguan electoral authority thus needs to be reformed.

Nicaragua's legislature currently chooses CSE magistrates from lists, called *ternas*, which are submitted either by the executive branch or by the legislators themselves, supposedly after consultation with appropriate civic groups. In an effort to improve the functioning of the CSE, space could be opened for relevant associations in civil society to compose some of the slates from which magistrates are chosen. Alternatively, Nicaraguans may prefer an election authority comprised entirely of independent professionals not affiliated with any political party. In that case, parties could continue to have input into election administration by other means, such as their participation in advisory groups, as is the case in Mexico. The crucial point is that no matter how it is selected, the resulting body should be independent rather than captive to any constituency and be able to act impartially.

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

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

Quorum rules are intended to ensure legitimacy of deliberations and decision-making by establishing a reasonably broad basis of support for them. In Nicaragua, a five-vote minimum enhanced legitimacy by assuring neither party represented on the CSE had sufficient votes to act alone. On the other hand, a quorum is not meant to frustrate the operations of the body to which it applies. Nonetheless, unseemly interruptions of the five-person quorum that CSE magistrates needed in order to take decisions marred Nicaragua's 2001 election process.

Nicaraguans may wish to consider alternative decision rules. Lowering the quorum to four did not seem a useful solution, as it raised concerns that decisions could then rest on the preference of a single party if the CSE president were persuaded to support it. An alternative rule might be that where sufficient notice of a meeting has been issued, but as many as three magistrates decline to attend, the five-member quorum is waived and a simple majority of the CSE suffices for decision (i.e., four votes). These concerns would in any event be swept aside by reform of the CSE to eliminate its partisan nature.

6. Clarify departmental electoral boundaries and numbers of Assembly representatives

During the 2001 election, controversy arose over whether the votes in three municipalities in southeastern Nicaragua were to be counted in the total for the department of Chontales or in that of the South Atlantic Autonomous Region (RAAS). The CSE's ruling, contested by the minority party on the Council, was to opt for the RAAS. But the CSE recently reversed its verdict and decided to bar citizens in the same areas from voting for representatives on the South Atlantic regional council in March 2002.

The two decisions are clearly inconsistent. The election law needs to be reformed to stipulate clearly in which of the units in the territorial

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Traveling by boat, plane and four-wheel-drive vehicles, Carter Center observers reached distant towns such as San Miguelito.

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

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

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

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

8. Revisit the regulation of quick counts

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

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

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

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

STRENGTHENING ELECTION ADMINISTRATION

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

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Nicaragua remains a poor country dependent on agricultural products, and its elections are expensive.

affected both jurisdictional and administrative functioning. Controversial decisions about political candidacies damaged the CSE's prestige in the eyes of the public. Mutual suspicion and rivalry between the parties represented on the Council negatively affected decision-making, planning, and implementation of the election calendar. Padding of the CSE's rolls with party appointees served to raise costs unjustifiably. The first step in any genuine reform of the election administration is therefore to dilute partisanship and blatant political criteria in decision-making and recruitment. Other steps concern the organization and operation of the electoral authorities at various levels, while still others pertain to procedures on voting day.

1. Professionalize the administration of elections

The CSE is contemplating a major overhaul of its structure and operations, probably within the current dual function system. It might usefully consider clear delegation of substantial operational authority to professional staff led by a respected and experienced executive, limiting the participation of the magistrates in the daily running of election business. Such a device would streamline the CSE's functioning by relieving the magistrates of burdensome administrative details. It would also facilitate hiring and promotion of lower-level officials on a professional, nonpolitical basis. Nicaragua should have qualified, permanent election officials who are hired for their competence and held accountable for their performance.

In addition, any system overhaul necessarily implies serious analysis of changes in organization. It is widely recognized that the CSE's administrative procedures (and perhaps aspects of the election law) need to be reformed so as to clearly specify the functions, powers, and responsibilities both of magistrates and of staff officials. In order to increase professionalism and maximize the continuity of functioning across elections, parts of the election

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

2. Improve planning and budget procedures

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

3. Improve communications within the CSE

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

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

Both major parties complained in 2001 about a lack of timely communication from the CSE, despite having representatives on that body. Many complaints centered on uncertainty about the vote transmission process, which generated fears of possible fraud. In future contests, the CSE should announce the timing and terms of transmission tests in advance, then report in full on their outcomes. Fuller and more opportune reporting in other areas as well would help bolster public confidence in the

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

CSE, especially information on vote totals on a JRV-by-JRV basis, released promptly to the media and posted immediately at a CSE Web site on the Internet.

5. Simplify voting day procedures

Though amazingly patient, Nicaraguan voters were burdened on voting day by overly complex procedural safeguards designed to prevent fraud. Some of these sprang from distrust between the major parties rather than from any real necessity and simply wasted the citizenry's time. Given many other checks on fraud and the essential work of party poll watchers, punching holes in *cedulas* and the use of black lights to read imprinted codes, for example, are probably unnecessary. One JRV official selected at random (rather than all JRV officials) might be assigned to sign the back of the ballots. The labor of setting up the JRV might be divided up so long as poll watchers verify that the ballot boxes are empty when balloting starts.

6. Improve the transmission of vote results

Despite the last-minute nature of many preparations, transmission of the vote in 2001 worked much better than during the 1996 general elections or the municipal balloting in November 2000. In comparison to some more modern methods, however, a system based on fax transmission is slow, costly, and in Nicaragua's current condition, subject to the vagaries of the weather. Fortunately, with the purchase of its HICOM intelligent phone plant and servers and the current installation of computers in municipal election offices, the CSE should be in a position in 2006 to shift to an electronic system for transmitting the vote to Managua. The recent privatization of the telephone system and ensuing investments in telecommunications nationwide should facilitate the transition. The country has ample time to master the complexities of an electronic system; doing so will speed the communication of vote results to the public while reducing fears of fraud.

7. Speed up the tabulation of vote results

Again owing to political distrust, the 2001 transmission procedure involved still other safeguards against fraud in the form of multiple bar codes attached to JRV tally sheets. These eventually became a stumbling block when the votes were being tabulated and had to be removed. In addition, a last-minute fit of suspicion led to sacking the trained staff developed by the CSE to enter the results into its computers, a decision that had to be reversed shortly thereafter in order to complete the work. Shifting over to an electronic system will largely obviate these problems, although it may need to be supplemented by fax or physical transmission in some instances. In the meantime, data entry clerks should be trained in advance, including a corps of substitutes, and should not be partisan personnel. Their work should be audited to detect patterns that could indicate incompetence or obstruction. Tabulation systems should be tested in advance of the election via simulations using accurate sample materials that will reveal software glitches well before election night.

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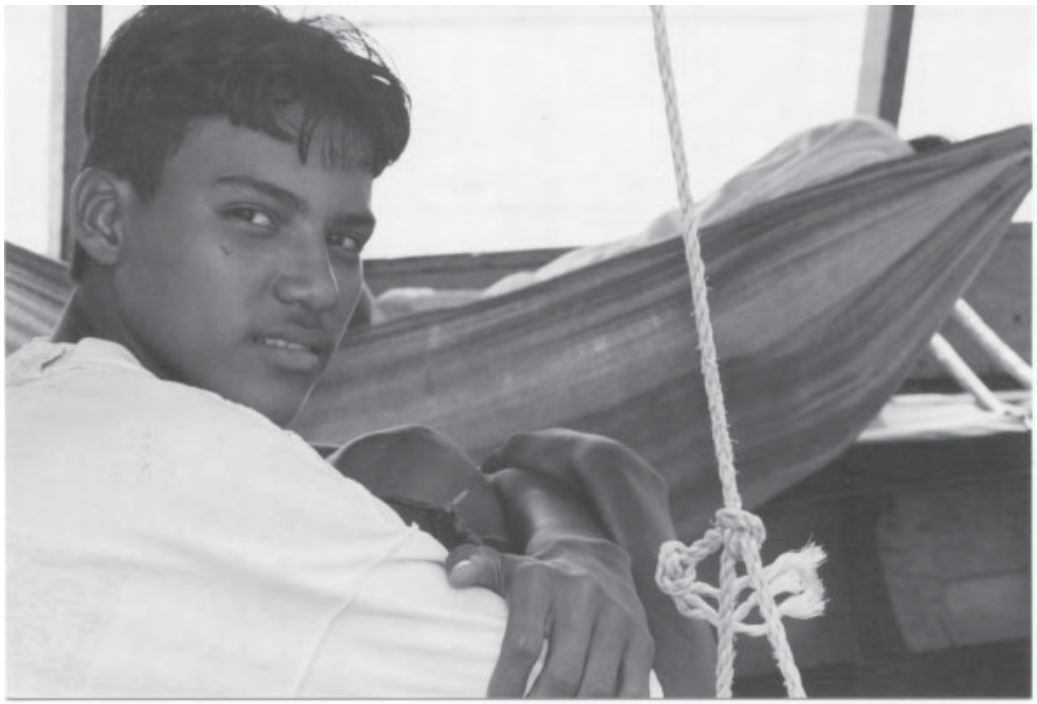
The Organization of American States fielded a large observation team and conducted a quick count.



ERIC SWIBEL

Nicaraguans look forward to democracy and development.

unnecessary, looking to a purely national effort if possible. The 2001 election was a milestone in the development of national observer groups, and these bodies should be brought into the process of CSE reform now in gestation.

Decision-making in the 2001 election preparations was overly dependent on advice from observers and outside consultants. Much of this dependence was unnecessary and sprang more from organizational deficiencies created by political infighting rather than from lack of capability in the CSE's technical staff. Depoliticization, coupled with an improved management structure, will help the CSE make the best use of the technical capabilities it already possesses and identify the areas where outside assistance is really needed.

DOMESTIC AND INTERNATIONAL OBSERVATION

1. Reduce dependence on foreign observation and advice

The 2001 process was the third successive national election in Nicaragua watched over by contingents of international observers and the second in which national observers also took part. All of the foreign observer groups criticized the partisan makeup of the CSE. Despite this chiding, the magistrates displayed courtesy and responded positively to many of the observers' suggestions and recommendations.

This cordiality notwithstanding, no nation's citizens should have to live permanently with suspicion that their officials cannot conduct an election competently or fairly. In reforming its election system and legislation, Nicaragua should strive to make foreign observation essentially

2. Simplify accreditation of observers

Rapidly shifting, unexplained requirements for accreditation to gain access to departmental counting centers and the National Counting Center in Managua confused the observers and made their work more difficult. The inconsistencies and apparent arbitrariness in dealing with observer groups led to suspicion that the CSE was deliberately obstructing the important role of observers. Moreover, the imperative of providing additional credentials on the eve of elections placed a burden on election

authorities to produce those credentials just when their hands were full with other pressing tasks.

Accredited observers should have access to all locations where election activity takes place. When access to buildings and facilities needs to be limited due to lack of space, election officials need only adopt a rule limiting the number of observers present from any single group to a predetermined number. There is no need to generate separate credentials for different places or limit the number of credentials per se. Credentials should also apply nationwide, as this allows observer groups the flexibility to reassign teams as needed and cross departmental boundaries in order to respond to emergencies. ■

APPENDICES

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

APPENDIX 1

THE CARTER CENTER
NICARAGUA 2001 OBSERVATION MISSION

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

On May 18, 2001, Nicaragua's Supreme Electoral Council (CSE) extended an invitation to The Carter Center to observe the November 2001 national elections in which the Nicaraguan people will select a president, vice president, deputies to the legislature, and representatives to the Central American Parliament.

The Carter Center accepted that invitation and organized a pre-election delegation to visit Nicaragua July 16-22, 2001, in order to assess the political climate and preparations for elections. The delegation met with election authorities, political party representatives, civil society groups, domestic and international observers, religious leaders, the military, and members of the diplomatic community in and around the capital city of Managua. In addition, a member of the delegation traveled to the North Atlantic Autonomous Region (RAAN) in order to better understand the preparations being made there for elections. We are grateful to the CSE for offering us full access to all relevant information during the entire electoral process.

The delegation was led by Dr. Shelley McConnell, associate director of the Center's Latin American and Caribbean Program. David Dye, the Center's representative in Managua for the 2001 elections, accompanied the delegation and provided political analysis. Dr. Luis Alberto Cordero and Argentine anthropologist Nicolas Fernandez Bravo consulted on technical preparedness and the electoral context in the RAAN. Thomas Roberts served as the delegation's assistant. The Carter Center's 2001 election mission was made possible through a grant from the United States Agency for International Development (USAID). Having concluded our initial evaluation, we offer this statement to the public in order to share our findings and make suggestions to help assure that these elections provide the best possible opportunity for Nicaraguans to exercise their right to elect new government representatives.

CONCLUSIONS OF THE ELECTORAL ASSESSMENT

1. The CSE has made substantial progress toward holding elections as scheduled on Nov. 4, 2001. Signs of this progress include the accreditation of political parties, registration of candidates for the presidency and vice presidency, registration of candidates for the legislature and Central American Parliament, and verification of the voters list.

2. The CSE is implementing a Complementary Plan for Citizen Cédulation *(Plan Complementario de Cédulación Ciudadana)* to help assure that as many citizens as possible have a voter identification document (*cédula*) in hand and are registered to vote. This is a laudable step and we hope that the officials are able to reach the ambitious targets they have set for themselves. According to a report of the CSE's Division of Cartography and Statistics, 269,669 *cédulas* still remain to be delivered, and the Plan proposes to deliver 146,643 of them as well as to process all 47,650 pending applications, which have been delayed by legal problems or inconsistent information. The Plan hopes to accommodate 35,000 citizens who have not yet applied for a *cédula*, out of an estimated 83,248 cases. We urge that Nicaraguan consulates in neighboring countries make Nicaraguans abroad aware of all opportunities to obtain a *cédula*.

3. The CSE is developing a plan for the transmission of the vote and assured us it intends to test that system thoroughly and under the scrutiny of election observers, party agents and the media. Failure to hold promised simulations of the transmission process for the municipal elections resulted in an unanticipated interruption of the flow of results, which generated public uncertainty that could be highly problematic under the pressures of a presidential race. Given this history, it would be an inexcusable lapse if such simulations were not conducted now.

We urge that the CSE announce very soon the dates for a sequence of simulations of the vote transmission process. We recommend that three simulations be held, starting with a representative sample of 25 percent of the voting tables, and that the final test include a 90 percent sample. We ask that the CSE provide for the full transparency of the process by giving qualified international and national observers access to the technical specifications of the transmission software.

4. The political parties are engaged in normal pre-campaign activities such as fundraising, developing campaign strategies, commissioning opinion polls, preparing media messages, and training their poll watchers. The RAAN is among the areas preparing for elections, and there are no indications to date that the region's citizens will opt for mass abstention as they did in the municipal election process. However, special care should be taken to assure a good election on the Atlantic Coast where geography and cultural differences should be accommodated in election planning.

5. For the first time, the CSE has asked the political parties to share in the responsibility of training electoral officials for the *Junta Receptora de Votos*. The CSE has funds for the training programmed in its budget and will develop the training materials and provide supervision. The political parties expressed to us their intention to conduct such training, together with training for their poll watchers. This system is somewhat unusual; elsewhere the training of all election officials has been considered the sole responsibility of the election authorities. We are concerned that training programs designed to teach party poll watchers to protect their party's interests might include content that is inappropriate for election officials, who must be oriented to behave in a neutral manner as public servants. We are further concerned that the differences between the political parties in terms of their organizational capacity may be reflected in the quality of the training that various officials will receive. The CSE should explain its decision to the public, provide assurances that the training by all parties meets a high standard, and invite election observers to attend training sessions to help monitor the quality of training.

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

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

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

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

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

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

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

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

PLANS FOR THE CARTER CENTER'S ELECTION OBSERVATION

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

APPENDIX 2

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

In this document, The Carter Center wishes to communicate to the Nicaraguan public its point of view about recent events in the 2001 electoral process and signal some themes that our second pre-election delegations will explore with the election authorities and political parties during its visit beginning the 27th of this month.

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

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

3. In addition, The Carter Center was happy to hear of the recent declaration made by the Minister for Housing and Public Credit, which states that he will do everything possible to guarantee to the Supreme Electoral Council the necessary resources to carry out the election process. In a visit to the various departments in the country, we have encountered concern among departmental and municipal electoral authorities. The shortage of material resources— lack of vehicles and money to cover routine costs and poorly maintained equipment— could obstruct and even jeopardize a quality electoral process. The news that the police and military authorities still lack the resources to guarantee the security of elections is also worrying. We emphasize that the central government has an unavoidable responsibility to provide the electoral apparatus with the necessary resources such that it can fulfill its duties in a timely manner.

4. The Carter Center is encouraged by the fact that the CSE has assumed sole responsibility for training members of the *Juntas Receptoras del Voto* (JRV- voting boards), a task that was initially visualized as shared with the political parties, leading us to express concern in our first election report. We are hopeful that this measure will result in high-quality and equitable training of those designated to work at the voting tables. At the same time, we have noted with concern that various participating parties have tried to provide

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

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

APPENDIX 3

THE CARTER CENTER
NICARAGUA 2001 OBSERVATION MISSION

STATEMENT OF THE SECOND PRE-ELECTION DELEGATION
OCT. 3, 2001

The Carter Center has been invited by the Supreme Electoral Council to observe the national elections in Nicaragua scheduled for Nov. 4, 2001. It has organized an election observation mission and in July sent a first delegation to Managua to undertake an initial evaluation of the electoral process. It published a statement making suggestions for improvements in the process, among them several that the Supreme Electoral Council chose to adopt. The Carter Center subsequently issued an Election Bulletin mentioning these changes and announcing the visit of a second pre-election delegation at the end of September.

In the following statement, the members of the second delegation wish to convey our conclusions after a visit of six days beginning Sept. 27 and concluding today, Oct. 3. The delegation was headed by the noted ex-president of Peru, Valentin Paniagua, member of the Council of Presidents and Ministers of the Americas, a grouping of 35 hemispheric leaders headquartered in The Carter Center and whose goals are to promote inter-American relations and further democracy. It also received leadership from the former U.S. Ambassador to Ecuador, Gwen Clare, and from the Deputy Director of the Latin American and Caribbean Program of The Carter Center, Dr. Shelley McConnell. The delegation was ably advised by David R. Dye, the Center's representative in Nicaragua, and its visit was undertaken with financial support from USAID in Managua.

During our visit, we had the pleasure of speaking with the President of the Republic of Nicaragua, Dr. Arnoldo Alemán; the president of the Supreme Electoral Council, Dr. Roberto Rivas; the three parties that are presenting candidates for the presidency, and directly with Enrique Bolaños, candidate of the Liberal Constitutionalist Party, and with Dr. Alberto Saborío, candidate of the Conservative Party; the leaders of civic organizations that support the election process, including Ethics and Transparency, IPADE, the Violeta Chamorro Foundation, the National Unity Movement, CAPEL, and the Democratic Citizen Crusade; several representatives of the communications media; the U.S. Ambassador, Oliver Garza; and our colleagues in the international observation missions of the OAS and European Union, as well as with representatives of the United Nations and the National Democratic Institute.

We would like to take this opportunity to thank all the Nicaraguans and foreigners who related their experiences and shared their information with us so as to assure the success of our mission. As in every electoral process, transparency is fundamental. On this occasion, we wish to contribute to the process by expressing certain considerations and recommendations, which we note in what follows and which may help build a relationship of trust between the political actors and the citizenry in regard to aspects of the administration of the elections that are still pending resolution.

1. With a month to go before the vote, the electoral authorities are concluding the printing of the ballots and have bought the indelible ink. The voting table documents have been designed. Everything indicates that the election materials will be ready to be distributed in good time to have a successful election.

2. The Supreme Electoral Council has made an important effort to register citizens to vote, not only in the 33 municipalities identified as under-*cédulated* but in the whole country. In a special *cédulation* program, they registered about 121,000 new voters and are producing their *cédulas* (identity cards) and supplementary documents to assure that they have the right to vote. In addition, the election authorities are initiating a special program to distribute *cédulas* to the citizenry, passing house to house in rural areas, and setting up places in urban areas where these documents will be distributed. We urge Nicaraguan citizens who have solicited their documents to pick them up.

3. Though the electoral roll has deficiencies, the CSE has taken measures to remedy these, and they do not appear to constitute a serious problem for the elections. Citizens have had the right to rectify errors through a process of verification which was undertaken on two Sundays in June and July and which helped assure that the citizens will know where to vote and will find themselves registered at vote boards (*Junta Receptora de Votos*) near to their places of domicile. In accord with the law, the CSE has raised the number of vote boards to more than 9,000 to accommodate a higher number of voters, locating new boards in existing voting centers (*Centros de Votación*) so that people will be able to find them and vote. Due to weaknesses in municipal registries and the lack of a culture of registration, people who are deceased are still found on the roll. In the post-electoral period, the government should take steps to correct the registries so that the CSE may clean up the voting roll. The existing problems with the roll should not distort the balloting, given that the voting process includes safeguards to prevent double voting and impersonation, for example, the use of indelible ink and the identity card (*cédula*).

4. The Supreme Electoral Council has now selected the vote board members and has begun their training. The CSE has published a training manual to assist in this process. Given the criticisms that emerged in the municipal elections in regard to the low comprehension level of some vote board officials, it is especially important this year to raise the quality of the training and do follow-up to assure that the pedagogic measures applied convey in concrete fashion what must be done at each step in the process. We also want to place emphasis on communicating to the vote board members that they must do their work in a neutral and impartial manner despite having been nominated by the political parties. Their service to the nation will be appreciated by all, as the quality of the election is in their hands.

5. The role of the party poll watchers (*fiscales*) is supremely important. We are pleased that the parties have begun training their poll watchers. We urge them to concentrate this training on the electoral law and its correct application. Poll watchers have the right to challenge the vote, and we recognize that this right is vital to any fair and clean election process. We therefore suggest that during their training, the parties instruct their poll watchers in the four official causes for challenging the vote results and that they convey the distinction between these and complaints, which may be usefully noted but which do not modify the election results. The National Democratic Institute has mentioned that separating challenges from

complaints, and recording the latter on separate sheets, would help the Municipal Electoral Councils to rapidly identify the vote boards that have been challenged, avoiding confusion and allowing the tally sheets of other vote boards to be transmitted without delay to the CSE's Computing Center in the Olof Palme Convention Center. President Rivas indicated that he sees merit in this proposal. In any event, we also urge the Council to issue a specifying regulation concerning the procedure for making a challenge.

6. The Supreme Electoral Council has held two trials of the system for transmitting the results of the elections between the Municipal Electoral Councils and the National Computing Center in the Olof Palme. In the two simulations, serious problems were encountered in transmitting the information. However, the Council's technical personnel have examined the nature of the problems presented in these trials and have made changes to improve the situation before the third simulation is held Oct. 7. The CSE should not fail to publish the plan for the third trial as well as for the fourth trial scheduled for Oct. 21, indicating which municipalities and vote boards will participate in each and whether they will use the same fax machines and telephone lines envisioned for the night of the voting. In addition, it should invite observation by the political parties, which have informed us they have serious concerns about the process. The Council should then publish a report about the results of the simulations. The level of transparency in regard to the system of vote transmission, and the information systems area in general, is insufficient to generate confidence in the election. We therefore recommend strongly that as soon as possible, the Supreme Electoral Council should offer the technical personnel of the political parties and observers a clear explanation of everything relating to the transmission and tallying of the vote, specifying the manner in which party poll watchers may monitor the system the day of the elections.

7. We congratulate the Supreme Electoral Council for the prompt production of the credentials needed by the national and international observers, the members of the voting boards, and the party poll watchers.

8. The matter of the three municipalities in Zelaya Central and their electoral location either as part of the South Atlantic Autonomous Region (RAAS) or the department of Chontales continues to be one of the difficult issues in these elections. We fervently desire that this issue, which solely concerns Nicaraguans, is resolved appropriately.

In regard to certain political issues, we offer the following reflections:

9. To the moment, the campaign climate has been good in spite of the obvious polarization between the two principal parties. However, we must note our concern about a series of frictions and minor incidents that have emerged in different areas of the country after the formal opening of the campaign on August 18 and that demonstrate a certain deterioration in the quality campaign we all wish to see. We recommend that the contending parties observe maximum prudence and control over their campaign activities in order to minimize future frictions. We are entering the last month of campaigning, during which new opinion polls will appear. We know that the campaign may heat up. We have already seen the first signs of this in the destruction of party advertising and incidents of confrontation reported in the media. We urge the candidates to present their programs without resorting to negative campaigning, and we absolutely reject any violent attack against or threat to any Nicaraguan citizen due to his or her political opinions. Freedom of

the press is one the most positive elements in Nicaragua's democracy, and we hope it will continue without variation. We would remind the parties that their public messages should not convert their adversaries into enemies.

10. We have spoken with representatives of various communications media in the country, both the print media and television stations. We are pleased that they report full liberty to practice their profession and publish news and political advertising. We have heard only one complaint concerning the way in which a given news medium has treated a political party, and that complaint has been registered as a formal denunciation before the Comptroller General of the Republic, indicating that the country's institutions offer legal recourse in the rare cases in which problems concerning the media become controversial.

11. We understand that the violence in the mining triangle has abated since our first visit in July of this year and that the political parties are campaigning without harassment in communities formerly menaced by the Andres Castro United Front (FUAC). This news is welcome, although we lament the human suffering recorded in prior months. We hope the situation continues to improve so that the citizenry in this area does not have to worry about exercising its right to vote.

12. Voting should be informed, based on deep reflection about the programs of the different political parties competing in the elections. The Carter Center is therefore in favor of convoking public debates among the presidential candidates, as long as their representatives meet beforehand to agree on the rules for the debate. Debates may take a variety of forms and may be sponsored by different civic organizations, but it is essential to agree on the form of the questions, the time limits for each candidate to speak, the role of the communications media, and other rules.

13. The quality of quick counts depends on their design and the methods used to collect the data, along with the neutrality of the personnel doing the collecting. Well done, a quick count can be an excellent tool for building confidence in an election process, but it does not substitute for the results issued by the electoral authorities, in Nicaragua's case by the Supreme Electoral Council. The results of quick counts should be divulged within a reasonably short period of time without sacrificing either precision or consistency.

14. The Carter Center wants to reiterate its full support for the participation of Nicaraguan civil society organizations as national observers of the 2001 elections. It is vitally important for the political future of the country that it develop a body of competent and neutral national observers. We urge the political parties to respect the right of these organizations to participate; at the same time we exhort the groups themselves to maintain a neutral and nonpartisan posture. We likewise call on election officials at all levels to extend full cooperation to any duly accredited national or international observer.

APPENDIX 4

THE CARTER CENTER
NICARAGUA 2001 OBSERVATION MISSION
ELECTORAL BULLETIN
NOV. 1, 2001

As the election campaign comes to a close and Nicaraguans enter a period of reflection in preparation for voting Sunday, The Carter Center wishes to report the following electoral developments:

1. The electoral period was marred by violence last night in Masaya that resulted in the death of one person and wounding of others. We deplore this loss of life and urge the appropriate authorities to carry out a full investigation into the matter and hold those responsible accountable. We urge the political leaders to step forward and make a credible commitment to assuring a peaceful election.

2. We remain concerned if the system for vote transmission to the National Counting Center will be fully operational in time for the elections. Although most of the 121 municipalities that have participated in testing the system did transmit many tally sheets successfully, they were not able to transmit all of them. The tests did not include the city of Managua, which will transmit its vote separately, or a number of smaller towns where satellite phones will be used. The CSE has held five simulations, and each one brought improvements. A final simulation Saturday that should include Managua may demonstrate the readiness of the system. Our observers have helped inform electoral authorities of problems in Municipal Counting Centers, such as the lack of ink for fax machines and inadequate training of personnel in the use of fax machines. There is still time to resolve those problems if election authorities move quickly.

3. Since our last visit in early October, the CSE has made progress in issuing credentials to election observers. Domestic observers report that they are being issued credentials to enter the JRVs and observe the vote and count. However, it was recently decided that additional credentials would be needed to observe in some restricted areas on election night. The CSE should ensure that such credentials are made available to observers immediately so that we can reassure the international community and the Nicaraguan public that the election process was transparent and no element of procedure was unmonitored. Observation of the decisions made about challenged votes will be essential if the number of challenged votes exceeds the difference between the two leading candidates in any race.

4. The CSE has clarified the timing for release of quick counts by domestic observers. Ethics and Transparency has said it will abide by the law. Although quick counts are an important tool in election analysis, they do not substitute for official results and should not overshadow the excellent qualitative reporting that election observers conduct on voting day. We also wish to note that quick counts are calculated using a carefully drawn sample of voting sites and are based on actual results, making them

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

5. Technical experts estimate that the closure of polls and counting of four ballots will take as much as five and one-half hours, meaning that only a few JRVs will have reported before midnight on Nov. 4. Full results and the outcome of the presidential race may not be known until late Monday morning, particularly if the vote is close. If the transmission system is not fully functional, if the data entry of the tally sheets is slower than anticipated, or if many JRVs are challenged, the process could take even longer. We urge election authorities to work as expeditiously as possible to reduce the time required to count the vote but also remind the political parties and the Nicaraguan people that precision is more important that rapidity.

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

APPENDIX 5

THE CARTER CENTER
NICARAGUA 2001 OBSERVATION MISSION
STATEMENT BY FORMER U.S. PRESIDENT JIMMY CARTER
NOV. 3, 2001

Managua, Nicaragua. The Carter Center is here for the third time to observe national elections, and the Nicaraguan people have always welcomed us. We have witnessed the growth of democracy in this beautiful country.

Tomorrow the people of Nicaragua will exercise your sovereign right to choose your leaders. No matter how narrow the margin, the will of the people as determined by the vote count, and not by a negotiation process, will determine the next president of Nicaragua. The international community will respect this decision and will work to help Nicaragua prosper in coming years.

We have had an opportunity to meet with President Arnoldo Aleman, the Supreme Electoral Council, the presidential candidates from the FSLN, PLC, and Conservative parties, domestic and international observers, General Javier Carrion and Cardinal Obando y Bravo. Election authorities assured us that they have made great progress in meeting the technical challenges and will guarantee access for domestic and international observers to monitor every step in the election process.

Nicaragua enjoys freedom of assembly and the press. The party representatives told me that they were able to convey their party programs to the citizens. The FSLN and PLC expect to have party poll watchers (*fiscales*) in nearly all of the polling places, and the Conservatives also will achieve high coverage. Domestic and international observers will monitor the voting process to help assure that it is free and fair. Each candidate assured me that if voting is fair and if the count is honest, he will accept the results even if there is a narrow margin of victory. Further, each expressed a willingness to work with other political forces after the election to help build a brighter future for this country.

The Carter Center has fielded 50 observers, including two in each department and region, and specialists will observe at political party headquarters and the National Counting Center. Carter Center officials will watch through the night in the municipal facilities where the vote is being faxed into the National Counting Center. We also will observe the resolution of challenges in the following days.

These international efforts are small when compared to the extensive and sophisticated observation work of the citizens of Nicaragua. Domestic observer groups will field thousands of election observers. Ethics and Transparency will conduct a quick count with a very small margin of error, and this can help verify the official announcement that only the Supreme Electoral Council can make.

We urge every Nicaraguan to exercise the right to choose your leaders. No doubt there will be some minor irregularities, as in all elections, but these do not signify fraud. We have confidence in Nicaraguans and your ability to conduct an honest election that we can verify to the international community as a genuine expression of the will of the Nicaraguan people.

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

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

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

Thank you.

APPENDIX 6

THE CARTER CENTER
NICARAGUA 2001 OBSERVATION MISSION
POST-ELECTION STATEMENT
NOV. 7, 2001

Nicaraguans went to the polls in large numbers Sunday, Nov. 4, to elect a new president and vice president, members of the National Assembly, and representatives to the Central American Parliament. The Carter Center monitored the election at the invitation of the Supreme Electoral Council (CSE) and with the encouragement of political parties and civic groups. We found that the election met international standards and the results were an accurate reflection of the will of the Nicaraguan people.

Nicaraguan citizens demonstrated their strong democratic commitment and are to be congratulated for their civic spirit. Voting day went very well, and the presidential candidates recognized the results in a timely manner with only limited official results reported, showing statesmanship that bodes well for the consolidation of democracy. The election campaign allowed candidates to convey their messages to the voters, and the balloting was conducted according to the law. Although the vote tabulation process at the National Counting Center of the CSE in Managua suffered serious delays that were exacerbated by the partisan structure of the election authorities, we do not expect these problems to diminish the accuracy of the results.

The Carter Center sent 50 observers to monitor electoral developments in the 15 departments and two autonomous regions. Our observers visited 246 voting sites on election day and conducted a systematic survey of the quality of the election at those sites. Carter Center observers also carefully monitored the transmission of faxes from the municipalities to the National Counting Center in Managua and witnessed the Departmental Electoral Councils' deliberations about challenges to the vote.

The Carter Center also placed specialized observers in political party headquarters to assure a smooth flow of information on election day and allow us to identify party concerns as they emerged. We assigned a technical specialist to monitor the reception and tabulation of the vote at the National Counting Center. We were granted the highest level of access to observe ongoing electoral activities, and we thank the CSE for its cooperation.

Our observers found poll watchers from the Sandinista National Liberation Front (FSLN) in all of the 246 polling stations we visited, and poll watchers from the Liberal Constitutionalist Party (PLC) in all but three. The Conservative Party (PC) poll watchers were present in 170 of the 246 polling sites. Of the 24 polling sites Carter Center observers visited on the Atlantic Coast, we encountered 33 poll watchers from regional parties. In addition, we saw domestic observers in 175 of the polling sites.

The election officials were drawn from the three parties participating in the presidential race. The PLC and FSLN placed officials everywhere, and in the vast majority of polling sites the PC also had named an election officer. By contrast, regional parties had no opportunity to name election officials. The voting process during the day was normal. Many polling stations opened late, in part due to the diligence with which election officials followed the complicated opening procedures. Voters demonstrated exemplary

patience while awaiting the opportunity to cast their ballots. All the polling sites we visited opened, but eight briefly suspended voting for at least part of the day, most often because either the ultraviolet light or the hole punch ceased working and officials concluded that the examination of voter documents under ultraviolet light and the perforation of the voter document after voting were essential to the security of the voting process. In fact, these safeguards are extra guarantees that are not essential, and it would have been preferable to continue voting, as was done in other locations where the equipment failed.

All but 13 of the polling sites we observed received the complete set of materials needed to conduct the vote, the missing items were of minor importance, and voting was able to proceed. Ballot secrecy was adequately respected. All voters had obtained their voter identification documents. Of 239 sites evaluated, 181 functioned normally, 52 had minor irregularities that did not affect the outcome of the vote, and only six suffered serious problems that could have affected the outcome of the vote. However, 38 voters at sites we observed were denied the right to vote when their names were not found on the list and they were unable to demonstrate to officials' satisfaction that they lived within the district.

The election was conducted peacefully. We consulted throughout the day with security forces as well as election officials and learned of only four minor security problems. None of our observers witnessed harassment or intimidation of voters. Judging from the long lines we encountered across the country, Nicaraguans were eager to participate in the selection of their leaders. On election night, the public waited patiently for the official results.

All elections have minor irregularities without necessarily affecting the outcome of the vote. We want to emphasize that these incidents did not constitute a pattern favoring or discriminating against one party or another. The procedural quality of the voting process clearly met international standards and the polling officials, party poll watchers and observers displayed conscientious dedication to their tasks. Voting results transmission was a source of concern as we entered the elections. Five simulations had been run, but these were partial tests that did not demonstrate conclusively that the transmission system would work. In addition, the method of transmission in Managua was changed less than a month before election day and underwent limited testing. Fortunately, on election night the transmission process went smoothly, such that by midnight 93 percent of the tally sheets had reached the National Counting Center in Managua.

Regrettably, the tabulation process at the CSE in Managua suffered serious breakdowns, delaying timely reporting of results. The software had not been sufficiently tested and repeatedly malfunctioned. The delays were exacerbated by partisan insistence in the CSE on personnel changes in the three days leading up to the elections, which placed tabulation in the hands of untrained data entry clerks named by the parties. The CSE was unable to begin entering data until early Monday morning and entered only 25 percent of the tally sheets successfully before the system malfunctioned. Nearly complete preliminary results were not available until the afternoon of Wednesday, Nov. 7.

The fact that political parties received copies of the tally sheets at the voting site and were also given copies of the tabulated results meant they could compare the two in order to assure that the results were accurately recorded. This helped allay concerns that the delays in the tabulation process could provide an opportunity for fraud. Further, the availability of a reliable "quick count" on the presidential race helped parties confirm their internal tabulations, and losing candidate Daniel Ortega accepted the victory of winning candidate Enrique Bolaños even though only some five percent of the tally sheets had been officially tabulated and reported. Another concern was that massive numbers of challenges to the vote might be filed and cumbersome decision-making processes would follow, slowing the transmission of

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

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

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

APPENDIX 7

THE CARTER CENTER
NICARAGUA 2001 OBSERVATION MISSION
DEPLOYMENT LIST
NOV. 4, 2001

Department or Region	Number of Observers
Boaco	2
Carazo	2
Chinandega	2
Chontales	2
Esteli	2
Granada	2
Jinotega	2
Leon	2
Madriz	2
Managua	2
Masaya	2
Matagalpa	2
Nuevo Segovia	2
RAAN	2
RAAS	2
Rio San Juan	2
Rivas	2
Leadership Team	5
Political Party Observers	3
Technical Advisor	1
Staff	8
TOTAL	**51**

APPENDIX 8

THE CARTER CENTER
NICARAGUA 2001 OBSERVATION MISSION
ELECTION DAY CHECKLIST
NOV. 4, 2001

Observer Name: _____ Time at JRV: _____

Department/Region: _____ JRV No. and location: _____

No. of registered voters: _____ No. of ballots cast so far: _____

Average time to vote: _____ No. of people in line (est.): _____

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1. Which party poll watchers (*fiscales)* were present? (Check those present):

   PLC _____ FSLN _____ PC ____ Other _____

2. Were domestic observers present? Yes _____ No _____

3. Which parties nominated the JRV election officials (*miembros de mesa)*? (List party):

   JRV President _____ 1st Member _____ 2nd Member _____

4. Did party poll watchers and/or domestic observers indicate that there were:

(a) no problems _____ (c) a few significant problems (explain on back) _____
(b) a few, but not significant _____ (d) many significant problems (explain on back) _____

5. What is YOUR overall evaluation of how voting was going at the polling site?

   (a) JRV functioned normally and without irregularity _____
   (b) Some minor irregularities, but not significant in terms of result _____
   (c) Serious problems that could potentially distort the result _____

COMMENTS/EXPLANATION OF PROBLEMS

6. Check those problems that apply:
   (a) JRV closed or voting suspended (explain on back): _____
   (b) Insufficient materials (which kind?): _____
   (c) Security problems (explain on back): _____
   (d) Indelible ink not applied correctly (explain on back): _____
   (e) Intimidation of voters (explain on back): _____
   (f) Secrecy of ballot not assured (explain on back): _____

7. How many voters were denied an opportunity to vote thus far?
   Reasons (give numbers): (a) Not on list (no witnesses/witnesses not accepted) _____
   (b) No voter document _____
   (c) Discrepancy between voter ID and list _____
   (d) Cédula ruled invalid _____

APPENDIX 9

FINAL ELECTION RESULTS

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

Source: Supreme Electoral Council

DISTRIBUTION OF SEATS BY PARTY

National Assembly (92)

	PLC	FSLN	PC
National Seats	11	9	
Departmental Seats	37	27	1
RAAN and RAAS	4	1	
Former Presidents	1	1	
Central American Parliament (20)	11	9	

Distribution of Departmental Seats Across Departments (65)

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

Distribution of Regional Seats Across Regions (5)

RAAN	2	1	
RAAS	2		

Source: Supreme Electoral Council

THE CARTER CENTER AT A GLANCE

WHAT IS THE CARTER CENTER?

The Center is a nonprofit, nongovernmental organization founded in 1982 in Atlanta, Ga., by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University. The Center has helped to improve millions of lives in more than 65 countries by waging peace, fighting disease, and building hope.

We work directly with people threatened by war, disease, famine, and poverty to solve problems, renew opportunity, and create hope. A key to our success is the ability to make detailed arrangements with a nation's top leaders and then deliver services to thousands of villages and family groups in the most remote and neglected areas.

WHAT HAS THE CENTER ACHIEVED IN 20 YEARS?

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

- Observing about three dozen multiparty elections in more than 20 countries
- Leading a worldwide campaign that has reduced cases of Guinea worm disease by 98 percent
- Preventing or correcting human rights violations worldwide
- Helping to provide some 35 million drug treatments to sufferers of river blindness in Africa and Latin America
- Creating new avenues for peace in Sudan, Uganda, the Korean Peninsula, Haiti, the Great Lakes Region of Africa, Liberia, and Ethiopia
- Working to erase the stigma against mental illness in the United States and abroad
- Strengthening human rights institutions, civil society, and economic development in emerging democracies
- Fostering improved agricultural practices, enabling 4,000,000 farmers in Africa to double, triple, or quadruple their yields of maize, wheat, corn, and other grains
- Building cooperation among leaders in the Western Hemisphere
- Helping inner-city families address the social issues most important to them

HOW IS THE CENTER STAFFED AND FUNDED?

The Center has about 150 employees, based primarily in Atlanta, Ga. The Center is financed by private donations from individuals, foundations, corporations, and international development assistance agencies. The 2000-2001 operating budget, excluding in-kind contributions, was approximately $34 million. The Carter Center Inc. is a 501 (c)(3) charitable organization, and contributions by U.S. citizens and companies are tax-deductible as allowed by law.

WHERE IS THE CENTER LOCATED?

The Carter Center is located in a 35-acre setting 1½ miles east of downtown Atlanta. Four circular interconnected pavilions house offices for President and Mrs. Carter and most of the Center's program staff. The complex includes the non-denominational Cecil B. Day Chapel and other conference facilities.

The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration of the federal government. The Center and Library are known collectively as The Carter Presidential Center.

THE CARTER CENTER

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