

SPECIAL REPORT SERIES

Observing the 2006 Nicaragua Elections

THE
CARTER CENTER



Waging Peace. Fighting Disease. Building Hope.

THE CARTER CENTER STRIVES TO RELIEVE SUFFERING
BY ADVANCING PEACE AND HEALTH WORLDWIDE;
IT SEEKS TO PREVENT AND RESOLVE CONFLICTS, ENHANCE FREEDOM AND DEMOCRACY,
AND PROTECT AND PROMOTE HUMAN RIGHTS WORLDWIDE.

OBSERVING THE 2006 NICARAGUA ELECTIONS

THE
CARTER CENTER



ONE COPENHILL
453 FREEDOM PARKWAY
ATLANTA, GA 30307

(404) 420-5188
FAX (404) 420-5196

WWW.CARTERCENTER.ORG

MAY 2007



OBSERVING THE 2006 NICARAGUA ELECTIONS

CONTENTS

Foreword	3
Acknowledgments	5
Mission Delegation and Staff	8
Executive Summary	11
The Pre-election Period	14
Election Day and Its Aftermath	32
Conclusions and Recommendations	39
Appendices	48
A. Invitation to Observe	49
B. Role of Long-Term Observers	51
C. Strategic Deployment of Short-Term Observers	53
D. Representative Deployment of Short-Term Observers	58
E. List of Short-Term Deployment Teams	60
F. Observation Forms	61
G. Carter Center Public Statements and Press Releases	67
The Carter Center at a Glance	90



OBSERVING THE 2006 NICARAGUA ELECTIONS

FOREWORD

The Carter Center has monitored national elections in Nicaragua four times, beginning in 1990. Throughout the past 16 years, we have sought to ensure that Nicaraguans and the international community were provided with accurate information about the quality of the elections. Carter Center observers and staff tracked the technical preparations and the electoral campaigns, observed the vote process and count, and provided follow-up visits to monitor electoral justice and the inauguration of new officials. We contributed our knowledge, suggesting to election authorities, political parties, and civil society ways in which the election process could be improved.

This report is presented in the same constructive spirit. It documents the Center's observation of the election process beginning in January 2006, proceeding through the March regional elections on the Atlantic Coast, the verification of the voter list in June, the campaigning that began in August, and the November elections. It highlights the work of our long-term regional coordinators and election delegation as well as the project direction provided by the Americas Program staff. I am grateful for the leadership provided to the mission by the former president of Peru, Alejandro Toledo, and former president of Panama, Nicolás Ardito Barletta, who accompanied me in Nicaragua and helped negotiate some of the difficulties that might otherwise have marred this good election.

Nicaragua entered 2006 already exhausted from a nine-month political crisis, during which the executive and legislative branches recognized two different versions of the constitution. The Friends of the Democratic Charter, a group of former leaders and cabinet ministers organized through The Carter Center, assisted by sending two fact-finding missions to Nicaragua and supporting the Organization of American States in facilitating a solution to the impasse. Ultimately it was agreed that the next legisla-



MARGARITA MONTEALEGRE

Former U.S. President Jimmy Carter discusses the upcoming Nicaraguan elections at a July 2006 press conference in Managua where he was making a pre-election visit.

ture, which was to be elected in November 2006, would decide whether to implement constitutional reform. Nicaraguans from diverse ideological viewpoints urged The Carter Center to monitor those elections.

We therefore accepted the official invitation that came in January 2006 to observe the elections. As in the past, the Nicaraguan government asked us to begin



OBSERVING THE 2006 NICARAGUA ELECTIONS

the monitoring mission early and take into account the pre-election period in analyzing whether the electoral process met international standards, and we did so. After the election, our observers stayed in the field until the departmental and regional electoral authorities had finished adjudicating challenges. I am proud of these volunteers' nonpartisan dedication to supporting democracy in Nicaragua and abiding by the Principles for International Election Observation that The Carter Center helped develop.

The Carter Center remains at the forefront of international efforts to observe elections and continues to advance its monitoring methods. In Nicaragua, we implemented new technologies to ensure that the sites selected for observation were representative of each department or region and to identify areas that could be potentially vulnerable to problems so we could give them special attention and deter fraud. As part of the Center's ongoing commitment to support democratic development between elections, we have worked in Nicaragua with government and civil society to raise awareness about the right to information and to

increase citizens' access to public documents.

I offer congratulations to the Nicaraguan people for their faith in elections as a means of choosing their leaders. The 2006 elections resulted in an alternation in power, returning Daniel Ortega to the presidency after a 16-year absence. This demonstrates that any party playing by democratic rules can win and have that victory respected by its opponents and the international community, even after several electoral losses. Five parties competed vigorously for the vote, and three emerged with major blocs of seats in the legislature, breaking down some of the polarization that has strained Nicaraguan democracy since the revolution, and this too may help consolidate democracy.

We present this new report in a spirit of cooperation with Nicaragua and hope that the reforms it suggests will be discussed and implemented by government and civil society with an eye to further strengthening Nicaragua's democracy.

Former U.S. President Jimmy Carter



OBSERVING THE 2006 NICARAGUA ELECTIONS

ACKNOWLEDGMENTS

In January 2006, Nicaragua's Supreme Electoral Council invited The Carter Center to observe that year's electoral processes, including the regional elections on the Atlantic Coast held in March and the presidential, legislative, and Central American Parliament elections in November. After visiting the country to discuss the invitation and ensure that we had the welcome of the government and all parties, we accepted. We did so cognizant of the constitutional crisis that had consumed the country for nine months in the previous year, which had been resolved by postponing implementation of reforms until a new government could be elected and take office in January 2007. The crisis had revealed strong tensions between the two large parties representing the historically opposed ideological currents that had found expression in the revolution and counterrevolution—the Sandinista National Liberation Front (FSLN) and Constitutionalist Liberal Party (PLC)—but also objections from other quarters to the political pact these dominant parties had made to increase their control of the branches of state.

Thus began a year of monitoring electoral developments in Nicaragua. We recognized an immediate need for an analyst expert in Nicaraguan politics to be on hand tracking events and were grateful that Economist Intelligence Unit correspondent David Dye was able to serve as consultant to us. He provided regular reporting from Managua on the broad political scene and specific electoral matters. He also helped train our delegates, offering a concise political history of Nicaragua and the perspective that comes with having lived there for more than two decades. Mr. Dye was also the primary author of this report.

Our invitation did not permit sufficient time for us to organize observation of the March regional elections on the Caribbean Coast, but we sent a study mission of five experienced observers to the North

Atlantic Autonomous Region and South Atlantic Autonomous Region. They deployed under the leadership of Hector Vanolli, who had previously led an Organization of American States (OAS) observation mission for regional elections in 2000, and who would return in June to help me lead an 11-person observation of the verification of the voters list. Hector's expertise and good contacts with Nicaraguans and colleagues in the OAS were a tremendous help, and we were sorry that obligations elsewhere prevented him from joining our delegation in November.

Among those who observed the verification process was the former Bolivian ambassador to the United States, Jaime Aparicio, who in July became our chief of mission. He accompanied former U.S. President Jimmy Carter and his wife, Rosalynn; Jennifer McCoy, director of the Carter Center's Americas Program; and me to Managua July 3 through 6 for a pre-election fact-finding mission. Aparicio would return at the end of the month to set up an office and hire our efficient and dedicated local staff and would thereafter be our representative in Managua and the official spokesperson for the mission. He was the highest level consultant we have ever employed as mission leader, which reflected the Center's ongoing commitment to democracy in Nicaragua and our estimation of the importance of these elections, which ultimately would return former President Daniel Ortega to the presidency, a milestone of alternation in government that would nonetheless carry substantial tension for the country. Aparicio was precisely the right person for this mission, employing consummate diplomatic skills to ease tensions that naturally arise during electoral processes and maintaining warm relations with Nicaraguans with a wide variety of political viewpoints.

On Sept. 7, The Carter Center deployed regional coordinators to reside in Leon, Granada, Esteli,



OBSERVING THE 2006 NICARAGUA ELECTIONS

Matagalpa, Juigalpa, Bluefields, and Bilwi (Puerto Cabezas). Coordinated from Leon by Dr. Julie Cupples, these long-term observers met daily with election officials, party leaders, local government representatives, civil society groups, and the police and military to track local preparations for elections and the campaign in Nicaragua's 17 departments and regions. They built relationships with the domestic observer organizations at the local level and with OAS and European Union observers once they arrived. They filed lengthy weekly reports that Cupples compiled and sent on to our offices in Managua and Atlanta, allowing us to keep up with events outside Managua and understand the political climate. It was through these observers that we learned of problems such as partisan distribution of voter identification documents and were able to take action in Managua to put an end to it. We give special thanks to these individuals—Jacob Bradbury, Julie Cupples, Rene deVries, Melida Jimenez, Anaïs Ruiz, Amparo Tortosa Garrigos, and Gabriel Zinzoni—who conducted accurate reporting and were the visible face of The Carter Center in small towns and rural communities for three months, all the while living in modest circumstances and maintaining open minds and hearts.

On Nov. 1, a delegation of 57 additional observers arrived in Managua for training, deployment, observation, and debriefing. Roughly half of these volunteers returned to Managua to report the day after the election, and the others stayed in their deployment site an additional week to monitor the intricate process of gathering in the vote and processing challenges. Coming from 20 countries, almost all were Spanish speakers, and many had prior experience in Nicaragua and as election observers. Their names are too many to mention here, but their work was the heart of our election mission, and we are grateful for their demonstrated commitment to strengthening democracy in Nicaragua. They are to be commended for their patience over long hours of training, vote monitoring, and observation of the counting process, all on a voluntary basis. It should be noted here that their

deployment was guided by two technical analysts: Dr. Susan Hyde drew samples to assign most teams to visit specific voting sites to ensure that we had a representative sample of the quality of the election, and Dr. Marcel Guzmán de Rojas and colleagues in his firm developed a geographic information systems model to identify areas that were particularly vulnerable to potential problems so that we could deploy special teams to cover those communities.

Three former presidents led the election observation: President Carter, former Panama President Nicolás Ardito Barletta, and former Peru President Alejandro Toledo. They were guided by Jennifer McCoy, director of the Carter Center's Americas Program, who set the strategic vision for the mission. They met with the Supreme Electoral Council, President Enrique Bolaños, candidates from all parties, the international community, and private sector and civil society representatives to understand their levels of satisfaction with the process and areas of remaining concern. Their leadership was essential in ensuring our delegation's full access to all aspects of the process and in maintaining fluid communication with Nicaraguan authorities, the diplomatic corps, and the leadership of the OAS and European Union and domestic election observation groups.

None of this work would have been possible without the generosity of the governments of Denmark, Ireland, the United Kingdom, and Canada. Their combined support enabled the Center to implement a professional 15-month observation mission from the March Atlantic Coast elections through the inauguration of the new president and presentation of this report. We thank them for their vision and dedication to helping consolidate democracy in Nicaragua.

Any project of this sort requires a great deal of preparation by staff in Atlanta and Managua, all of whom worked tirelessly for the success of the mission. Special mention should be made of our logistics assistant, Sarah Rivard, whose good humor and efficiency were crucial in setting up the pre-election visits, our office, and the electoral observation in November. Dr.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Sharon Lean coordinated our office during the election, receiving and compiling the reports from 29 delegation teams and keeping the leadership apprised. Rachel Fowler came for the election to direct the Managua office and synchronize the actions of our delegation and leadership team, setting a supportive tone for staff interaction despite the pressure of the moment. Americas Program Assistant Director Laura Neuman stepped in with her legal background to track down information on alleged procedural problems as they emerged. Associate Director of Peace Development Amy Jackson accompanied our donor delegates, whose contribution to The Carter Center is not only financial but also an active interest in what we do that resulted in their participation as volunteer election observers. Financial analyst Courtney Mwangura aided our field office in the handling of financial reports and coordinated the disbursement and reporting of deployment funds. Communications coordinator Deborah Hakes coordinated the many press requests we received and also was our mission photographer, and many of her photos as well as some from delegates outside Managua are printed in this report.

Hakes was supported by Sarah Moros, a former summer intern who tracked news on Nicaragua throughout the summer and coordinated with Spanish-speaking press in November. Rodney McDonald, a former Peace Corps volunteer in Nicaragua, cheerfully volunteered his time to manage our fleet of vehicles and drivers. Carter Center interns Laura Ertmer and Paul Lubliner filled in wherever extra hands were needed to translate, prepare the briefing materials, pack deployment kits, and answer incoming calls from our observation teams. Our leadership team interpreters, David Traumann and Kay Stubbs, and our donor team interpreter, Thomas Lee, were reliable, professional, and discreet. The public image of our mission was in their hands, and they performed admirably. Finally, back in Atlanta, staff members Karen McIntosh and Danielle Steele provided outstanding logistical support for the mission.

It has been my privilege to work with this talented group of staff, consultants, and volunteers. The success of the mission belongs to all of us.

Shelley McConnell
Senior Associate Director and Mission Director
Americas Program

A small group of Carter Center staff managed the observation mission in the field.



NANCY KONIGSMARK



OBSERVING THE 2006 NICARAGUA ELECTIONS

MISSION DELEGATION AND STAFF

DELEGATION LEADERS

The Honorable Jimmy Carter, 39th President of the United States, Carter Center Co-founder

The Honorable Nicolás Ardito Barletta, Former President of Panama

The Honorable Alejandro Toledo Manrique, Former President of Peru

Dr. Jennifer McCoy, Director of the Americas Program, The Carter Center, United States

Dr. Shelley McConnell, Senior Associate Director of the Americas Program, The Carter Center, United States

Ambassador Jaime Aparicio, Chief of Mission, The Carter Center, Bolivia

DELEGATION

Santiago Alconada, Attorney, Argentina

Jessica Allen, Intern, Service Centre for Development Cooperation--KEPA, Finland

Craig Auchter, Associate Professor, Department of Political Science, Butler University, United States

Enrique Bravo-Escobar, Doctoral Student in Government, Georgetown University, Mexico

Lawrence Coben, Chief Executive Officer, Termis Energy Acquisition Corporation, United States

Laurie Cole, Senior Analyst, Canadian Foundation for the Americas, Canada

Peter DeShazo, Director of the Americas Program, Center for Strategic and International Studies, United States

Will Durbin, Policy Analyst, M. J. Bradley & Associates Environmental Consulting, United States

Alexandra Escudero, Project Manager, NeighborWorks America, United States/Colombia

David Evans, Professional Photographer, United States

Richard Feinberg, Professor of International Political Economy, University of California, San Diego, United States

Sandra Flores, Consultant, U.N. Development Programme/Bolivia, France

Ken Frankel, Board Member, Canadian Foundation for the Americas, Canada

John Graham, Chair, Canadian Foundation for the Americas, Canada

Cymene Howe, Mellon Fellow and Visiting Professor, Department of Anthropology, Cornell University, United States

Rick Hutcheson, Managing Partner, Vacation Palm Springs Real Estate, Inc., United States

Daniela Issa, Adjunct Professor, Departments of Political Science and Language and Linguistics, University of Tampa, Brazil

David Ives, Executive Director, Albert Schweitzer Institute, Quinnipiac University, United States

Coby Jansen, Technical Adviser, Health Programs, The Carter Center, United States

Helen Keogh, National Coordinator for Adult Learning, Department of Education and Science, Ireland

Rob Kincaid, Managing Partner, Vacation Palm Springs Real Estate, Inc., United States

Jennie Lincoln, Professor, Department of Political Science, Georgia Institute of Technology, United States

Casey Margard, Former Program Officer for PATH, United States

Kelly Margard, Student, University Preparatory Academy, United States

Matthew Maronick, Program Manager, Familia Padre Fabretto/Fabretto Children's Foundation, United States

Bernard McCabe, Psychologist, Health Service Executive, Ireland

Christopher Mitchell, Consultant, United States



OBSERVING THE 2006 NICARAGUA ELECTIONS

Benjamin Naimark-Rowse, Program Officer, Open Society Justice Initiative, United States
Vibeke Pedersen, Head of Section, Department for Asia, Latin America, and the Caribbean, Danish Ministry of Foreign Affairs, Denmark
Veronica Querejasu, Consultant, Bolivia
Peter Quilter, Partner, The SLT Group, LLC, United States/Argentina
Stephen Randall, Professor and Director, Institute for United States Policy Research, University of Calgary, Canada
Tatiana Rincon, Professor, Universidad Externado de Colombia, Colombia
Kristen Shelby, Project Facilitator, Proyecto de Vacunación de Desarrollo Comunal, United States
William C. Smith, Professor, Department of International Studies, University of Miami, United States
Rose Spalding, Professor, Department of Political Sciences, DePaul University, United States
Jack Spence, Associate Dean, College of Liberal Arts, University of Massachusetts Boston, United States
Ascension Toledano Gomez, Media Officer, Dorna Sports, Spain
Anneli Tolvanen, Teacher, Kawartha Pine Ridge District School Board, United States
George Vickers, Regional Director for Latin America, Open Society Institute, United States
Carlos Walker, Information Technology Manager, Mesoamerica Investments, Brazil
Tom Walker, Professor Emeritus, Department of Political Science, Ohio University, United States
Dennis Young, Independent Social Scientist, United States/Belize

LONG-TERM OBSERVERS

Jacob Bradbury, United States
Julie Cupples, United Kingdom
Rene De Vries, The Netherlands
Amparo Tortosa Garrigos, Spain
Mélida Jiménez, Sweden/El Salvador
Anais Ruiz, United States
Gabriel Zinzoni, Argentina

STAFF

Robert Ellzey, Leadership Coordinator, The Carter Center, United States
Laura Ertmer, Intern, Americas Program, The Carter Center, United States
Rachel Fowler, Assistant Director, Democracy Program, The Carter Center, United States
Deborah Hakes, Communications Coordinator, Office of Public Information, The Carter Center, United States
Amy Jackson, Associate Director, Office of Institutional Development, The Carter Center, United States
Nancy Konigsmark, Director of Scheduling, The Carter Center, United States
Sharon Lean, Assistant Professor, Political Science Department, Wayne State University, United States
Paul Lubliner, Intern, Americas Program, The Carter Center, United States
Rodney McDonald, Project Manager, Carpenters Rule, United States
Sarah Moros, Intern, The Carter Center, United States
Courtney Mwangura, Financial Analyst, Peace Programs, The Carter Center, United States
Laura Neuman, Assistant Director, Americas Program, The Carter Center, United States
Sarah Rivard, Logistics Assistant, Americas Program, The Carter Center, United States



THE CARTER CENTER

OBSERVING THE 2006 NICARAGUA ELECTIONS

CONSULTANTS AND ADVISERS

David Dye, Political Consultant, The Carter Center, United States

Marcel Guzmán de Rojas Wesner, Chief Executive Officer and Founder, NEOTEC, Bolivia

Susan Hyde, Assistant Professor, Political Science Department, Yale University, United States

MANAGUA STAFF

Carolina Beatriz Castaneda Aguirre, Administrative Official, El Salvador

Alexandra Fiallos, Administrative Assistant, Nicaragua

Luis Rodolfo Pérez Salmerón, Lead Driver, Nicaragua



The Carter Center 62-member delegation to Nicaragua was led by former U.S. President Jimmy Carter, former Panama President Ardito Barletta, and former Peru President Alejandro Toledo.



OBSERVING THE 2006 NICARAGUA ELECTIONS

EXECUTIVE SUMMARY

In November 2006, Nicaragua held elections for the presidency and vice presidency, the legislature, and the Central American Parliament. Earlier that year, the country held regional elections for the governing authorities of the Atlantic Coast. At the invitation of Nicaragua's Supreme Electoral Council and the government of President Enrique Bolaños, The Carter Center agreed to observe these electoral activities, establishing a small presence for the March Atlantic Coast elections and mounting a full election observation mission for the general elections held Nov. 5, 2006.

CONTEXT FOR THE CARTER CENTER'S DECISION TO OBSERVE

A prolonged constitutional conflict in 2005 set the scene for elections and sparked hemispheric concern about the stability of Nicaragua's young democracy. Essentially a dispute over the balance of power between the executive and legislative branches of government, the constitutional crisis was resolved via facilitation by the Organization of American States (OAS). The crisis underscored the fragility of Nicaragua's democracy, and Nicaraguans from a wide array of political groups therefore urged The Carter Center to observe the 2006 elections as it had the 1990, 1996, and 2001 races. The crisis also galvanized public opposition to the political pact making by Nicaragua's main parties that had incited the conflict, spawning new political leadership that promised to make the 2006 elections unusually competitive. The fact that Nicaragua's election authorities were partisan in composition and excluded all but the two largest parties engendered distrust among new and small parties and some civic groups, increasing the felt need for international election observation.

ELECTION OBSERVATION

The Supreme Electoral Council (CSE) formally invited The Carter Center on Jan. 23, 2006 to observe both

the Atlantic Coast regional voting and the national election. The Center scheduled two visits by former U.S. President Jimmy Carter to Nicaragua during the election process and also invited the former presidents of Panama and Peru to co-lead its election observation mission. Although, during the campaign, Sandinista National Liberation Front candidate Daniel Ortega displayed a certain mistrust of international and national election observers, the CSE adhered to Nicaraguan tradition in extending observers credentials, hearing their concerns, and at times accepting their suggestions for ways to improve the election process. The Carter Center established a field presence for the March Atlantic Coast elections, sent 11 observers to the verification of the voters list, deployed seven long-term observers, and ultimately fielded 62 observers to monitor the Nov. 5 voting, leaving a large number of these in the field for the following 10 days to observe the resolution of challenges to the vote tallies. Over the course of the year, The Carter Center sent pre-election

Former U.S. President Jimmy Carter and Dr. Jennifer McCoy, director of the Carter Center's Americas Program, gave their observations of the pre-election period at a July 2006 press conference in Managua.

MARGARITA MONTEALEGRE





OBSERVING THE 2006 NICARAGUA ELECTIONS

delegations on fact-finding visits, commissioned technical reports, and regularly published recommendations on how to improve election preparations and the campaign climate.

POLITICAL AND ADMINISTRATIVE CONCERNS

A deeply politicized election body lacking adequate partisan balance raised fears that some election rules might not be implemented fairly. Partisanship struck home within the CSE when infighting between the two parties controlling that body made quorum formation and decision-making problematic over a five-month period in early 2006. An overcrowded electoral calendar and inadequate planning for the production and distribution of citizen identity cards helped fuel suspicions that political bias was operating in the issuance and delivery of voting documents. Political parties unrepresented in the CSE criticized the distribution of election workers in the polling stations and municipal-level election offices as unfair and designed to promote irregularities. Electoral regulations were not always clear or issued fast enough to assist the contending parties in the proper exercise of their rights, including regulations concerning campaign finance. Nonetheless, the election authorities managed other preparations well, including the manufacture of ballots and registration of parties and candidates. The latter process was approached with an inclusive spirit more in keeping with democracy than had been the case in 2001. Five contending parties were able to undertake their campaigns unhindered, and no violence was reported. With a greater variety of options, electoral debate was lively and vigorously promoted in the media.

ELECTION DAY AND AFTERMATH

Voter turnout on election day, Nov. 5, was lower than in 2001 but still very high overall, and the voters exercised their right to vote patiently and in an orderly manner. Materials were distributed on time, and polling sites opened with only minor delays. The bal-

loting was administered in an unbiased manner and in accordance with established procedures. The authorities provided support to resolve problems that did occur, but these were minor incidents. There was no systematic pattern of irregularities that might have indicated fraud. The support provided by the armed forces for maintaining peace and facilitating the secure transportation of materials was exemplary. Despite a problem-free transmission, the CSE was slow in reporting final vote totals, while anomalies surfaced in some areas as challenges to vote tallies were processed. The domestic observer group Ethics and Transparency charged that the CSE's decision to ratify disputed vote results for the North Atlantic Autonomous Region amounted to fraud.

ACCEPTANCE OF THE RESULTS

Despite the aforementioned difficulties, the elections generally met international standards for an acceptable election. When the traditional Liberal vote split in the election to form two parties, former revolutionary President Daniel Ortega of the Sandinista National Liberation Front (FSLN) won an undisputed victory by a wide-enough margin to avert a runoff. The legislative elections resulted in significant blocs of seats for the FSLN and both the Constitutionalist Liberal Party and the Nicaraguan Liberal Alliance-Conservative Party, as well as a smaller number for the Sandinista Renewal Movement.

The presidential results unequivocally reflected the will of the Nicaraguan voters, as did all but one of the legislative races. The defeated candidates for president accepted the victory of Sandinista leader Daniel Ortega with good grace and only minor delays. Comprehensive parallel counts by one of the new parties and a domestic observer organization aided the acceptance process. The return of the FSLN to power after losing in 1990 represents a positive alternation of parties in office and helps preserve the chances for an eventual consolidation of democracy.



OBSERVING THE 2006 NICARAGUA ELECTIONS

OPPORTUNITIES FOR SYSTEM IMPROVEMENT

Although there were notable improvements over past elections in competitiveness, the electoral system remains largely unprepared to process a close election. The level of distrust permeating the electoral system indicates a pressing need for the election authority to be put on a nonpartisan and professional footing. National interest in carrying out a constitutional reform creates a prospect for positive change, and the CSE's own interests in reforming the electoral law and updating the system for issuance of national identity cards are also welcome opportunities for remedying remaining deficits in the electoral system.

COORDINATION OF OBSERVATION EFFORTS

The 2006 elections witnessed continuing consolidation of national observer organizations. However, national and international observation efforts were not always effectively coordinated. Constant informal discussions among the observers and with donor organizations created widespread consensus concerning the analysis of problems in the election picture, but lack of unity as to their solution impeded effective representation of common positions to the election authorities on certain issues. Observer organizations nevertheless cooperated extensively in the field on election days on the Atlantic Coast and nationally and, in some cases, collaborated in monitoring the resolution of challenges. Nicaragua needs to depoliticize and strengthen its electoral system so as to build public confidence and reduce its dependence on international observers.



OBSERVING THE 2006 NICARAGUA ELECTIONS

THE PRE-ELECTION PERIOD

On Nov. 5, 2006, Nicaraguans went to the polls to elect a president and vice president, 90 deputies to the National Assembly, and 20 representatives to the Central American Parliament. For the fourth consecutive time, The Carter Center was on hand with a sizable contingent of observers to monitor the election. Former U.S. President Jimmy Carter had helped mediate difficulties that arose during the historic 1990 election in which the revolutionary Sandinista National Liberation Front party (FSLN) had ceded power to Violeta Chamorro. The Center returned in 1996 and 2001 to monitor hard-fought contests in which the Liberal Constitutionalist Party (PLC) turned back attempts by Sandinista leader Daniel Ortega to regain the presidency.

Acknowledging the positive role The Carter Center had played on prior occasions, the Supreme Electoral Council (Consejo Supremo Electoral, CSE) issued a formal invitation to The Carter Center Jan. 23, 2006, to observe both the Atlantic Coast regional elections scheduled for March 2006 and the national elections in November of that year. Upon accepting, the Center staff decided early to schedule two visits by President Carter to Nicaragua in 2006 to assist in any way that would overcome difficulties in the election process. With four major parties, both the presidential and legislative races were expected to be more competitive than on previous occasions but also potentially more conflictive.

To understand why international observation of Nicaragua's elections was still necessary after 16 years, a brief glance back at institutional changes wrought during the previous six years is helpful. In 2000, legislators from the Sandinista and Liberal parties reformed the constitution to share power in state institutions to the exclusion of other political forces. These included the Supreme Electoral Council (CSE), which

was expanded to seven members to permit a numerical balance between Liberal and Sandinista magistrates. The major parties also rewrote the electoral law, effectively inhibiting new parties from forming, eliminating nonparty forms of electoral participation, and generally limiting competition. Although key barriers to new party formation were struck down as unconstitutional in October 2002, restrictions such as the ban on non-party candidacies remained in 2006.

These constitutional changes, resulting from an agreement between the leaders of the Liberal and Sandinista parties, were collectively referred to as a political pact and sparked concern that election law and a politicized CSE would favor the major parties unfairly and hinder their rivals from competing effectively. Although the 2001 national voting passed with only minor problems, fraud charges were lodged in the wake of municipal voting in 2004, particularly in the city of Granada. By 2005, new political forces voiced fear that the Sandinista and Liberal party leaders would use their control of the courts and comptrollers-general to ban other party presidential candidates from the 2006 race.

In late 2004, a fresh political pact by the Sandinistas and Liberals added tension to the pre-election picture. The two parties again changed the constitution to make the president's nominations to cabinet positions and other posts subject to ratification by a 60 percent majority of the National Assembly deputies, among other matters. The changes sparked a 10-month political crisis when President Enrique Bolaños refused to accept the amendments and invoked help from the Organization of American States (OAS) under the 2001 Inter-American Democratic Charter. In May 2005, The Carter Center sent a mission headed by former Argentine Foreign Minister Dante Caputo to examine the prolonged impasse. The OAS subsequently named Caputo to facilitate a solution to the crisis, which was achieved in



OBSERVING THE 2006 NICARAGUA ELECTIONS

TIMELINE OF THE CARTER CENTER'S ACTIVITIES

JAN. 23, 2006 President Jimmy Carter receives a letter from president of the Nicaraguan Supreme Electoral Council (CSE), Roberto Rivas, inviting The Carter Center to observe the regional elections in March and national elections in November.

JAN. 31–FEB. 2 Carter Center Senior Associate Director Shelley McConnell and Dr. Fernando Tuesta, former chief of the Peruvian electoral authority, travel to Nicaragua to explore a potential observation mission by The Carter Center.

MARCH 5 The Carter Center deploys four observers to observe the Atlantic Coast elections in the North Atlantic Autonomous Region and the South Atlantic Autonomous Region.

JUNE 16–20 Dr. Shelley McConnell leads a group of 11 international observers in monitoring the voter verification process in 13 departments and the South Atlantic Autonomous Region.

JULY 3–6 President and Mrs. Carter, along with Chief of Mission Jaime Aparicio, Americas Program Director Jennifer McCoy, Shelley McConnell, and political consultant David R. Dye conduct a pre-election assessment trip in which they meet with the CSE, President Bolaños, presidential candidates and political parties, domestic and international observation groups, the diplomatic community, and civil society.

JULY 27 Chief of Mission Jaime Aparicio arrives in Nicaragua to begin regular meetings and contacts with the CSE, political parties, and domestic and international observation groups. The Carter Center opens a field office in Managua.

SEPT. 4–9 Elections expert Ron Gould conducts a technical preparation assessment visit, meeting with elections authorities and technical experts from other observation groups.

SEPT. 6–10 Pedro Nikken, member of the Friends of the Democratic Charter, joins Jaime Aparicio in Managua to conduct a series of high-level visits with the government, CSE, political parties, and other observer groups.

SEPT. 8 The Carter Center deploys seven long-term observers to Granada, Leon, Bluefields, Bilwi (Puerto Cabezas), Juigalpa, Matagalpa, and Esteli.

OCT. 9–14 Technical consultants Marcel Guzmán de Rojas

and Luis Alberto Quiroga analyze election day preparedness and create plans for technical aspects of the Carter Center's election day observation.

NOV. 1 Medium-term and short-term observers arrive in Managua.

NOV. 2–3 All observers receive training to monitor election day and the resolution of challenges.

NOV. 3 Observer teams are deployed throughout Nicaragua to all departments and regions. Presidents Toledo and Ardito Barletta arrive in Managua to begin meetings with President Bolaños, political parties, and other observer groups.

NOV. 4 Presidents Toledo and Ardito Barletta meet with Eden Pastora. President Carter arrives in Managua where he joins Presidents Toledo and Ardito Barletta in meetings with the CSE, Daniel Ortega, the European Union, and the Organization of American States.

NOV. 5 Sixty-two Carter Center observers monitor opening of polls, voting, and counting on election day. The leadership team holds meetings with Eduardo Montealegre, José Rizo, and Edmundo Jarquín.

NOV. 6 Domestic observer groups debrief the leadership team on their observation. Observers return to Managua to debrief the leadership team on election day activity. Leadership team holds meetings with Edmundo Jarquín, Daniel Ortega, and Eduardo Montealegre.

NOV. 7 Long-term and medium-term observers are redeployed to departments and regions to monitor challenges. The leadership team holds meetings with José Rizo and leaders of the business community. Former presidents depart Nicaragua.

NOV. 7–11 Long-term and medium-term observers monitor preparation of departmental and regional summary tally sheets and adjudication of challenges.

NOV. 11–14 The Carter Center's medium-term observers depart Nicaragua.

NOV. 30 The Carter Center closes its field office in Managua. Political consultant David R. Dye remains in Managua after long-term observers depart.

JAN. 9–11, 2007 Shelley McConnell represents President Carter at the inauguration of President Daniel Ortega.



OBSERVING THE 2006 NICARAGUA ELECTIONS

an October 2005 agreement to postpone implementation of the controversial reforms until January 2007.

Along with civil society and domestic observer organizations, Nicaragua's political parties, including those that had split from the Liberal and Sandinista parties in opposition to the pacts, asked The Carter Center to conduct an in-depth observation of all aspects of the 2006 process. Although fears of political bias in the upcoming election were rife, a thorough international observation of the process could help mitigate problems. Albeit financial constraints would make it impossible to open and staff the pre-campaign stages in the first half of 2006, The Carter Center resolved to accompany the process to the extent that its resources permitted.

Belying worries that certain candidates would be barred from running, the five parties that wanted to participate did successfully register their candidates for president on May 31, 2006. These included two dissident candidates who split from the main Sandinista and Liberal parties (FSLN and PLC) to lead their own parties. The five candidates and their parties were: Daniel Ortega for the Sandinista National Liberation Front (FSLN), José Rizo for the Liberal Constitutionalist Party (PLC), Eduardo Montealegre for the newly formed Nicaraguan Liberal Alliance-Conservative Party (ALN-PC); Herty Lewites for the existing Sandinista Renewal Movement (MRS) and Edén Pastora for the small Alternative for Change (AC).

But other problems became evident. Attempts by foreign countries to influence Nicaragua's election outcome reached a depth and visibility unmatched since 1990. While the U.S. government once again maneuvered to unify the Liberal forces to thwart a comeback by Daniel Ortega, Venezuelan leader Hugo Chávez came to Ortega's aid as a key ideological ally.

Most important, trust in the CSE was low among the new political parties, civil society, and a large minority of citizens, a result of what was perceived as excessive politicization of the institution and its authorities at all levels. Adding to the lack of confi-

dence was a perception that operative control of the CSE administration had passed into Sandinista hands. The CSE responded to this lack of confidence at times with mistrust of its critics, some of whom it ostensibly believed were trying to undermine its work. In a novel departure, the CSE's mistrust extended to some election observation organizations, injecting further tension into the process.

ATLANTIC COAST ELECTIONS AND THEIR AFTERMATH

The first phase of the 2006 election season spanned the elections for regional council members on the Atlantic Coast in early March, an area also known as the Caribbean Coast. Held every four years, these elections determine who will occupy 45 seats on each of two autonomous councils, which then select the governing authorities for the North and South Atlantic Autonomous Regions. These regions are home to Nicaragua's principal indigenous peoples, including the Miskitu, Mayangna, Rama, Garifuna, and Creole, which represent roughly 12 percent of the overall population of the country. Infighting in the CSE, controversy over alleged plans to manipulate the voting rolls, and attempts by foreign actors to forge alliances between Nicaraguan parties and support them financially all marked this initial period. The period also coincided with a drawn-out negotiation between the Sandinista and Liberal leaderships over who would hold power in diverse institutional positions in the country.

In the period leading up to balloting on the Coast, the seven-member CSE reached an impasse. The four-person Sandinista majority, led by CSE president Roberto Rivas, made decisions with which the three-person Liberal minority (with ties to the PLC) disagreed. Rather than accept the decisions as democratic, the Liberals boycotted CSE sessions and denounced the actions of their colleagues as illegal. Because the presence of five members was required for a quorum, such boycotts effectively hindered the CSE from making decisions, although all business was not



OBSERVING THE 2006 NICARAGUA ELECTIONS

brought to a halt. Among observer groups, the Liberals' tactics revived memories of 2001, when infighting between the two CSE factions over candidate registration and the internal organization of the CSE itself twice led to lengthy interruptions of operations.

Two issues in particular sparked dissent. One was a Nov. 21, 2005, ruling by the CSE Department of Political Party Affairs to allow the Liberal forces backing pre-candidate Eduardo Montealegre, who had split from the main Liberal party – the PLC, to change the name of their group from the Liberal Salvation Movement (a pre-existing splinter party) to the Nicaraguan Liberal Alliance. The PLC had used “Liberal Alliance” as the label for its coalition in the two previous elections, and it argued that this label was its political-intellectual property and other forces had no right to use it. The CSE rejected this argument out of hand and approved the name change.

Although the PLC-affiliated Liberal magistrates eventually dropped their objections on this point, the CSE majority made a more controversial decision not to apply the terms of Articles 41 and 116 of the 2000 election law. These articles stipulated that any voter in possession of a valid identity card (*cédula*) must be allowed to vote at the polling station noted on the card, even if the person's name could not be found on the voter roll. National observer organizations Ethics and Transparency and the Institute for Democracy both opposed striking these articles. They argued that the CSE had overstepped its authority—only the National Assembly, not the CSE, could change the election law.

The PLC went a step further, claiming that in eliminating Articles 41 and 116, the Sandinista majority was preparing fraud in March via manipulation of the voter rolls. The PLC alleged that many Atlantic Coast citizens would arrive at their voting places, find their names missing from the rolls, and, in the absence of guarantees provided under Articles 41 and 116, be denied the right to vote there. Instead, they would be told to vote elsewhere, but many would be unable to get to the new location or would become discouraged and give up the attempt to vote. This hypothetical shell game, nicknamed “crazy mouse” (*ratón loco*), would effectively deprive many residents of their right to vote. In the midst of a mounting media outcry, the PLC briefly flirted with the threat of boycotting the election entirely if Articles 41 and 116 were not reinstated.

After both national and some international election observers, including The Carter Center, and civil society argued for restoring the stricken clauses, the CSE major-

The Carter Center fielded two observers to the North Atlantic Autonomous Region for the March 2006 Atlantic Coast elections; the north and south coastal regions are home to Nicaragua's principal indigenous peoples.



RENE DEVRIES



OBSERVING THE 2006 NICARAGUA ELECTIONS

ity backtracked and announced on Feb. 9 that Articles 41 and 116 would be implemented after all.

Despite this recantation, the Liberal minority refused to end its boycott, fueling uncertainty concerning the real motives behind its stance. At this juncture, the Sandinista side in the CSE, backed by the Supreme Court, tried to normalize the functioning of the CSE by calling the three alternate magistrates (*suplentes*) for the absent Liberal magistrates into service in order to form quorum and make decisions. Rather than ease tension, this move sparked still more conflict. The Liberals argued that the election law clearly reserved the option of calling up *suplentes* to the missing magistrates themselves. To press its point, the Liberals called on the National Assembly to give its opinion of Article 6 of the election law, which covers the role of *suplentes*.

The CSE majority decided to ignore this controversy and on Feb. 20 called two of the three alternate magistrates into its deliberations. The CSE then made a series of rulings to which the Liberals once again objected. These included the re-election of CSE Vice President Emmet Lang, whose term was about to expire, and the anticipatory re-election of CSE President Roberto Rivas, whose mandate was scheduled to lapse in August. The PLC immediately denounced the decisions as illegal. As voting day on the Coast approached, the political atmosphere in Managua heated up as PLC spokesmen threatened to disrupt vote counting with massive numbers of challenges, and members of civil society called on the CSE to resign en masse.

PEACEFUL VOTING ON THE COAST

The four political parties that would go on to contest the national election in November—the Sandinista National Liberation Front (FSLN), the Liberal Constitutionalist Party (PLC), the Nicaraguan Liberal Alliance–Conservative Party (ALN-PC) and the Sandinista Renewal Movement (MRS)—made their presence felt on the Coast and campaigned to varying degrees, albeit without exciting more than mild inter-

est among the voters. Regional parties rooted in the Coast itself, Yátama (“Mother Earth” in Miskitu) and the Movement for Coast Unity Party (PAMUC) rounded out the roster of participants along with other minor parties. The official 42-day campaign period commenced on Jan. 19.

Absent sufficient time and resources to mount a full-fledged observation, The Carter Center marked its presence in the Coast election by sending two-person fact-finding teams to both the North and South Autonomous Regions. Team members covered Bluefields and Laguna de Perlas in the South Atlantic along with Bilwi and its environs in the North. Contradicting the expectations of some in Managua, the March 5 voting and its aftermath in the Caribbean areas transpired in absolute calm. About 45 percent of registered Coast residents turned out to vote, a modest improvement over 2002. In most respects, the machinery of the CSE worked well in guaranteeing the smooth functioning of local vote boards, although ID card hole punchers (used to protect against double voting) and ultraviolet lamps needed to read security marks on *cédulas* were found to be defective in a significant number of cases.

The major irregularity noted by all observers was the number of Coast residents who could not find their names on the rolls. Estimates of the percentage of voters in this situation varied wildly among the observer groups, from a low of 3 percent to highs of 15 to 20 percent, but the portion was significant in all cases. The incidence of this phenomenon appeared to bear out the wisdom of the CSE’s decision to apply Articles 41 and 116 as written; in the absence of these rules, numerous frustrated voters might well have caused disruption of the process.

At the end of the day, the PLC, traditionally the Coast’s strongest party, emerged with a relative majority of 40 percent of the popular vote, followed by the FSLN with 27 percent and Yátama with 16 percent. A political newcomer, the ALN-PC garnered just 9 percent of the popular vote and the MRS won a scant 3 percent. In May, an alliance between the FSLN and Yátama



OBSERVING THE 2006 NICARAGUA ELECTIONS

would go on to form the government of the North Atlantic Autonomous Region (RAAN) while the PLC would take office in the South Atlantic Autonomous Region (RAAS) after securing the defection of a council member from the ALN-PC.

Immediately, however, conflict erupted between the PLC and Yátama over the number of seats each party claimed to have won in the RAAN. Charging that fraud was occurring and was being abetted by the authorities, Yátama supporters occupied the offices of the Regional Electoral Council in Bilwi, capital of the RAAN, briefly sequestering the council president in his office. Underlying the conflict was a lack of clarity concerning the election districts in which certain polling stations, or *juntas receptoras de votos* (JRVs), were to be counted. Whereas the PLC argued that the assignment of JRVs to districts was rigorously determined in Law 331, Yátama invoked a pre-election political agreement, supposedly concluded among all the parties, which located certain disputed vote boards in areas that were party strongholds. The conflict concluded after the CSE in Managua ratified the validity of this agreement and upheld Yátama's claim to the disputed seats on the RAAN council.

THE CARTER CENTER VOICES ITS CONCERNS

The outcome of the Coast process, together with the first steps in the upcoming national election season, prompted The Carter Center to issue an extensive public statement on May 9, 2006. In regard to Coast issues proper, the Center urged the CSE to explain publicly why so many residents had failed to find their names listed on voter rolls and to clarify the exact locations of all JRVs. The majority of the Center's recommendations, however, focused on issues that it judged would be salient through the remainder of the 2006 election process and could affect the quality of the national elections. Two of these were of immediate concern.

Despite their party's strong showing, the PLC magistrates' boycott of CSE proceedings had persisted,

albeit in weakened form, after the Coast voting. This persistence was disquieting. If the strife in the CSE continued indefinitely, it could jeopardize the national election by hindering the magistrates from making a legitimate declaration of election winners in November. In this context, the Center strongly urged the CSE factions to resolve their differences as quickly as possible. In fact, the Sandinista and Liberal magistrates agreed on May 16 to put aside their disagreements, form a quorum, and resume normal deliberations. They moreover pledged to maintain a quorum throughout the entire election process to come (a promise they kept).

Budding intervention by foreign governments in Nicaragua's election affairs at this juncture prompted another recommendation from The Carter Center. As early as November 2003, the Bush administration had publicly opposed the re-election of either former President Daniel Ortega or former President Arnoldo Alemán (under house arrest for a corruption conviction), saying either candidate would be detrimental to the development of democracy in the country. After unsuccessful attempts in 2005 to unseat Alemán from PLC leadership, U.S. officials by April 2006 were actively attempting to forge an electoral coalition between the PLC and the emergent Nicaraguan Liberal Alliance around the candidacy of Eduardo Montealegre in order to thwart any comeback by Ortega. Ambassador Paul Trivelli in particular drew fire from various sides for his outspoken remarks against Alemán and Ortega.

At the same time, the government of Hugo Chávez in Venezuela signaled strong support for Ortega's re-election bid by agreeing to provide the FSLN-dominated Nicaraguan Mayors Association with subsidized petroleum products. With burgeoning public debate about these foreign influences threatening to make an already polarized election still more conflictive, the Center asked all governments to refrain from interfering in Nicaragua's internal affairs and allow the Nicaraguan people to debate the legitimate election



OBSERVING THE 2006 NICARAGUA ELECTIONS

issues undisturbed. In addition, the Center suggested that the CSE publicize existing regulations regarding the reporting of campaign contributions so that all players, foreign and national, would be fully cognizant of the rules of the game.

As things transpired, the party and candidate registration process concluded successfully on May 31, when five presidential candidates were duly inscribed. This put to rest any lingering doubt about candidates being excluded from the race. Daniel Ortega headed an alliance between the FSLN and the National Convergence dubbed “United Nicaragua Will Triumph,” while his former Sandinista rival Herty Lewites led an alliance centered in the MRS. Despite the strenuous efforts of the U.S. government to unify them, the Liberal forces remained split. The PLC nominated former Vice President José Rizo as its standard bearer, and the ALN-PC alliance put up former foreign minister and banker Eduardo Montealegre as its candidate. After changing its name, a small evangelical grouping called Alternative for Change (AC) chose former guerrilla leader Edén Pastora to lead its charge against the larger parties.

With the battle lines thus drawn, Nicaraguan voters found themselves contemplating a wider array of real political options than in any election since the 1980s. By virtue of the 2000 Liberal-Sandinista pact agreement, the leading candidate could win the presidential race on the first round of voting with 40 percent of the vote or as little as 35 percent, provided the candidate had a lead of at least five percentage points over the second-place finisher. With initial opinion polls showing four relatively strong candidates in the race, there was much speculation about which candidate could win with a plurality between 35 and 40 percent, thus avoiding the need for a runoff.

VOTING CARDS AND THE ELECTORAL ROLL

Once candidate and party registration for the presidential elections were over, attention shifted to other key issues that had emerged in the process, namely voter

registration and the quality of the electoral roll. In Nicaragua, the voters list process includes citizens receiving from the CSE a unique identity card called a *cédula*, which serves both for voting and general identification purposes. Despite being a formal requirement, surveys in recent years revealed that some 15 to 18 percent of the voting-age population (citizens over age 16) lacked possession of this key document. This proportion was highest among the youngest cohort of voters. Among the possible reasons cited to explain this situation was the fact that the municipal offices of the CSE, which normally issue *cédulas*, had been closed during 2004 and 2005 due to budgetary restrictions. As a result, citizens desiring to acquire or replace their ID cards had to travel to department capitals to request them, a prohibitive expense for many poor people.

Two factors heightened concern in 2006 over shortfalls in *cédula* issuance. One was the CSE’s salutary decision not to permit people to vote via ad hoc arrangements, a practice that had been allowed in several previous elections, citing fear that the integrity of the election would be compromised. In other words, the CSE refused to countenance people without *cédu-*

A Supreme Electoral Council staff member transfers the information from a newly produced cédula (voting document) into a record book before it is turned over to a citizen.

DEBORAH HAKES





OBSERVING THE 2006 NICARAGUA ELECTIONS

las voting with the aid of witnesses to attest to their identity, as had occurred in 2001. This ruling made it imperative for one to possess a valid *cédula* if one wanted to vote in November.

A second factor was suspicion in parts of civil society and the citizenry at large that the lack of *cédulas* in the hands of younger voters derived not from apathy nor from practical obstacles in obtaining the documents, but rather from lack of interest among the magistrates of a politicized CSE in seeing the electoral roll grow in normal fashion. Instead, some theorized, the CSE preferred to see growth in the roll subtly restricted while both the magistrates and their respective parties engaged in a parallel distribution of voting documents to their supporters to the detriment of parties lacking representation on the CSE. These tactics, it was held, could significantly bias the composition of the effective electorate to the disadvantage of new political forces participating in elections for the first time. Data from a June 2006 survey by the Costa Rican polling organization CID-Gallup argued against the validity of this suspicion. The survey first found that some 16 percent of Nicaraguans still lacked *cédulas*. However, the absence of these documents was distributed fairly evenly across the party spectrum, suggesting that political bias had not affected the distribution of the documents to that point.

Whatever the reality of the situation, *cédula* issuance and delivery became hot issues during the 2006 election process, provoking efforts among civil society organizations to assist voters in obtaining these documents. A leader in this endeavor was the Movement for Nicaragua, a civic group that had sprung up in late 2004 to oppose the constitutional reforms passed that year by the National Assembly. In particular, the group opened local offices in Managua and other cities to help people to obtain birth certificates from the civil registry. Due to the chronic underreporting of births (and deaths) in rural areas of the country, this was the first, and for many people the most difficult, step in obtaining a *cédula*.

To speed up the *cédula* process, the Movement for

Nicaragua advocated that municipal authorities issue birth certificates free of charge and that the CSE open additional windows in the central registry of persons in Managua to attend to the large flow of requests for *cédulas*. Movement leaders also urged the CSE to heavily promote *cédula* issuance among high school students who had recently come of voting age and collaborate with civil society in an effort to distribute *cédulas* that had been requested and manufactured but not yet delivered to the voters.

As part of its May recommendations, The Carter Center had urged the CSE to cooperate with civil society initiatives in this area and intensify its efforts to produce and deliver identity cards to all citizens requesting them. In June, the CSE reopened its municipal offices and began receiving applications for *cédulas* in the normal fashion. Over the course of 2006, the CSE claimed to have produced a total of 420,125 *cédulas*. Of these, 190,367 were new issues, while 215,702 were replacements and 14,056 were renewals. In contrast, in 2005 the CSE had issued some 153,000 new *cédulas* and replaced nearly 56,000 others. These increases indicated the strong interest of citizens in participating in the November voting but also reflected the necessity of the *cédula* for many other transactions, such as opening a bank account, obtaining credit, qualifying for a drivers license, serving in the military, and holding most jobs.

The Center also recommended collaboration between the election authorities and civic organizations in improving the election list. Ethics and Transparency (ET) decided to study the 2004 national electoral roll to determine its current quality, conducting a two-way audit based on samples drawn concurrently from the roll and from the population. When the roll itself was sampled and attempts were made in local neighborhoods to verify the information contained there, 25.3 percent of individuals in the sample were found to have died or emigrated from the country. This figure was not surprising, as it was known that the roll is not properly updated due to nonreporting of deaths and migratory movements



OBSERVING THE 2006 NICARAGUA ELECTIONS

RODNEY McDONALD



The Supreme Electoral Council hung banners to identify the location of voting centers during the citizen verification process.

among the population. More puzzling was the finding that in more than 10 percent of cases, the person on the roll had never lived at the address listed, and, in some cases, the address itself did not exist.

The person-to-roll audit, which drew a sample from the population and then checked the information obtained against the roll, uncovered other data of interest. In the most intriguing case, the names of 10 percent of people who had valid *cédulas* and were sampled in this audit could not be found on the rolls. This was anomalous: In theory, Nicaragua's electoral roll simply assembles photographic images of all the *cédulas* requested by the citizenry, meaning that anyone who has asked for an ID card should perforce be found on the roll unless the person has expressly requested to be removed. Whatever the explanation for the finding, such citizens would surely need the help of Articles 41 and 116 to vote at their local polling stations in November. In addition, 17 percent of those sampled were no longer living at the addresses listed on the roll; this underscored the need for a thorough updating of addresses so that voters would be able to cast ballots at the polling stations nearest to their homes.

THE CENTER OBSERVES CITIZEN VERIFICATION

An opportunity for Nicaraguans to update the addresses and other information contained in the voters list had been foreseen in the election calendar. In two successive weekends during the month of June, the CSE called on all voters to visit their local polling stations, called *juntas receptoras de votos*, or JRVs, to verify that their information was correct and request changes if needed. Prior to this event, the U.S.-based election assistance organization IFES, in collaboration with the CSE, compiled the names and addresses of thousands of Nicaraguans to whom *cédulas* had been issued in prior years but who had never come to pick them up. During the citizen verification, books filled with these names would be posted in all polling stations so that people knew the *cédulas* were available to be collected. In addition, if a *cédula* had been requested but not manufactured, other lists noted the point in the process at which it was stalled, and people who came to verify in the hope of picking up their *cédulas* were directed to the proper authority.

During the second weekend in which voters could visit their polling stations to verify their information, June 17 and 18, The Carter Center fielded a team of 11 experienced election observers to observe the proceedings. Fanning out to cover 13 departments and the South Atlantic Autonomous Region, the observers recorded relatively low citizen participation in the verification exercise and a complete absence of problems. The two verification weekends resulted in 234,508 address changes requested by citizens being incorporated into the electoral roll. Although substantial, this number was lower than expected. It may also have been significantly below the maximum number of changes needed. If the CSE was correct in estimating that the "real" electoral roll (excluding the dead and migrants) consisted of about 2.8 million voters, and if the Ethics and Transparency organization was correct in finding that 17 percent of those voters needed to change their addresses in order to cast ballots close to



OBSERVING THE 2006 NICARAGUA ELECTIONS



RODNEY McDONALD

Carter Center observers (shown standing behind desk) were present during the voter verification process in which Nicaraguans visited their local polling stations to verify the locations where they would vote in November and to ensure they were on the electoral roll.

home, a demand to amend some 475,000 addresses potentially existed in the population. Due to the limited public response to the first two verification opportunities, however, the CSE refrained from calling people to a third weekend. The CSE's final statistics indicated that 812,255 citizens of an estimated total of 3,154,405 had verified their data during the course of the verification exercise.

PRESIDENT CARTER VISITS

From July 3 through 6, former U.S. President Jimmy Carter visited Nicaragua to make a firsthand assessment of the developing electoral situation. President Carter was accompanied by his wife, Rosalynn, co-founder of The Carter Center, and by Center officials Jennifer McCoy and Shelley McConnell, director and senior associate director, respectively, of the Center's Americas Program. Also participating were former Bolivian ambassador to the United States Jaime Aparicio, whom President Carter publicly named as

chief of mission for the rest of the Center's 2006 observation effort, and political consultant David R. Dye. President Carter arrived the day after the untimely death from heart failure of MRS candidate Herty Lewites, who was immediately replaced by his running mate, Edmundo Jarquín.

Over the course of three days, President Carter and his team met with Nicaraguans and foreigners involved in a multitude of ways in the election race and process. After courtesy calls on President Enrique Bolaños, former President Violeta Chamorro, and Cardinal Miguel Obando y Bravo, the delegation met with presidential candidates José Rizo (PLC), Eduardo Montealegre (ALN-PC), and Edmundo Jarquín (MRS) and with representatives of Alternative for Change (AC) to hear their views concerning the election process as it was unfolding. Only FSLN candidate Daniel Ortega declined the invitation to meet with the former U.S. president. The election missions of the Organization of American States and the domestic observer groups ET and IPADE also gave their evaluations of the process to President Carter and Center staff, as did diplomats from Europe and Latin America.

The delegation's key meeting was with the authori-

Roberto Rivas, president of the Supreme Electoral Council, welcomes President and Mrs. Carter.



MARGARITA MONTEALEGRE



OBSERVING THE 2006 NICARAGUA ELECTIONS



MARGARITA MONTEALEGRE

President and Mrs. Carter meet with ALN-PC presidential candidate Eduardo Montealegre in July.

ties of the CSE, who were led by President Roberto Rivas Reyes, Vice President Emmet Lang of the FSLN, and Liberal Magistrate Luis Benavides. During a press conference at the close of his visit, President Carter informed Nicaraguans that the CSE had assured the delegation that a certain number of essential procedural steps would be taken: Pending election regulations would be issued in timely fashion; sufficient credentials would be produced and opportunistically distributed to domestic observers; the CSE would post the election day tallies by JRV on its Web site as they were entered into the tallying computer; and international election observers would have access to the postelection dispute resolution process in the municipal and departmental election councils (called CEMs and CEDs, respectively).

President Carter's press remarks addressed three additional issues related to the election process. Responding to concerns expressed by Nicaraguans on many sides, President Carter said categorically that "The Carter Center strongly opposes foreign intervention in Nicaragua's election process." He also urged the CSE leadership to ensure equitable distribution of the vote board personnel nominated by political parties other than the FSLN and the PLC. This

recommendation stemmed from discontent at the way in which representatives of other parties had been assigned to departmental and municipal election councils in June. Finally, President Carter underscored the Center's concern about slowness in *cédula* issuance and seconded the above-mentioned suggestions of the Movement for Nicaragua for accelerating *cédula* production and delivery.

CIVIL SOCIETY SEEKS TO POSTPONE CÉDULA DEADLINE

In the weeks following President Carter's July visit, the issues of ID-card manufacture and distribution became more salient. A study by Ethics and Transparency provided a timely quantitative assessment of these problems. In early May, Ethics and Transparency began following a small sample of 537 citizens as they requested their documents and, in many cases, pestered the CSE to provide them. By early September, only 101 of the 537 people had actually received their cards, and only if they had been persistent in demanding them. Many others had been told repeatedly by local CSE officials to come back later to pick up their documents without specifying a date.

Meanwhile, the Movement for Nicaragua continued as the paladin in efforts to spur both municipal authorities and the CSE into more decisive action to produce and distribute voting documents. The Movement for Nicaragua complained about what it believed to be deliberate inaction on the part of local authorities in responding to the requests for birth certificates generated by its local offices. By mid-July, after five months in operation, these offices had received 5,700 such requests, but local mayoralities and their associated civil registries of persons had reportedly accepted only 2,134 of these for processing. At later stages of the *cédula* generation process, the CSE had issued just 1,530 *cédula* stubs (for pickup of the documents when ready), and a mere 60 citizens had actually received a manufactured voting card.

In view of these results, the Movement for Nicaragua and other sectors began to suspect that the



OBSERVING THE 2006 NICARAGUA ELECTIONS



MARGARITA MONTEALEGRE

Members of Movement for Nicaragua voice their concerns over the slow pace of cédula issuance at a July meeting with President Carter.

electoral and municipal authorities had slowed the pace of *cédula* issuance for partisan purposes. The CSE responded with the allegation that the Movement for Nicaragua and other forces, including the Bolaños government, were attempting to discredit its work. A particular matter of controversy was the Movement's claim that as many as 800,000 people still lacked *cédulas*; both the CSE and domestic and international observer organizations found this claim greatly exaggerated. In a climate of uncertainty, the Movement nevertheless mobilized public opinion as well as support from the business community for a proposal to extend the *cédula* issuance deadline to give more time for citizens to act. Whether it happened as a consequence of this pressure or for other reasons, the National Assembly voted Aug. 4 to postpone the last day for receiving *cédula* requests for two weeks, from Aug. 6 to Aug. 21. Along with the CSE, the domestic observer groups Ethics and Transparency and IPADE warned that this move would slow a very tight election

calendar, potentially creating further difficulties.

By this point, the CSE's tense relations with parts of Nicaraguan civil society were mirrored in the mistrust it displayed toward some international observers, notably the electoral mission of the Organization of American States (OAS). On Aug. 1, at the behest of the Bolaños government, OAS mission chief Gustavo Fernández, a former foreign minister of Bolivia, gave a verbal report to the OAS permanent council in Washington, D.C., on the election situation in Nicaragua. In particular, Fernández commented on the partisan makeup of the electoral institution as part of the backdrop to the problems plaguing

the election process. CSE Vice President Emmet Lang responded Aug. 5, rejecting the idea that the CSE's operations were in any way partisan and decrying a supposed lack of respect by the OAS for the work of Nicaragua's election authorities. The CSE magistrate insinuated that the regional organization was overstepping its bounds and interfering in his country's electoral affairs.

Several weeks later, Sandinista presidential candidate Daniel Ortega went further, calling the OAS observation of Nicaragua's election "humiliating" and implying that it formed part of a campaign orchestrated by the Bush administration to discredit the elections in which he believed he was destined to emerge victorious. These remarks capped a period of months in which the Sandinista leader had periodically expressed a lack of confidence in election observers in general and advised his supporters to be wary of them.



OBSERVING THE 2006 NICARAGUA ELECTIONS

THE CAMPAIGNS COMMENCE

In the midst of this developing complication, The Carter Center established its mission office in Managua in August and began an ongoing observation that would continue through November. As part of the observation plan, seven long-term observers arrived, received training, and were deployed on Sept. 8 to León, Granada, Estelí, Matagalpa, Juigalpa, Bluefields, and Bilwi (Puerto Cabezas), where they began monitoring the campaign and election preparations. During a period of more than two months, the long-term observers would provide the mission leadership with detailed reports on the campaign and election preparations in Nicaragua's 15 departments and two autonomous regions while they prepared the ground

As the campaigns commenced, political propaganda appeared on almost every telephone pole and blank wall.

CYMENE HOWE



for the coming of many short-term observers in late October.

The opening of the Center's mission headquarters coincided with the onset of the official 75-day campaign period, which began on Aug. 19. The campaign styles of several of the contenders were quite novel, not least in the case of Daniel Ortega, a former revolutionary leader making his third attempt to regain the presidency. Regarded as an adherent of the hard-line Latin American left, Ortega reassured businessmen that his support for Hugo Chávez's alternative economic arrangements ("ALBA") did not imply an annulment of the Central America Free Trade Agreement with the United States, approved in Nicaragua the prior year. Pledging to work for unity and national reconciliation, the FSLN campaign furthermore strove mightily to dissipate longstanding fears that a victory by Ortega would bring a return to the hardships of the 1980s Contra war. The Sandinista candidate declined offers to participate in debate forums with his rivals, while his party eschewed the large-scale rallies that had been the hallmark of previous campaigns in favor of small reconciliation meetings and door-to-door visits to voters. Even his campaign colors changed from the traditional FSLN red and black to soft pastels of purple and pink with a campaign theme of love and reconciliation.

With these low-key tactics, the Ortega team evidently hoped to avoid losing votes to an alternative left-wing candidate, Edmundo Jarquín, a former Sandinista diplomat who had become the standard bearer of the MRS on July 4. Jarquín portrayed himself as a moderate left option combining responsibility in economic policy (the candidate had long been a high official of the Inter-American Development Bank) with deep concern for alleviating the plight of the poor majority. The MRS candidate moreover became a media favorite by mocking his own appearance, calling himself "the ugly fellow" (*el feo*) to ingratiate himself with the humblest of ordinary citizens. However, lack of campaign financing and a weak organization hampered the MRS from undertaking a truly national campaign.



OBSERVING THE 2006 NICARAGUA ELECTIONS



MARGARITA MONTEALEGRE

DAVID EVANS

Carter Center staff Shelley McConnell (left) and Jennifer McCoy advise President Carter prior to a meeting with a presidential candidate.

On the Liberal side of the spectrum, former vice president turned PLC candidate José Rizo Castellón attempted steadfastly to get out from under the ballast of Arnaldo Alemán, who despite serving a 2003 prison sentence for fraud and money laundering was still the PLC's top leader. Under new leadership, José Rizo asserted, pact making between the PLC and the FSLN would come to an end. With "Nicaragua First!" as a punchy campaign motto, Rizo advertisements overwhelmed voters with detailed promises to improve the country's economic infrastructure and social services. In contrast to the FSLN, the PLC organized the largest rallies of the 2006 campaign, choosing to display political muscle to convince voters that it was still a force to be reckoned with.

The newest of the contenders, Eduardo Montealegre of the Nicaraguan Liberal Alliance stood as a dissident Liberal staunchly opposed to the PLC making pacts with the FSLN. Montealegre also projected the image of a successful professional who could extend the macroeconomic accomplishments of the outgoing Bolaños administration, in which he had served as finance minister and chief of staff. His han-



Daniel Ortega's campaign included large billboards erected in cities and rural areas promoting peace and reconciliation.

dlers nevertheless sought ways to overcome the perception that, as a banker and scion of a traditional upper-class family, he lacked social concern or the common touch. Montealegre's campaign ads thus hammered relentlessly on the promise of "more and better jobs" and economic opportunities for all under the government of the ALN-PC. Despite doubts about its organizational abilities among potential campaign funders, the novel Liberal-Conservative alliance was able to put together a respectable campaign apparatus for so young a party.

With a wider range of candidates, the level of campaign debate in 2006 was generally higher than in previous contests. But negative campaigning by the two Liberal contenders prevailed in the late stages. Poll findings suggested that an even split in the Liberal vote between Eduardo Montealegre and José Rizo would hand the FSLN an easy win. Survey analysts also argued that a sizable swing vote (*voto útil*) was waiting to be cast for the candidate who could convincingly portray himself as the man able to beat Daniel Ortega. To attract this vote, the Liberal candidates took turns swiping at one another in their campaign spots while



OBSERVING THE 2006 NICARAGUA ELECTIONS



SANDRA FLORES

MRS presidential candidate Edmundo Jarquin mocked his own appearance, using the campaign slogan “Vote for the ugly fellow who wants a beautiful Nicaragua” on billboards.

their parties dredged up televised images of Sandinista rule in the 1980s in an attempt to frighten the voters with the specter of Ortega’s return to power.

PROCEDURAL CONCERNS

Despite the aforementioned tensions, at the beginning of September the election process appeared to be basically on track. Because no fresh quarrels between the party factions in the CSE had erupted, quorum was holding and the logistical preparations for November appeared to advance steadily despite the delay in the *cédula* deadline. Technical expert Ronald Gould, a former official of Elections Canada, reported to The Carter Center in early September that voting procedures, logistics, and operations appeared to be well organized but recommended that an information technology expert assess the strengths and weaknesses of the transmission system due to gaps in the phone company Enitel’s coverage of the country and the possibility that power outages could affect the process. Noted Venezuelan jurist Pedro Nikken complemented this technical assessment with a review of the political

situation for the Friends of the Democratic Charter, a group of former presidents, prime ministers, and cabinet members based at The Carter Center.

Three issues loomed as potential stumbling blocks to a satisfactory process outcome. The first was the slowness with which the CSE came forth with key regulations, in particular one concerning the ways in which the magistrates would eventually deal with the challenges (*impugnaciones*) emanating from the polling stations on voting day and subsequent appeals. Because the November balloting was expected to be close, especially in National Assembly races, fear had arisen that the contending parties could vie with one another to alter or challenge the vote results arbitrarily for partisan advantage. Clear rules for the adjudication of disputes were essential to avoid preferential treatment and subsequent conflict.

An initial version of the challenges regulation issued Sept. 5 met with criticism from several political parties as well as from observers on the grounds that filing challenges would be too easy: The refusal of even one of the three members of a given voting board to sign a tally sheet would be sufficient to annul the results. The opposition led the magistrates to revise the regulation omitting this provision. The Carter Center and other observers noted, however, that the regulation still lacked specific criteria to guide the magistrates in deciding how to handle cases in which election tally sheets had been altered and party poll watchers requested their annulment. A symposium on election challenges organized by the Institute for Democracy (IPADE) and the National Democratic Institute (NDI) on Sept. 12 strongly recommended an addition specifying that if cases arose in which the alteration of tally sheets made it impossible to detect the will of the voters, the CSE should proceed under Article 131 of the electoral law to open the ballot boxes and recount the votes, a procedure the CSE appeared reluctant to incorporate. The Carter Center would second this recommendation in a statement in late October.

A second issue concerned fairness in the distribu-



OBSERVING THE 2006 NICARAGUA ELECTIONS



GLADYS SALAZAR

Long-term observer Anais Ruiz observed an FSLN rally in Bluefields, where she met presidential candidate Daniel Ortega.

tion of so-called “second members” (actually the third position) in the three-member local polling stations. Law 331 allocated the first two positions on these boards to the two largest parties judged by the results of the previous elections, reserving the third position to the other participating forces. Regulations specifying precisely how the latter posts would be distributed among other parties were lacking, however. In 2006 the CSE appeared to have given the Municipal Election Councils (CEMs) latitude to decide these criteria themselves, meaning the rules varied from place to place. While a division of the second members among the three new parties (ALN-PC, MRS, AC) in equal parts was one possible criterion, CEMs in some places decided to distribute the seats not by thirds but in proportion to the percentages of slates of candidates submitted by the parties, a practice that gave the better organized contenders an advantage.

The application of these rules became another source of controversy. The MRS and to a lesser extent the ALN charged CEM officials with arbitrarily discarding many of their slates on the grounds that their

documentation was not in order or had not been submitted on time. It was difficult for Carter Center observers to judge with precision to what extent this was actually the case or whether the parties’ documentation was genuinely deficient or late. The MRS also claimed to have been unjustly excluded from training sessions for the second members. In sum, the party argued, official practices were effectively excluding many potential party workers from occupying their spots. In Managua, although the initial decision of the CEM was to divide the posts in one-third chunks to all three parties, at the end of a long, drawn-out battle, the MRS received only 125 posts in almost 2,000 JRVs.

In this and other areas, the shortfall of second members thus created was filled by *de officio* appointments by the CEMs of nominees from other parties, at times even from the FSLN and PLC. The uneven representation fueled suspicions that a scenario was unfolding in which two or more of the parties represented on the JRVs would somehow confabulate to alter the election results or their transmission in areas where races were close. Among ALN and MRS party workers, lack of confidence in the CSE deepened as a result.

A third major concern revolved around the delivery of voting documents. According to official CSE statistics, the final 2006 voter roll had swollen to 3,665,141, an unusually large 22.3 percent gain over the 2001 list and 10.2 percent increase over that used for the 2004 local balloting. In light of this striking increment, concern that the roll was being unfairly unrestricted waned, and domestic observers Ethics and Transparency and IPADE conceded that despite known deficiencies, Nicaragua’s voters list was not notably inferior in quality to its average Latin American counterpart. Assurances by the CSE that it would again permit citizens to vote under the provisions of Article 41 further allayed concern about the practical effects of any problems with the roll that might occur. Several parties nevertheless complained of receiving the final list very late. This delay allowed the parties scant time to check for errors or anomalies,



OBSERVING THE 2006 NICARAGUA ELECTIONS

ANALIS RUIZ



At an FSLN rally in Bluefields, supporters wear party baseball caps as they await candidate speeches.

contributing to their mistrust of the CSE.

Due to the growth of the voter roll, an enormous number of new and replacement *cédulas*, approximately 420,125, had been produced in 2006 and had to be distributed to the voters by Nov. 5. By mid-August, the CSE realized it had insufficient time to produce and distribute full-fledged *cédulas* to all those who had asked for them. It therefore decided to manufacture 214,434 supplementary documents, an alternative form of election identification containing the citizen's picture but easier to produce. These *supletorios* were to be used only for voting purposes and would be collected after the voting concluded. Supplementary voting

cards had been used previously and presented no problems in principle. By September, concern was growing, however, over the very short time available to produce and distribute these *supletorios* along with roughly 100,000 newly manufactured *cédulas* to voters.

On Oct. 19, The Carter Center issued its final pre-election statement with recommendations for resolving the problems remaining in the election picture. Given lingering concern about postelection challenges sparking disturbances, the Center's statement included the above-mentioned considerations concerning the rules for resolving challenges, calling in addition on the parties to exercise restraint in lodging frivolous challenges.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Worry over problems with vote transmission complicated the possible postelection scenario. In Managua, the CSE had decided to electronically transmit all of the capital city's tally sheets from the national baseball stadium instead of from diverse transmission centers as it did in 2001, apparently for reasons of economy. The ALN and MRS feared that the agglomeration of thousands of election workers attempting to transmit their tallies at the same time could lead to disturbances in the sports facility, as had occurred on one previous occasion. To guard against this, The Carter Center suggested that CSE officials undertake transmission trials to accurately assess the CSE's capacity to handle the flow of people and documents. The Center furthermore urged the authorities to provide party poll watchers in the CSE's national computing center with copies of transmitted tally sheets in as prompt a manner as possible so that these could be checked rapidly against copies the parties had collected in the polling stations.

From then on to voting day, the delivery of voting documents to the citizens became the prime issue of concern in the electoral process. Following the two-week extension of the Aug. 6 deadline for *cédula* applications, the CSE had to race to produce hundreds of thousands of *cédulas* and *supletorios*, then transport them to the offices of the Municipal Electoral Councils for people to pick up. These offices already held 140,000 *cédulas* manufactured in prior years that citizens had never bothered to retrieve. While this last fact did not occasion much concern, The Carter Center urged both election officials and civil society to search for ways to ensure delivery of the greatest possible number of newly issued *cédulas* and *documentos supletorios* to the voters.

By Oct. 29, the CSE claimed it had delivered a total of 140,911 *documentos supletorios*, about two thirds of those manufactured. By this point, however, reports had surfaced in the media and from Carter Center long-term observers in the field that delivery of documents was being handled in some cases not by officials of local election bodies but by activists of political parties, especially the FSLN and PLC. Such reports reinforced longstanding suspicions that a parallel and biased distribution of voting documents was underway in an attempt to give the parties that controlled the CSE an unfair advantage over their rivals. In this context, Jaime Aparicio, the Carter Center's mission chief in Nicaragua, visited the affected departments and then called on the CSE in Oct. 31 statements to the media to investigate the reports and, where necessary, to bring the anomalous situation under control.

The election race generated less tension in the final stretch. Despite the possibility of sizable last-minute vote swings, opinion polls consistently predicted a victory by former President Daniel Ortega by a large-enough margin to make a second round of voting unnecessary. Although departmental races might be close, a growing perception of certainty about the presidential outcome lessened fears of possible scenarios following voting in which large numbers of challenges would be made to tally sheets, which would cause disturbances involving supporters of the contending parties. Nonetheless, The Carter Center put in place a computerized mapping system (geographic information system, or GIS) that would indicate, based on preliminary vote results, where such challenges had the greatest chance of impacting vote outcomes and instructed its observers to pay close attention to resolution of challenges.



OBSERVING THE 2006 NICARAGUA ELECTIONS

ELECTION DAY AND ITS AFTERMATH

Former U.S. President Jimmy Carter personally headed the Carter Center's delegation to the Nov. 5, 2006, Nicaraguan election. Two distinguished Latin Americans, former Peru President Alejandro Toledo and former Panama President Nicolás Ardito Barletta, accompanied Carter as co-leaders and gave the delegation strategic help. Other participants included staff leaders of the Center's Americas Program, Jennifer McCoy and Shelley McConnell, who had continued the operative direction of the election mission in Atlanta, assisted by local Chief of Mission Jaime Aparicio and political adviser David R. Dye.

Sixty-two Carter Center observers deployed early Sunday morning, Nov. 5, to monitor the balloting and its aftermath throughout Nicaragua. The deployment of the bulk of the observers was guided by a geographic information systems (GIS) analysis and by an attempt to randomize routes to increase the statistical value of the data they would record (see Appendices C and D for details about these preparations).

Center observers visited 412 polling stations, or JRVs, out of a total of 11,274 in the country's 15 departments and two autonomous regions. At the opening of the polls, as expected, voting board presidents and first members were found to be drawn in equal numbers from the ranks of the FSLN and PLC. In view of the controversy surrounding JRV second members, it is noteworthy that of the 320 cases in which voting board personnel were willing to reveal their party affiliations, 152 were found to represent the ALN-PC, 69 the MRS, and 62 the AC. In 27 cases of second members, these personnel were drawn from the ranks either of the FSLN or the PLC.

On average, four party poll watchers (*fiscales*) were present at each JRV opening. Poll watchers from the FSLN, PLC, and ALN-PC were present in virtually all the JRVs surveyed, while the MRS fielded poll watch-

DEBORAH HAKES



Voters lists hang outside of polling stations to assist voters in locating the voting center where they have been assigned.

ers in about 80 percent and the AC in 29 percent of JRVs visited. Domestic observers from Ethics and Transparency were on hand in 327 JRVs and from IPADE in 76. Carter Center and other international observers were for the most part received cordially by JRV officials, although in some places, members drawn from the FSLN initially denied them access or restricted their ability to gather information.

During the day, Center observers found the voting everywhere to be orderly and peaceful and problems to be absolutely minimal. Fully 98 percent of the stations had their voters lists clearly posted, a full complement of materials was found in almost all JRVs visited, and voting was suspended briefly during the course of the day in only four cases. In 18 polling stations canvassed in the late afternoon, the observers found that a total of 337 citizens had been allowed to vote even though they were unable to find their names on the electoral roll, while only four were turned away under the same



OBSERVING THE 2006 NICARAGUA ELECTIONS

circumstance. Given that these voters represented nearly 8 percent of those on the lists, this finding again demonstrated the relevance of applying Articles 41 and 116 of the election law as the CSE had decided.

After the 6 p.m. closing of the polls, Carter Center observers monitored the vote count in 28 JRVs. Everywhere, the count proceeded calmly and in order, although in some cases so slowly as to conclude in the wee hours on Nov. 6. On average, party poll watchers from four parties participated, and all received copies of the tally sheets for their party's records. Significantly, in view of pre-election expectations, the observers witnessed only one challenge to a vote tally being lodged, by the PLC in Boaco department. Observers subsequently monitored tally sheets being transmitted from the offices of the telephone company Enitel, a process which also transpired without any hitches. Contrary to the fears of some, the reception and transmission of 1,998 tally sheets in the national stadium in Managua occurred without incident.

While Center observers went about their business, Presidents Carter, Toledo, and Barletta met in

Managua with the CSE and with the heads of the election missions of the Organization of American States (OAS) and the European Union (EU) to hear their evaluations of the process approaching culmination. The delegation leaders then commenced a round of interviews with candidates Ortega, Montealegre, Rizo, and Jarquín, who conveyed their election forecasts to the former presidents.

The CSE's first report of returns came at 3 a.m. on Nov. 6 with roughly 16 percent of tally sheets computed. Confirming the prediction of late opinion surveys, these early results indicated that Daniel Ortega would win the presidential election with a 10-point spread over his nearest rival. At about 6 a.m., without authorization from the CSE, Ethics and Transparency released results from 85 percent of its quick-count sample; these also showed Ortega leading Eduardo Montealegre of the ALN-PC by 38 to 29 percent. Together with its National Democratic Institute advisers, Ethics and Transparency briefed President Carter and his co-leaders on details of the count later in the day. With minor variations, this margin of dif-

Former Panama President Nicolás Ardito Barletta and Shelley McConnell, senior associate director of the Americas Program, inquire about security on election day.



DEBORAH HAKES

Carter Center observer Sandra Flores travels by boat on the Rio San Juan to visit polling stations that would otherwise be difficult to reach.



DAVID EVANS



OBSERVING THE 2006 NICARAGUA ELECTIONS

ference between Ortega and Montealegre was destined to hold up as the official returns slowly trickled in.

President Carter received Daniel Ortega and his wife, Rosario Murillo, late Monday afternoon to congratulate them on Ortega's excellent electoral performance that would soon be announced as giving the Sandinista leader an unquestioned victory. Following the meeting, Ortega appeared on television to assure Nicaraguans that all was calm. Ortega went out of his way to promise domestic and foreign business representatives that their investments and property rights would be fully respected under the new Sandinista government. The next day, Carter and his staff received a delegation of Nicaraguan business leaders who conveyed their expectations concerning the victory of the former revolutionary as president of Nicaragua. In apparent response to his assurances, most subsequently pledged their cooperation with the president-elect. A diverse group of analysts drawn from political and media circles also presented their views on the implications of Ortega's victory to President Carter, his co-leaders, and the rest of the delegation.

Due to the slowness with which official results were reported, the defeated presidential candidates demurred in recognizing the Sandinista leader's triumph. But after the CSE announced the results from 91.5 percent of the voting tables at 6 p.m. Tuesday Nov. 7, second-place finisher Eduardo Montealegre conceded defeat and traveled to Ortega's home to extend his congratulations. While the president-elect pledged himself to a new political culture of dialogue, the leader of Nicaragua's new second-largest party promised that his opposition to the future Sandinista government would be constructive. Center officials called Montealegre afterward to express satisfaction at this stance.

MONITORING CHALLENGES

After Nov. 6, no doubt existed concerning who had won the presidency. The outcomes of department-level legislative races were still to be determined, and the ways in which even a small number of challenges to local-level vote tallies were adjudicated could potential-

DAVID EVANS



An unarmed electoral police officer (left) stands guard at the door to a polling station in Rio San Juan as citizens wait to vote.

ly bear on the distribution of National Assembly seats among the parties. For more than a week after the Nov. 5 voting, therefore, Carter Center long-term observers and medium-term observers remained posted in all departments and regions to observe the processing of election results and the challenges and appeals arising from the vote count.

The processing of challenges occurred in two stages, at each of which party poll watchers and election observers were theoretically allowed to be present. Among other duties, the Municipal Election Councils (CEMs) were responsible for resolving arithmetical errors in local voting board tallies and attempted to resolve the challenges that had been lodged by the poll watchers attending the voting tables on election night. Each CEM was then charged with producing a provisional municipal tally sheet (*sumatoria municipal*) containing all the valid votes in its municipality. This summation, along with any corrections or challenges that could not be resolved in timely fashion by a majority vote of the three CEM members, passed to the Departmental Election Council (CED) for further processing. The CED was charged with adjudicating



OBSERVING THE 2006 NICARAGUA ELECTIONS

any remaining challenges and producing a provisional departmental tally (*sumatoria departamental*). Appeals of decisions were possible at both levels, meaning that municipal-level poll watchers could appeal CEM decisions to the CED and department-level poll watchers could appeal CED decisions to the CSE in Managua.

Despite assurances from CSE President Rivas that Carter Center observers would be able to monitor the challenges process freely, access to the deliberations of the CEMs and CEDs varied from place to place and depended on local circumstances. Observers had reasonable access to several councils in which conflicts were apparent, as in Matagalpa, while in others, challenges were resolved in private but sparked no disagreement among the parties. Limitations notwithstanding, observers were usually able to determine what happened through interviews with election officials and party *fiscales*. In Managua, access was denied to resolution of most of the challenges in the CEM, housed in the national stadium, but party poll watchers were present and vouched for the honesty of the process.

Carter Center teams reported no significant prob-

To prevent duplicate voting on election day, members of the polling station apply indelible ink to the thumb of each voter after he or she votes.

DAVID EVANS



DEBORAH HAKES



Former Peru President Alejandro Toledo and Jennifer McCoy, director of the Carter Center's Americas Program, examine a voter's ID document.

lems in Chinandega, Chontales, Granada, Madriz, Nueva Segovia, Jinotega, Río San Juan, or Rivas. In Rivas, the Center's observer witnessed the sole case in which a CED opened a ballot box to recount the ballots in order to decide a challenge, which was resolved to the satisfaction of all parties.

Seven other departments presented problems of varying degrees of magnitude and complexity. In these, individual incidents were detected and corrective measures sometimes taken.

In León, tensions were evident in the relations between election officials affiliated with the FSLN and poll watchers



OBSERVING THE 2006 NICARAGUA ELECTIONS

from other parties. In León city, voting table poll watchers claimed they were not allowed to observe the vote transmission in the local office of Enitel, while municipal-level *fiscales* of the ALN and the PLC complained of being excluded from areas of the CEM in which they had been assigned by their parties to work. In the town of La Paz Centro, a confrontation occurred on election night involving CEM officials and party *fiscales*, subsequent to which a large number of tally sheets were transferred to the CED in León without poll watcher supervision. Both ALN and PLC asked for these tallies to be annulled, a petition the CED denied. At the department level, the chief poll watcher from the ALN furthermore charged that his municipal counterparts had not received copies of the summary municipal tallies as required by law.

In the department of Estelí, the municipal tally sheet for San Nicolás arrived at the CED without the signatures of the three members of the CEM, leading the ALN to challenge the results although it was unclear whether the numbers had been changed. By contrast, in Managua, a Carter Center observer requested a computer printout from a single JRV at the CEM and checked it against the physical tally sheet that had arrived from the corresponding table, detecting a clear difference in the numbers. The ALN-PC reported other discrepancies of this kind.

The situation in Matagalpa was difficult to interpret. In the wake of the voting, conflict had surfaced in Matagalpa city between the president of the CEM, a PLC appointee, and the FSLN first member over the totals on the municipal tally sheet. The CEM second member, an ALN supporter, sided with FSLN in this controversy. During later processing in the CED, the number of votes for ALN rose significantly as arithmetic corrections were made to tally sheets. However, on Nov. 11, an ALN department-level poll watcher charged that certain municipal tallies had been altered on the department summary during the night after she had inadvertently fallen asleep. The national-level party does not appear to have pursued the matter, however, and submitted no further appeal against the tallies in Matagalpa department.

In Boaco, where the ALN and the FSLN disputed a close race for the second departmental deputy, an alliance between the PLC and the ALN worked to annul the results of a key voting board without clear justification, reducing the FSLN's slender lead. The president of the CED, a Sandinista appointee, appealed the result. A flagrant case of vote fraud meanwhile occurred in the southern department of Carazo. Here, both MRS and ALN poll watchers detected that tally sheet figures for 19 JRVs had been changed in the process of being transcribed onto municipal summary sheets. These changes systematically disadvantaged the MRS, reducing its totals by 783 votes in favor of the FSLN. Denunciation of these alterations by The Carter Center, other observers, and the media had the salutary effect of prompting an immediate correction by the election authorities, who restored its rightful votes to the MRS, permitting that party to win one of the three National Assembly seats in dispute in the department.

The most conflictive situation unfolded in Bilwi (Puerto Cabezas), capital of the North Atlantic Autonomous Region. At the regional election council, the PLC complained of tally sheet numbers being

Former Peru President Alejandro Toledo (left) greets PLC presidential candidate José Rizo as President Carter looks on.

DEBORAH HAKES





OBSERVING THE 2006 NICARAGUA ELECTIONS

DAVID EVANS



Long-term observer Rene deVries informs President Carter, staff, and other Carter Center observers of his observations of election day in the North Atlantic Autonomous Region.

changed by FSLN-linked officials in as many as six of the region's eight municipalities. In one of these, Bonanza, a local PLC poll watcher claimed he had been prevented from lodging a challenge to a disputed JRV total. In another, the town of Siuna, PLC *fiscales* detected discrepancies between their tally copies and the originals in two JRVs. The party complained about these situations both to The Carter Center and to the domestic observers from Ethics and Transparency. The PLC's challenge to results in four municipalities would eventually pass to the CSE in Managua for resolution.

FINAL RESULTS

By the end of this process, Carter Center personnel were sometimes the only observers left in key departments where problems had arisen. After watching these problems unfold and accumulate, the Center called publicly on Nov. 14 for the CSE to resolve the irregularities that had arisen. The CSE published the provisional final results from Nicaragua's 2006 national election the same evening.

Disappointing expectations, the CSE had failed to update the election results published on its Web site since Nov. 6 when it had reported tallies for 91.5 percent

of the voting tables. In the new, near-final summation, winning FSLN presidential candidate Daniel Ortega received 38.0 percent of the vote, Eduardo Montealegre 28.3 percent, José Rizo 27.1 percent, Edmundo Jarquín 6.3 percent, and Edén Pastora 0.3 percent. The seats for deputies in the National Assembly were provisionally distributed as follows: 38 for the FSLN, 25 for the PLC, 22 for the ALN-PC, and five for the MRS.

CSE President Roberto Rivas revealed that 121 challenges to JRV tallies had been filed across the country, most of which had been resolved at the municipal level. Only 30 challenges had managed to reach departmental election councils, and only 16 eventually arrived at the CSE itself for decision. According to Rivas, none of these affected the outcome of any election race.

With the publication of these provisional figures, the political parties had a three-day period in which to file appeals against the CSE's tallies. Only the ALN-PC and the PLC availed themselves of this opportunity. In the ALN's case, the appeal of the provisional final results challenged errors that party officials had detected in the CSE's summation of vote totals in the

The Carter Center held press conferences to inform Nicaraguans and the international community about the election process.

DEBORAH HAKES





OBSERVING THE 2006 NICARAGUA ELECTIONS

departments of Masaya and Estelí. In the former case, the error was obvious, and the CSE had agreed to correct it even in advance of its eventual ruling.

The PLC's appeal was more complicated and revolved around the party's challenges to summary tallies for four municipalities in the North Atlantic Autonomous Region. The PLC directly charged the president of the Regional Electoral Council, FSLN-appointee Nery González, with altering the results for departmental deputies in these areas, thereby depriving the PLC of 667 valid votes and one of the region's three seats in the legislature. Information in the hands of international observers was insufficient to judge the validity of the PLC's accusation, but Ethics and Transparency asserted that its observers had recorded the data from all the JRVs in the municipalities involved and found these to correspond correctly with the tallies presented by the PLC. On Nov. 24, Ethics and Transparency publicly charged that fraud had been committed against the PLC to the benefit of the FSLN and that the Regional Electoral Council was covering for it.

The CSE proclaimed the victors in the presidential and legislative races on Nov. 22, effectively ratifying the provisional vote totals it had previously published and confirming those identified a week earlier as winners. In the briefest of responses to the appeals it had received, the magistrates amended the errant vote results in Masaya but dismissed all other arguments by the parties. In the most important case, they expressly ratified the ruling of the North Atlantic Autonomous Region Regional Electoral Council in the challenge brought by the PLC. The CSE did not provide details of the appeals it had decided nor did it offer any reasoning or justification for the decisions taken. In later statements to the media, however, CSE President Rivas indicated that the PLC's suit had been rejected on procedural grounds, namely that its appeals had not been lodged at the proper level.

The council's rulings affected the fates of two losing candidates in the presidential race. According to the constitutional changes of 2000, the standard-bearer for the runner-up party in the national elections auto-

matically becomes a deputy in the National Assembly. The CSE awarded this deputyship to Eduardo Montealegre because the ALN-PC had won the second-largest number of votes for president, although another party, the PLC, had won more deputies. The 2000 amendments furthermore grant a seat in the incoming legislature to the nation's outgoing president, who in this case was Enrique Bolaños. This potentially gave the ALN-PC 24 votes in the legislature. Defeated PLC candidate José Rizo, who had been elected vice president along with Bolaños in 2001, claimed the right to serve as Bolaños' alternate (all deputies in the Nicaraguan legislature have substitutes who stand in for them as needed). The CSE denied this claim on the grounds that Rizo had resigned from his post in 2000 to run for the presidency. Citing the text of the constitutional amendment, which appears to give the alternate position to the vice president, who is popularly elected, Rizo announced he would appeal the CSE's ruling to the Nicaraguan Supreme Court.

President Carter meets with former Argentina President Alfonsín, a leader of the Organization of American States' observation mission to Nicaragua and member of the Carter Center's Council of Presidents and Prime Ministers of the Americas.



ORGANIZATION OF AMERICAN STATES



OBSERVING THE 2006 NICARAGUA ELECTIONS

CONCLUSIONS AND RECOMMENDATIONS

Nov. 5, 2006, was the fourth time in the last 16 years in which international observers have watched a national election in Nicaragua come to fruition. Foreign election monitors unanimously concluded that the 2006 election conducted by the Supreme Electoral Council (CSE) met international criteria for an acceptable election.

The Carter Center congratulates the Nicaraguan people for their display of civic consciousness over the course of the entire process. As has become customary, the ordinary citizens who worked as polling station officials and party poll watchers generally displayed exemplary dedication to their tasks while citizens exercised their right to vote with patience and determination. We furthermore congratulate President Daniel Ortega Saavedra on his undisputed victory and his presidential rivals for their prompt and unconditional acceptance of the popular verdict. It is encouraging that despite the difficulties that Nicaragua's young democracy has witnessed over the years, the electoral process continues to be accepted by all actors as the vehicle for a peaceful transfer of power from one government to another at constitutionally stipulated intervals.

The CSE also deserves its share of recognition for the successful 2006 outcome. In a country where the election system strives to bring the ballot box into close proximity with the voters, a veteran CSE administration with internal scaffolding dating from the 1980s demonstrated the organizational and logistical capacity necessary to make both the Atlantic Coast and the national elections happen in one year with minimal problems. In terms of delivering ballot boxes and papers to the voters, training voting board personnel, and managing the flow of data transmission after the voting, the 2006 elections were arguably better organized than their counterparts in 2001 or 1996.

The success of the 2006 election in meeting international standards does not mean, however, that all is

well with Nicaragua's electoral system. After the 2001 elections, The Carter Center expressed a hope that international observation of Nicaragua's elections would become unnecessary over time and that whatever observation did take place would increasingly rest in the hands of national election observers. Instead, the 2006 elections in Nicaragua came to be more heavily observed than any of their recent predecessors since 1990, with The Carter Center, the European Union, and the Organization of American States on hand with sizable contingents of monitors. Domestic organizations also fielded people in unprecedented numbers to observe the process.

Election observers can play a vital role in ratifying the legitimacy of a particular election process and even help cement an election system over time. But repeated recourse to international election observation even after national organizations have developed a demonstrated capacity to fulfill their role should be a cause for concern. In essence, The Carter Center undertook its observation mission in 2006 because diverse political and civic organizations as well as prominent individuals petitioned it to do so. These actors evinced a strong belief that, in the absence of international monitoring, the constituted election authorities could not be relied on to conduct an election that was free and fair. The reasons for their distrust go to the heart of key system problems that still require solution.

THE COSTS OF MISTRUST

In its report on the 2001 elections, The Carter Center made a lengthy series of recommendations for changes in Nicaragua's electoral law and administration. Some of the recommendations revolved around aspects of the election law (Law 331 of Jan. 24, 2000) that restricted the presentation of new political options to the voters. These included onerous requirements to present signatures from 3 percent of all voters to register both parties and candidates. Though this stipulation



OBSERVING THE 2006 NICARAGUA ELECTIONS

was dropped after a subsequent court ruling, other stiff requisites for forming parties and alliances and maintaining party registration after national elections are still on the books. The 2000 law furthermore did away with nonparty candidacies for deputy, a measure that has not been rescinded.

A second set of suggestions involved what the Center judged to be a harmful politicization of the CSE and its apparatus, which had been wrought the same year by the decision of the two major parties, the PLC and the FSLN, to name all the magistrates of an expanded election council from their own ranks. Complementing this politicization of the CSE, the new law expressly dictated that the principal officials of lower-level election bodies would also be drawn from the major party ranks. Underscoring the impasses in CSE functioning which arose in 2001 as a result of this politicization, the Center recommended instead that the naming of election officials at all levels be put on a professional basis to ensure that decisions would be nonpartisan, transparent, and technically well-founded.

Five years later, Nicaragua's electoral power and administration remain party based at all levels, from the magistrates of the CSE to the officials of local voting boards. Election councils based on party representation are frequent in Latin America. However, in no other case is the division of power in an election authority part and parcel of a broad bipartisan agreement to share power in diverse parts of the state to the exclusion of other political forces. This overarching context makes Nicaragua's election bodies not only partisan but uniquely prone to an excessive and damaging politicization with diverse effects, some of which spill over from other public institutions.

As the foregoing narrative records, a lack of confidence permeated relations among many of the actors involved in the 2006 process, affecting even the parties represented in the CSE itself. That distrust created certain problems directly while tending at the same time to magnify the appearance of others and make measurement of their real dimensions more difficult. To

gauge the ramifications of this phenomenon, consider the following:

- Due to lack of confidence in the electoral branch, the executive branch disbursed a funding level for the elections and normal operations that the CSE complained was insufficient.

- Amidst jockeying for power between the parties composing the CSE, the PLC accused the FSLN of planning to manipulate the electoral rolls on the Caribbean Coast, using this accusation to justify a rolling boycott of CSE deliberations that stretched for five months. In other parties, suspicion about the *ratón loco* lingered long thereafter.

- The ALN-PC and MRS initially feared that the parties controlling Nicaragua's major institutions would use their power to disqualify their candidates from the presidential race and that the CSE would ratify their exclusion.

- Parts of civil society and the party spectrum suspected that municipal and election authorities were deliberately retarding the issuance of birth certificates and the delivery of voting documents in order for the larger parties to gain political advantage.

- When the Bolaños government's suspicions of the CSE's intentions led it to request a report from the Organization of American States' election mission, the CSE responded with fear that the regional body was attempting to undermine its authority, and the FSLN responded with charges that the United States was attempting to use the Organization of American States to discredit its upcoming election victory.

- The ALN-PC and MRS parties suspected that irregularities in the assignment of second members in polling stations (JRVs) were designed to orchestrate connivance among JRV members and *fiscales* to doctor election results.

- The same parties feared that their larger rivals would create disorder during the transmission of vote results in the national stadium to extract further political advantage.

- Over an extended period, national observers



OBSERVING THE 2006 NICARAGUA ELECTIONS

worried needlessly that the CSE would impede timely delivery of their credentials to prevent them from carrying out their missions and to cover up anomalies.

■ Some parties and observer groups feared that the CSE wanted to reserve a wide margin of discretion to decide election challenges on a political basis.

As events transpired, distrust did not develop into confrontation. Nicaragua has been fortunate in that in all its elections, large margins of votes have separated the winning party from the losers in the balloting for president. However, when victory margins are narrow, conflict is more likely to occur. In this circumstance, it is crucial for an election system to have a reserve of trust among the political actors and the citizenry at large. Countries like Costa Rica, in which a reserve has accumulated over

time, are able to process elections won by a hair's breadth and engender widespread acceptance of the vote. Other countries, such as Mexico, in which confidence has been built only recently, are prone to crisis if balloting is very close.

Judging from its experience in 2006, Nicaragua is a country in which the reserve of trust in the election system is still shallow. A tendency exists in Nicaraguan political culture to regard the examples of distrust enumerated above as normal and manageable. In fact, the level and pervasiveness of the distrust evidenced in these examples are very high. Toward the end of the process, moreover, some of the phenomena haunting the minds of the suspicious came to pass, albeit on a small scale. Evidence of political bias in the distribution of voting documents arose in certain areas. In the wake of the voting, attempts to change vote tallies arbitrarily were detected in specific localities. The process terminated with a controversial decision by the CSE to ratify vote results in the North Atlantic Autonomous Region in spite of compelling evidence that they may not be correct.

Given the wide margin by which Daniel Ortega won the presidency, the above anomalies did not make enough of a difference to anyone to challenge the fundamental legitimacy of the process. Had the election race been much closer, however, and challenges to election tallies consequently more numerous, these phenomena might well have erupted on a much larger scale and occasioned significant postelection conflict. Such conflict is a situation that Nicaragua's election system is not currently prepared to confront. Neither will it be prepared in future elections to do so unless the core problem of the system's politicization is

resolved. The lack of confidence that permeates the relations among the actors in the system is not likely to wane until such time as party representation in election bodies is replaced by

the appointment of apolitical officials of recognized impartiality.

The depoliticization of Nicaragua's electoral body could well provide the additional advantage of warding off foreign interference in elections. The Carter Center and President Carter personally have consistently criticized the U.S. government for arrogating to itself the right to intervene in the Nicaraguan political process to shape election outcomes and in 2006 criticized Venezuela for the same reason. That criticism would carry more weight, however, if confidence in the country's election authorities were higher than at present.

RECOMMENDATIONS

Based on the Carter Center's observation of the 2006 electoral process and the analysis presented above, the Center offers the following recommendations with the knowledge that all election systems can be improved and in the spirit of making a positive contribution toward continued progress in establishing an electoral process that enjoys the full confidence of the Nicaraguan people and the capacity to efficiently and transparently conduct Nicaragua's elections.

It is crucial for an election system to have a reserve of trust among the political actors and the citizenry at large.



OBSERVING THE 2006 NICARAGUA ELECTIONS

1. Build a Nonpartisan Election Authority at All Levels

Nicaragua's election system has been subjected to intense scrutiny. Political parties, civil society, academics, and others have developed in-depth analyses of the system's problems and elaborated a multitude of recommendations for resolving them. Almost all of these analyses have ended up recommending the depoliticization of the system by eliminating partisan representation. Proposals to reduce the number of magistrates who sit on the CSE and lower their salaries in order to make elections less expensive also abound.

This Carter Center report will not attempt to summarize, add to, or supplant these contributions, but with the experience of 2006 fresh at hand, we do wish to second them on their central point. Our strongest and most basic recommendation is once again that

Nicaragua's political parties and their legislators consider a thoroughgoing reform aimed at creating a nonpartisan election system. Such a reform would involve rules and criteria for the selection of electoral magistrates designed to ensure the political neutrality, professional competence, and moral integrity of the people chosen. Any number of mechanisms to guide the choice of election officials by the National Assembly are available, and previous analyses provide a menu of options from which to choose. Mechanisms also exist for nonpartisan election authorities to consult political parties so that parties have a voice but no vote in proceedings. As mentioned in the Carter Center report on the 2001 elections, lawmakers could also consider separating the normative and jurisdictional functions of the electoral magistrates from the administration of elections per se, placing the latter function in the hands of a professional administrative body. At lower levels,

the members of departmental and municipal election councils and local voting boards should likewise be chosen on a nonparty, apolitical basis (such as a lottery of registered voters) to maximize trust in the election apparatus on the part of the citizenry.

Municipal elections are currently expected to be convoked in November 2008. The same four parties that now have representatives in the National Assembly are very likely to again be the chief participants in those elections. Assuming that a wholesale reform does not take place before these elections, less far-reaching changes are possible and could do much to help avoid the problems that arose in the national voting; in fact, these would dampen the prospects for any postelection difficulties to erupt in closely contested municipal

elections. Some suggestions are outlined below.

By 2008, the political composition of Nicaragua's election administration below the level of the CSE will have changed substantially. As the runner-up in the presidential balloting,

the ALN-PC is now officially recognized as Nicaragua's second political force. As such, it will have the right to name one of the two principal officials on all regional, departmental, and municipal election councils when these are reconvened in 2008 and later to appoint either the president or first member of all local voting boards. However, that change will not by itself serve to eliminate the system's problems, which derive at base from the political relationships that prevail at the upper level of the CSE itself due to the principle of exclusionary partisan administration. In 2008, the magistrates of the CSE will still be delegates of the FSLN and PLC as has been the case during the current decade and in all probability will still form part of a broader pacted context in which these two parties dominate a range of state institutions including the Supreme Court of Justice, the Comptrollers General and the attorney general's office.

Assuming that a wholesale reform does not take place before the 2008 municipal elections, less far-reaching changes are possible and could do much to help.



OBSERVING THE 2006 NICARAGUA ELECTIONS

2. Solve the Quorum Problem

Whether the CSE is depoliticized or not, there is an urgent need to solve the “quorum problem,” which has made itself felt since the first Liberal–Sandinista agreement in 2000. Here a reform of election law is in order; it became clear in 2006 that the law as written does not provide a workable mechanism for solving the lack of quorum via the calling up of alternate magistrates. Although the CSE obtained a ruling from the Supreme Court permitting such a calling, resort to this device simply served to mire the CSE further in internal wrangling. In essence, the problem is balancing the need for CSE decisions to have sufficient legitimacy with the need for the magistrates to resolve the matters before them with due speed. As The Carter Center argued in 2002, the solution does not appear to lie in reducing the quorum requirement from five members to four because that will allow one party to dominate all decisions. A workable compromise could be to convoke CSE sessions with sufficient lead time, and then suspend the five-person quorum rule if three or more magistrates do not present themselves, allowing a majority of four to make decisions.

3. Improve Transparency in the Election Council’s Operations

A depoliticizing reform of the election system is likely in and of itself to make the operations of the electoral authority more transparent. Even if such a reform is not undertaken, the CSE would do well to consider the benefits of greater openness and communication. During the 2006 election season, a serious lack of communication affected the relations between the CSE, the political parties, domestic and international observers, and the public at large. Political party representatives complained of long delays by the election authorities in responding to their queries and petitions as well as a paucity of official explanations for CSE decisions, which tended to emerge as *fiats*. A striking example is the CSE’s denial of the final appeal by the PLC against the vote totals in the North Atlantic Autonomous Region, a denial that was not accompa-

nied by even a minimal explanation of what the magistrates had done to review the issue or on what basis they had made their decision.

The CSE also made poor use of modern communication tools to provide information. Although urged to do so, it failed to opportunely publish many of its resolutions and regulations over the Internet. In addition, the CSE did not properly publish the results of either of 2006’s two elections on its Web site with detail to the JRV level. In late March 2007, the CSE Web site still carried results from only 91.5 percent of JRVs in the national elections. In the case of the Caribbean Coast elections, no numerical results could be found at all, although the names of the winning candidates were posted. From Nov. 7 through Nov. 22, 2006, the results of the national voting were available, but only for the same 91.5 percent of JRVs. Thereafter, results with detail to the JRV level were briefly available electronically, but it later became impossible to disaggregate the results for voting centers that contained more than one polling station. These limitations inhibit subsequent examination of the results by scholars and ordinary citizens interested in the study of national and local voting patterns.

4. Facilitate Citizen Identity

By 2008, greater progress is needed in guaranteeing each and every Nicaraguan the exercise of their right to identity. The Law of Citizen Identification dates from 1993, and it was thought that everyone would receive a *cédula* at the latest by 2000. Studies done in 2006 revealed why this expectation has not been met. Economic informality reduces interest in documentation among a certain percentage of the populace. Nicaraguans are moreover allowed to vote at an unusually young age, and some parents oppose their children seeking a *cédula* at age 16 because they fear loss of their parental authority. But if it is not absolutely clear what the “normal” level of *cédula* coverage in Nicaragua should be, it is obvious that the procedures required to obtain an ID card are onerous and time consuming. Monetary cost is also a consideration for some in decid-



OBSERVING THE 2006 NICARAGUA ELECTIONS

ing whether to initiate the process. The treatment that ordinary citizens receive from local officials also needs improvement. In all these areas, changes are feasible and urgent. Some practical steps include the following:

■ As the CSE has itself recognized, facilitating citizen identity in Nicaragua requires that some government offices be open year-round to request and receive *cédulas*. Immediately after the November voting, the municipal offices of the CSE were closed again and, if budgetary problems persist, may not reopen until 2008. By that time, another backlog of potential *cédula* applicants will have been generated.

■ Given the inherent connection between the two activities, it would be useful for the civil registration of births and deaths to be combined with the manufacture and issuance of *cédulas* in one agency of government.

■ Processing and equipment need to be updated both in municipal civil registries, which must validate birth certificates before *cédulas* can be issued, and in the information systems department of the CSE, which is currently charged with the physical manufacture of the documents. In both cases, equipment is antiquated and processing slow.

■ Those lacking birth certificates altogether, who are numerous in Nicaragua, face the additional obstacle of having to go before a judge with witnesses to demonstrate their identity. Such people find themselves caught in procedures proper to the judicial system that are extraordinarily slow and cumbersome. The reformation of these procedures is an issue that goes beyond the scope of this report, but some reform is clearly needed to reduce the time required to acquire an initial birth certificate from the current minimum of six months.

Once *cédulas* and *supletorios* were issued, their delivery to the voters posed other problems, and reports surfaced that political parties had taken control

of delivery in some areas. In a much closer race—as some municipal contests in 2008 will undoubtedly be—allegations of widespread political bias in the distribution of voting documents could well generate bitter postelection disputes. This possibility makes it imperative for the magistrates of the CSE to ensure that document delivery in 2008 is strictly controlled by the municipal election councils. Adequate planning and publicity for voters about when to pick up their documents are also necessary to avoid individuals making unnecessary trips to municipal centers.

5. Extend the Election Calendar to Start Earlier

As the foregoing narrative of events in 2006 suggests, Nicaragua's election calendar as currently delineated is very tight. Repeated

recourse to the issuance of supplementary voting documents over several elections is a strong indication that insufficient time is allocated to document production and delivery, meaning that the deadline for *cédula* applications is later than is appropriate. In late July, the National Assembly's decision to postpone the deadline for receiving these applications by two weeks caused a significant delay in the production of voting documents. For the same reason, the election roll, which is a collection of the *cédulas*, was finalized very late as well. In 2006, tardiness in delivering the final election roll to the parties did not permit them to undertake proper audits of the roll as is their right. The combination of these delays created stress on the electoral administration and intensified pre-existing suspicions that the apparatus was somehow trying to disadvantage some participants.

To alleviate both pressure and suspicions, it would be advisable for the deadline for *cédula* applications to be moved up to give the CSE sufficient time to process them and then produce the election roll. The prior step in the calendar, the citizen verification exercise, could usefully be scheduled much earlier than is done

Greater progress is needed in guaranteeing each and every Nicaraguan the exercise of their right to identity.



OBSERVING THE 2006 NICARAGUA ELECTIONS

at present, together with the appointment of the authorities for departmental and municipal election bodies. Indeed, this exercise could usefully begin soon after the convoking of the elections in the early months of the year.

6. Develop Regulations More Opportunely

Regulations governing a number of important aspects of the 2006 election process were not developed and published in timely enough fashion to permit the political parties to comment on them fully or to properly assimilate their content. Examples include regulations concerning the resolution of vote challenges and party representation on local voting boards (these are addressed in detail below). In the best publicized example of this problem, parties wishing to train their poll watchers for the November voting found that rules governing the functioning of JRVs and the role of the *fiscales* had not been updated when they needed to start their training. The decision of some parties to push ahead with the training of their poll watchers using outdated materials led to an unseemly dispute between the CSE and a foreign electoral assistance organization that should not be repeated.

In a lesser known case, despite extensive media speculation about the sources of political money in the 2006 elections, regulations of the election law dealing with the sensitive issues of party and campaign finance were not formulated until Aug. 15, that is, virtually on the eve of the campaign opening. This delay in clarifying the rules was incongruous given that parties were expressly permitted to claim reimbursement from the pool of public finance money for election expenses from the precampaign period (i.e., before Aug. 19). Given that the new regulations differed little from the old, in the end they necessitated only minor adjustments in party accounts. Had the CSE wanted to make major improvements in these regulations, however, Aug. 15 would clearly have been a very late date at which to start. As a general rule, it would be advisable for the CSE to begin updating all regulations that it feels need changing as soon as the elections are convoked, both to provide ade-

quate time for consultation and for the participating parties to master their content.

7. Match the Electoral Roll to Voter Identification

As the studies done in 2006 confirmed and quantified, Nicaragua's electoral rolls contain a substantial number of names of individuals who have died or have moved from previous places of residence without these changes having been reported to any authority for purposes of statistical registry. Because mechanisms are in place to deter double voting, these facts have not generally caused enormous concern among the parties contending in elections. Such mechanisms are not foolproof, however, and in light of lingering suspicions about their efficacy, it is advisable for the authorities to consider a major cleanup of the election roll in the short term.

In addition, as recent investigations uncovered, a significant number of individuals who possess valid voting documents cannot find their names on the electoral rolls of the voting centers to which those documents correspond. Throughout 2006, this anomaly generated suspicions that a "crazy mouse" was wreaking havoc with the electoral roll. It is time for the election authorities to put this suspicion to rest by providing the political parties, civil society, and the citizenry with a convincing explanation of why this problem exists and take steps to correct it, one of which might be to hold an extended period of citizen verification during a nonelection year. As long as this is not done, Articles 41 and 116 of the election law will continue to be necessary to prevent voters from being unduly disenfranchised. However, these articles are not a suitable remedy for the problem and ideally should not be allowed because permitting people who are not on the rolls to vote can facilitate double voting ("nomad voting") if other weaknesses are present in the system. Once the roll itself is cleaned up, deletion of these articles from the election law by the National Assembly is advisable.



OBSERVING THE 2006 NICARAGUA ELECTIONS

8. Ensure Fairness in Voting Board Representation

By law, the “second members” (third positions) on departmental and municipal elections councils and local voting boards are assigned to the smaller parties (i.e., all but the two largest parties) participating in the elections. In 2006, disputes between CSE officials and representatives of these parties concerning the rules for this distribution occasioned serious and unnecessary frictions. Consequent charges that the CSE was acting unfairly to deny certain parties due representation deepened lack of trust in the process. By 2008, regulations should be in place making these distributional rules absolutely clear, barring the local-level discretion evident in the last election. Procedures for processing the slates of candidates submitted by the parties should likewise be reviewed for the purpose of streamlining the choice of qualified people for the positions, while permitting the parties to make the fullest use of their respective pools of party workers, which differ greatly in size.

9. Accelerate the Transmission and Tabulation of Vote Results

When election results are close, delays in vote tabulation often generate suspicion that results are being altered and time is being taken for political negotiations to supplant the voters’ will. It is thus essential to guard against tardiness in vote counting. In 2006, the CSE presented 91.5 percent of the results from the Nov. 5 election within 48 hours after the polls closed. It then took a week to gather the other 8.5 percent. By contrast, in the 2001 election, even with a lengthy suspension of the vote tabulation in the national computing center, the authorities managed to assemble provisional totals from 99.6 percent of all JRVs in three days, albeit these were not published by JRV on its Web site.

In 2006, the CSE debuted a new modality for transmission of the majority of JRV tally sheets, which in most cases involved the sending of digitally scanned

images rather than the traditional use of faxes.

According to the authorities, a certain number of these tallies needed to be re-sent because the images were not legible enough for the data to be transcribed into the CSE’s central computing system. By the time this fact was detected, however, the original tally sheets had been shipped to the department-level election councils. Although these would later be delivered to the CSE, the tabulation of their results was delayed. If this was indeed the problem, the solution is essentially technical. But a backup procedure for rapidly resending faulty images is clearly necessary and should be in place before the 2008 municipal voting.

In addition to tabulating the results swiftly, the CSE has a responsibility to share these results with representatives of the contending parties in as rapid a manner as is feasible so that the parties may check the official tallies against tally sheet copies from their poll watchers in the JRVs and prepare appeals when warranted. In theory, party poll watchers may wish to check their tally copies against the scanned images received by the CSE’s transmission system or the results that are subsequently typed in to the computer for tabulation purposes or both. In November, parties had limited access to the typed results on computer screens at the national computing center but only received compact discs with scanned tally sheet images at irregular intervals (and never received a full set). This level of access did not give the parties sufficient time or wherewithal to perform the necessary tasks of checking the results systematically and exercising their rights to fullest advantage. The Carter Center thus reiterates its suggestion of Oct. 19, 2006, that at the next election, poll watchers in the national computing center be furnished with physical copies of the JRV tally sheets as they emerge from transmission.

10. Develop Clear Rules for Resolving Challenges to Vote Tallies

The prompt and unbiased resolution of challenges to voting board and higher level vote tallies is also crucial in maintaining public confidence in an election sys-



OBSERVING THE 2006 NICARAGUA ELECTIONS

tem, especially when races are hotly contested. Nicaragua's election law specifies four basic criteria for annulling results from individual voting boards and provides parties with the opportunity to challenge arithmetical mistakes at all levels of the counting process. However, in 2006, the specification of one of these basic criteria was unclear despite attempts by the CSE and the political parties to arrive at a workable formulation.

Of the 121 JRVs at which challenges were entered against the initial results, the foremost single motive, operative in 52 of the cases, was "incomplete or altered documentation." (Law 331, Article 162, clause 4). In a regulation issued Sept. 21, the CSE provided the phrase "altered documentation" with a working meaning.

However, as several party representatives and domestic observers pointed out, the regulation failed to clarify which of the tally sheets issued at JRV level had precedence in cases where the original tally form (used to tabulate the official vote results) had been altered and discrepancies existed among the copies distributed to party poll watchers. The CSE moreover refrained from stating publicly that in cases in which damage to or alteration of tally sheets made reconstruction of the vote totals of questionable validity, the department-level election councils had the prerogative to open the ballot boxes and recount the votes as is envisioned in Article 131 of the election law.

In tandem, these limitations aroused concern that challenges would be resolved in a discretionary and political manner as had occurred in a disputed 2004 case in the city of Granada. To avoid such incidents in

the upcoming elections, it would be advisable for the CSE, political parties, and domestic observers jointly to revisit this issue in 2008 and reach a consensual specification of the procedures for resolving challenges, addressing the points just mentioned and any others deemed relevant. Unlike 2006, this should be done well in advance of the election date to give adequate time for full consideration of the issues involved.

In cases where controversies arise nonetheless, the CSE must take pains to publicly explain what is at issue in each case and express in full the reasons for its decisions.

In cases where controversies arise, the CSE must take pains to publicly explain what is at issue in each case and express in full the reasons for its decisions.

11. Clarify the Districts to Which JRVs Belong

As the Atlantic Coast election showed, there is some uncertainty about the election districts in which various JRVs are included

and hence about where their results are to be computed for the purpose of calculating which candidates have won seats. Although it appeared to be minor, the problem generated unnecessary and serious friction. The problem also appeared to be longstanding and to have roots in a political accord to alter the boundaries between certain election districts, an agreement that was not subsequently incorporated into law. As the March conflict in the North Atlantic Autonomous Region demonstrated, it is irresponsible to allow a fragile political decision among parties, however reasonable in form, to take the place of consistent technical criteria backed by law and regulations. The election authorities should see to it that this and any other similar problems are resolved before the next round of voting at the municipal (2008) and regional (2010) levels. It would be advisable for the CSE to modernize its electoral cartography unit via electronic mapping.



OBSERVING THE 2006 NICARAGUA ELECTIONS

APPENDICES

Appendix A

Invitation to Observe	49
Invitation to Observe – English Translation	50

Appendix B

Role of Long-Term Observers	51
-----------------------------------	----

Appendix C

Strategic Deployment of Short-Term Observers	53
--	----

Appendix D

Representative Deployment of Short-Term Observers	58
---	----

Appendix E

List of Short-Term Deployment Teams	60
---	----

Appendix F

Observation Forms	61
-------------------------	----

Appendix G

Carter Center Public Statements and Press Releases	67
--	----



OBSERVING THE 2006 NICARAGUA ELECTIONS

APPENDIX A INVITATION TO OBSERVE

*Consejo Supremo Electoral
Presidente*

Managua, 23 de Enero del 2006

Excelentísimo Señor Presidente Carter:

Por este medio tengo a bien dirigirme a Usted en mi calidad de Presidente de este Poder del Estado, para extenderles por su digno medio, formal invitación a los miembros del Centro Charter, a participar y a que nos acompañen en calidad de Observadores Internacionales durante los dos procesos electorales que se llevarán a cabo en el presente año en nuestro país, como son las Elecciones Regionales y Nacionales, las cuales se realizarán los días 5 de Marzo y 5 de Noviembre respectivamente.

Para el Consejo Supremo Electoral considerando la importancia que tiene la Observación Internacional y Nacional, en cada uno de los procesos electorales, y como tradicionalmente este Consejo ha acostumbrado hacer, deseamos expresarle, una vez más que sería muy importante con la presencia de Ustedes quienes en todo momento han manifestado interés en nuestro proceso democrático.

En vista de no contar en Nicaragua con una oficina que sirva de enlace con el Centro Carter, le estamos enviando esta misiva vía fax y le estaremos entregando copia al Señor David Dye.

Agradeciéndole de antemano su amable atención y esperando contar con todo su apoyo en este tema, aprovecho la ocasión para reiterarle mis más altas muestras de consideración y estima.

Atentamente,


Roberto Rivas Reyes


CONSEJO SUPREMO ELECTORAL
PRESIDENCIA

Excelentísimo Señor
Jimmy Carter
Ex Presidente de los Estados Unidos
de América
Presidente Centro Carter
Su despacho



OBSERVING THE 2006 NICARAGUA ELECTIONS

INVITATION TO OBSERVE—ENGLISH TRANSLATION

***Supreme Electoral Council
President***

Managua, 23 January 2006

Dear President Carter:

I am writing as president of the Supreme Electoral Council (CSE) of Nicaragua, a branch of government, to ask that you formally invite members of The Carter Center to participate and accompany us as international observers during the two electoral processes scheduled to take place in our country this year, namely the regional and national elections, to be held on 5 March and 5 November, respectively.

Considering how important national and international observation at each electoral process is for the Supreme Electoral Council, we would like to continue what has become a tradition and hereby express once more that your presence would be most welcome, particularly in view of the interest in our democratic process you have shown over the years.

As The Carter Center does not at this time have a field office in Nicaragua, I am sending you this letter by fax, with a copy to be delivered to Mr. David Dye.

In thanking you beforehand for your kind attention, and in the hopes of counting on your support in this matter, I avail myself of the opportunity to reiterate to you the assurances of my highest consideration and esteem.

Sincerely,

(signature)
Roberto Reyes Rivas

(CSE seal)

Most Excellent
Jimmy Carter
Former President of the United States
of America
The Carter Center



OBSERVING THE 2006 NICARAGUA ELECTIONS

APPENDIX B ROLE OF LONG-TERM OBSERVERS

The Carter Center deployed seven long-term observers (LTOs) in Nicaragua from early September until mid-November 2006. All LTOs were based in a departmental or regional capital, and most were responsible for one or more additional departments (see Table B.1).

The work of the seven LTOs involved the following:

- meeting and building relationships with departmental and municipal electoral authorities (CEDs and CEMs, respectively), political parties, police, armed forces, and other national and international observer groups to document their views on the electoral process
- attending political rallies to learn about party platforms, observe campaign expenditures, and assess the campaign climate
- monitoring pre-election preparations, such as the training of polling station workers and tests of the systems for transmission of results
- observing the election, the transmission of results, and the resolution of challenges, together with short-term observers
- writing weekly reports for the Carter Center's chief of mission in Managua, which the Center used to form opinions and communicate with the Supreme Electoral Council and national media

The work of LTOs is very different from that of short-term observers, who are deployed primarily to observe the voting process on election day. Because LTOs observe the preparations for election day over a long period of time, they are able to build a significant degree of rapport with political actors and follow up on problems and concerns that arise. The LTOs are in a unique position to appreciate the political dimensions of the electoral process that play out over a longer period and would not be particularly noticeable on election day itself. For example, while the voting

and the subsequent publication of results proceeded without major incidents, enabling observer groups to express general satisfaction with the elections, there are wider political issues which, if addressed, would have a democratizing impact on the electoral process and on both party and citizen participation.

Much of the work of the LTOs involved receiving and documenting the electoral consequences of the political pact signed between Daniel Ortega and Arnoldo Alemán in 2000, which brought major constitutional and electoral reforms that gave the Sandinista National Liberation Front (FSLN) and the Liberal Constitutionalist Party (PLC) dominance in the electoral system. FSLN success in the 2004 municipal elections led to a high degree of FSLN influence within the municipal authorities as well. Over time, the LTOs became trusted interlocutors to whom nonpact parties could articulate perceived discrimination. One of the principal concerns expressed by the nonpact parties related to the distribution of the second members in the CEMs and the polling stations (JRVs). Some citizens also said they felt intimidated by a political party and worried that if they did not show support, they could be at a disadvantage in terms of benefits, jobs, or scholarships.

In the pre-election period, the distribution of voter identity documents (*cédulas*) proved onerous and inefficient. Many LTOs received multiple and often desperate complaints from Nicaraguan citizens who had been unable to retrieve their *cédulas* despite the fact their applications were timely and in order. In two departments, LTOs observed that instead of distributing these documents through the CEM to all citizens regardless of their political affiliation, for several weeks they were distributed in a partisan fashion by FSLN and PLC activists, a practice that was blatant and easily confirmed through conversations with political party members and citizens who had received their *cédulas* in



OBSERVING THE 2006 NICARAGUA ELECTIONS

this way. The Carter Center denounced this practice to the public and to national-level authorities who took action to end it.

LTOs also observed a number of extremely positive trends. While there were some isolated complaints regarding destruction of campaign material, the campaign was largely calm, peaceful, and nonconfrontational. In comparison with previous elections, Nicaraguans displayed high levels of tolerance of diverse political options. Election day also proceeded calmly without any reports of violence or intimidation of voters.

Many of the election officials are working with extremely limited resources and are to be congratulated

on overcoming these constraints. Some CEMs did not have the capacity to make outgoing telephone calls and did not have Internet access to the CSE Web site, which limited their ability to provide efficient service. Transmission equipment often arrived at the last minute, making simulated transmissions difficult. Similarly, some JRVs lacked water or electricity and therefore required a high degree of improvisation by CEM members as well as willingness by JRV members to suffer sleeping and working in basic conditions with very little remuneration. While LTOs enjoyed a high level of cooperation from electoral authorities who were on the whole respectful of the Center's presence,

LTOs were also able to observe the tensions that sometimes arose between members of the CEMs from different parties as they dealt with these challenges under the pressure of the electoral calendar.

Another notable and positive point is that these elections saw many young people in their late teens and early 20s working in the electoral system as observers, poll watchers (*fiscales*), or polling station workers. As a result, many young people have gained valuable political experience and in-depth knowledge of Nicaragua's electoral law, which should promote diverse forms of democratic participation in the future.

Table B.1
Carter Center Long-Term Observers for Nicaragua 2006 Elections

Observer	Location*	Area of Coverage	Number of Departments	Number of Municipalities or Regions
Amparo Tortosa Garrigos	Esteli	Nueva Segovia Matriz Estelí	3	27
Gabriel Zinzoni	Matagalpa	Matagalpa Jinotega	2	21
Julie Cupples	León	León Chinandega	2	23
Jacob Bradbury	Chontales	Chontales Boaco Río San Juan	3	22
Melida Jiménez	Granada	Granada Masaya Carazo Rivas	4	31
Rene de Vries	North Atlantic Autonomous Region (RAAN)	RAAN	1	8
Anais Ruiz	South Atlantic Autonomous Region (RAAS)	RAAS	1	12
TOTAL			16	144

*The department of Managua was monitored from the Center's office in the capital city.



OBSERVING THE 2006 NICARAGUA ELECTIONS

APPENDIX C
STRATEGIC DEPLOYMENT OF SHORT-TERM OBSERVERS

The strategic deployment of the Carter Center's 29 teams of short-term observers was based on a geographic information system (GIS) and the recommendations of the seven long-term observers who were in the field as of Sept. 8 observing election preparations.

This deployment plan took into account known facts about the distribution of registered voters across Nicaragua's municipalities, the number of registered voters at a given polling station, and the number of registered voters at a cluster of polling stations called a voting center. Such an analysis helps observers to understand the focus of party campaigning and the situations they sometimes encounter at the polls, such as

late opening of polls, long lines, crowding, or lengthy counting processes.

Political parties can be expected to take more interest in municipalities with high numbers of registered voters and thus possible votes cast because these locations are attractive places to shift significant numbers of votes in their favor by heavy campaigning.

Where there are higher numbers of voters registered per polling station, observers are more likely to see long lines of people waiting to vote and need to know that this is normal and not an indication of a problem in election procedures or inefficiency of election personnel. Those polling stations may take longer to open because Nicaragua's opening procedure

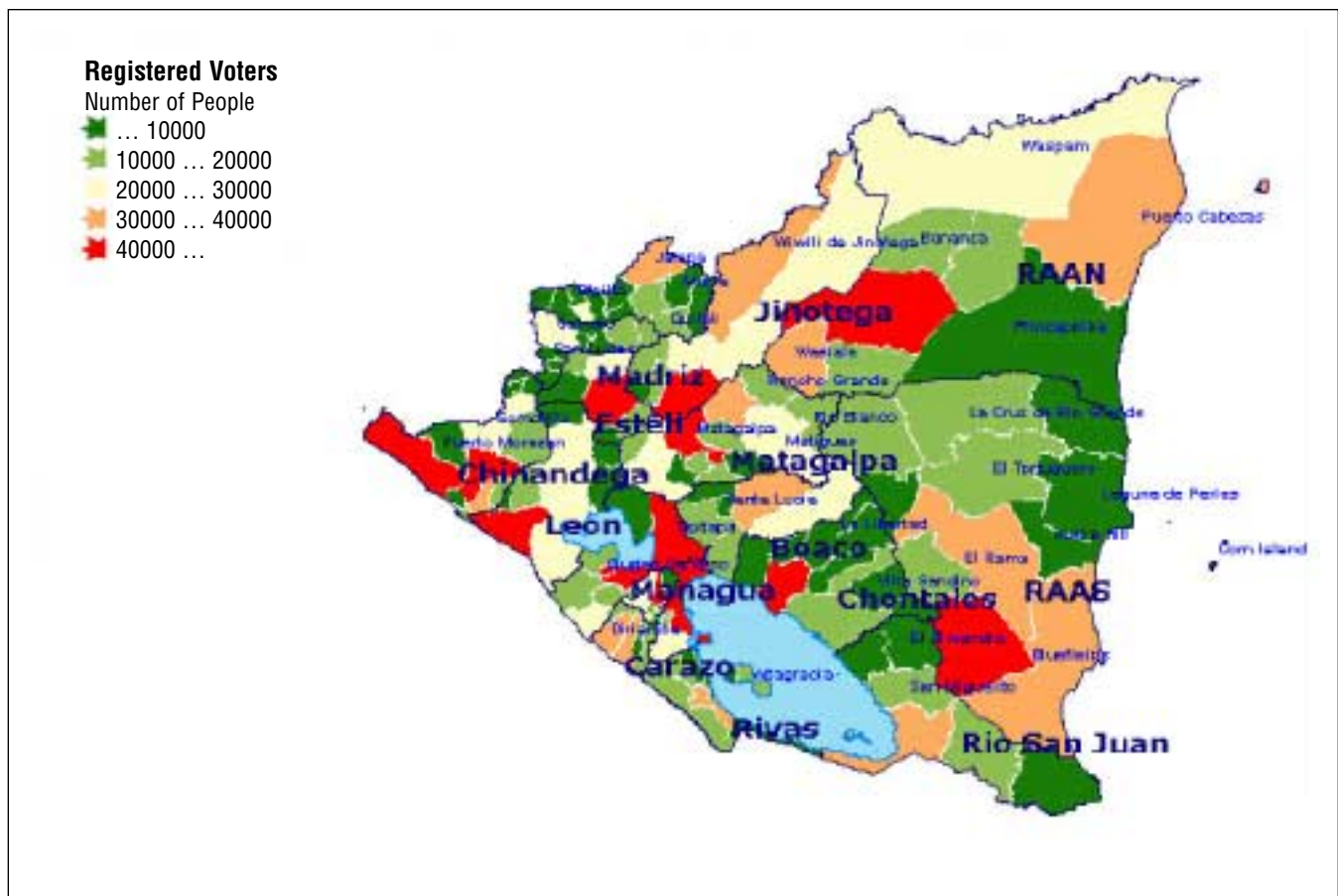
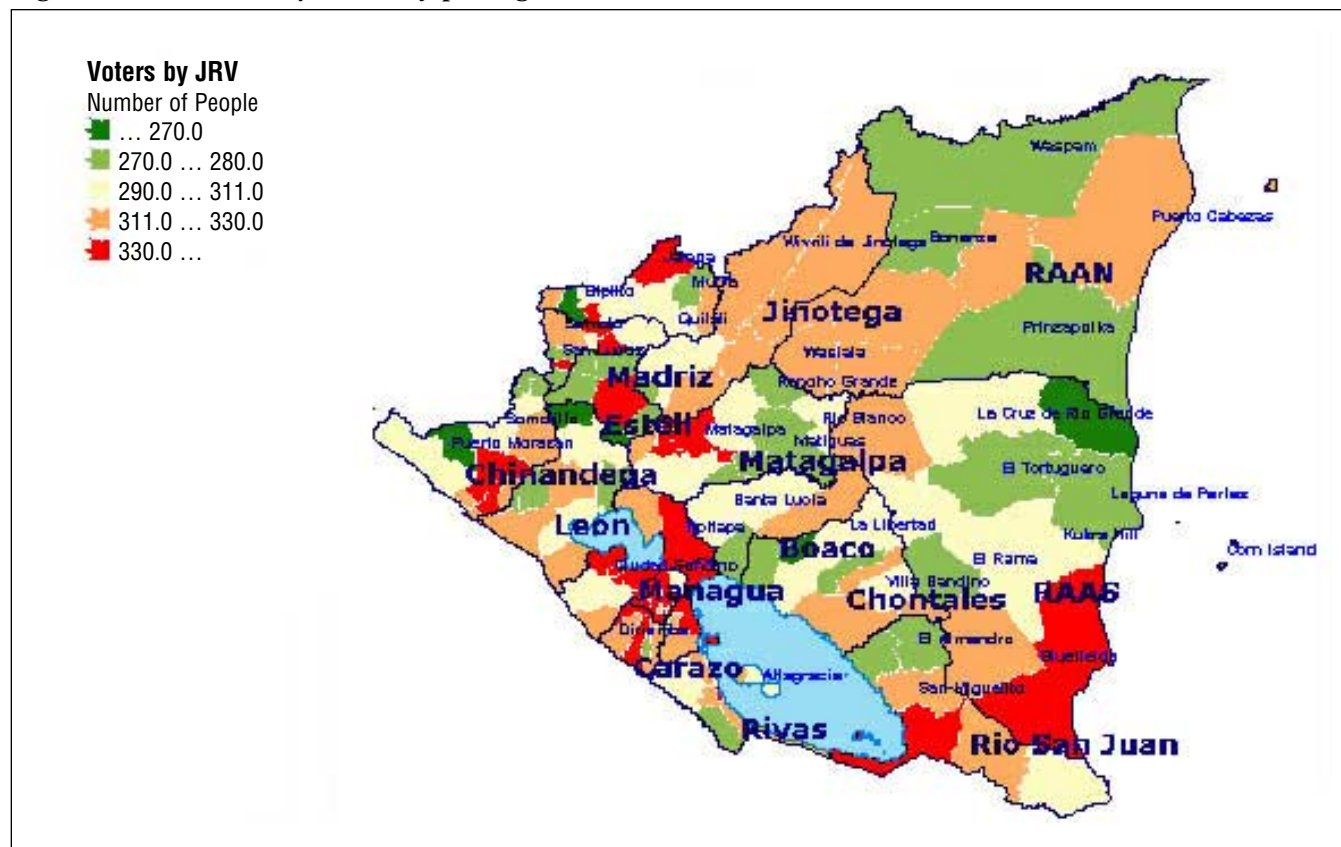


Figure C.1. Number of voters by municipality.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Figure C.2. Number of voters by polling stations.



includes counting all ballots, which are also signed by election personnel and marked with a code number specific to the polling station that is generated at that moment and prevents ballot substitution. Where a high number of citizens are registered to vote, a high number of ballots may potentially be cast, causing the counting process to take longer as well. Similarly, where a voting center has a high number of voters, observers are more likely to see crowding at the facility.

C.1. Number of voters by municipality

The municipalities with more than 40,000 voters are shown in red, and those with fewer than 10,000 voters are shown in dark green.

The municipalities with higher voter density are the most important to political parties in terms of electoral population.

C.2. Number of voters by polling station

The municipalities where the average number of voters per polling station is 330 or more are shown in red. Long lines might be expected in these municipalities and both the opening procedures and ballot counting may take more time.

Municipalities with fewer than 270 voters on average per polling station are shown in dark green. The map shows that most polling stations have between 290 and 310 voters per polling station on average.

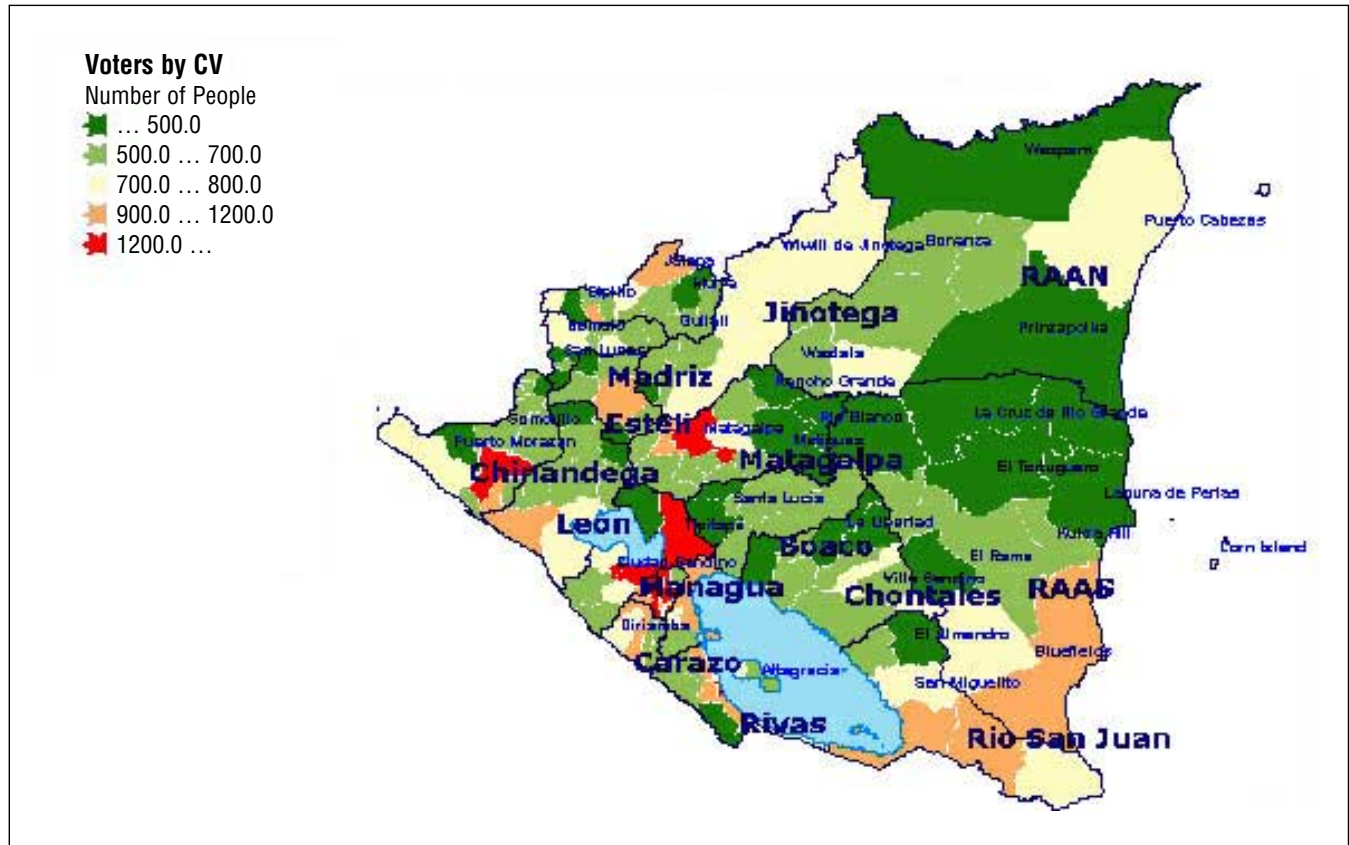
C.3. Municipalities with a high number of voters per voting center

There are a few municipalities, shown here in red, where the average number of voters per voting center is more than 1,200. These are municipalities where crowds are most likely to be observed on election day.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Figure C.3. Municipalities with a high number of voters per voting center.



C.4 Deployment for Maximum Observer Visibility

The presence of election observers is believed to have a deterrent effect on individuals who would attempt irregularities and intimidation. For this reason, it is desirable that observers be highly visible. While national observers can be present in large numbers of polling stations all day, there are far fewer international observers, so they move from one polling station to the next to conduct surprise visits on an unpredictable schedule.

The Carter Center deployed 29 election observation teams on election day. To geographically cover the country, one team was sent to each of the 15 departments and two regions in the country. To decide which municipalities to visit within the departments and regions and to determine where the additional 12

teams should be deployed, the Center conducted an analysis to maximize observer visibility.

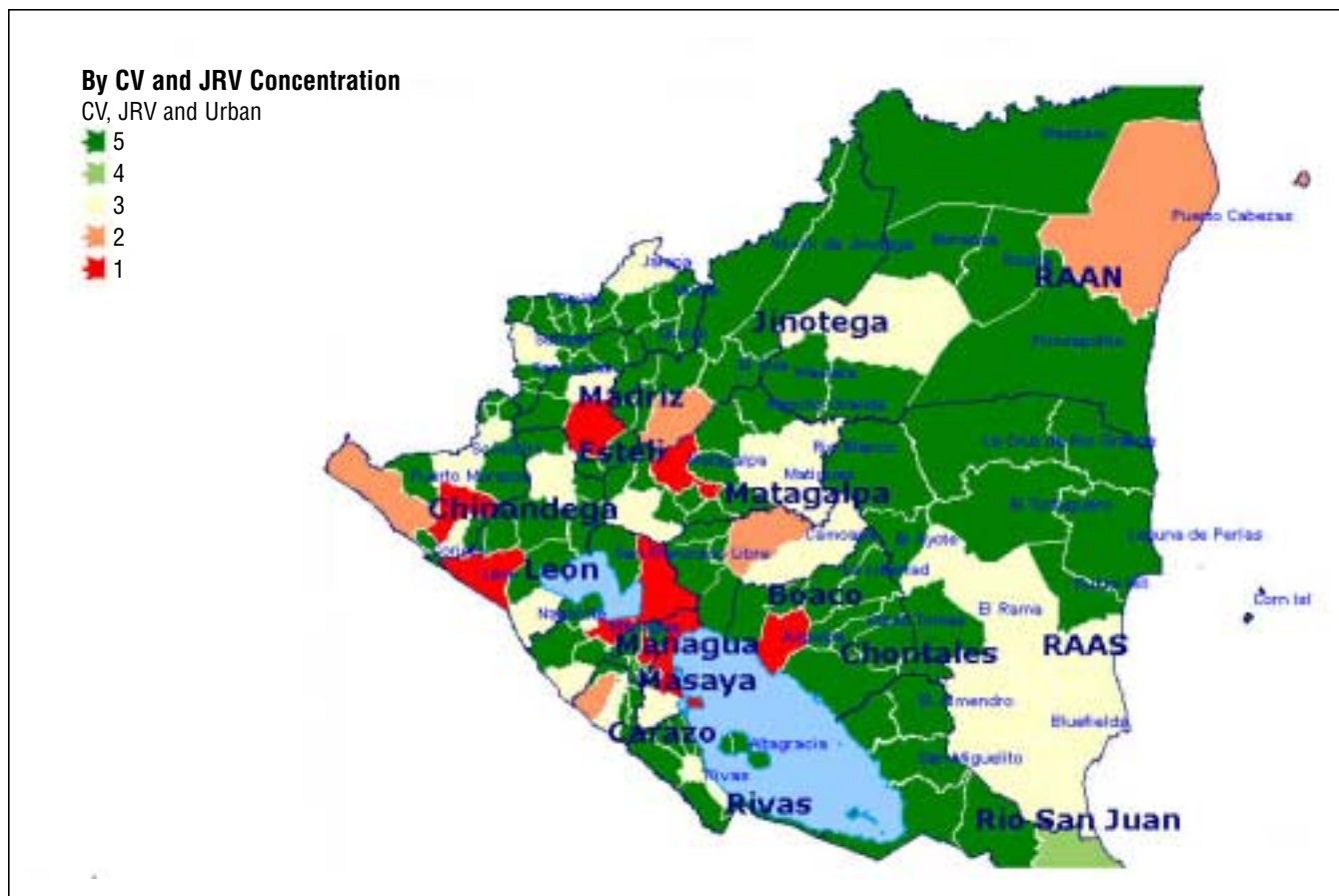
By combining data on the number of voters in a municipality (electoral population) with the number of registered voters in a voting center (voter concentration), The Carter Center produced an index used to guide the selection of municipalities our observers would visit, shown in Figure C.4.

The Carter Center teams were deployed to the municipalities where they would be seen by more people and be able to gather information on higher numbers of voters. The municipality selection resulting from geographic analysis coincided with the recommendations made by the Carter Center's long-term observers who monitored the preparation of the elections for three months.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Figure C.4. Index that guided deployment of Carter Center observers.



DEPLOYMENT TO OBSERVE CHALLENGES

To further tailor its deployment plan, The Carter Center also took into account the concerns raised by candidates, parties, civil society, and the international media in meetings conducted during pre-election visits by experts and by its chief of mission and political analyst.

As the election neared, many Nicaraguans recalled a controversy that arose in the 2004 municipal elections, where the results for the mayor of Granada were determined via a controversial annulment of a tally sheet. In 2006, some feared that targeted annulment of tally sheets could alter the outcomes of some races for departmental deputies in the national legislature. The number of votes needed to affect the presidential race or a national deputy race was too high for such a strat-

egy to be carried out without massive annulments that would be obvious even to nonexperts and were therefore of less concern.

After the voting was done and challenges were filed, The Carter Center conducted an analysis based on officially published preliminary results that calculated the legislative seats that could be lost or won with a change of less than 1,000 votes, given the particularities of Nicaragua's system for determining seat allocation (called the media mayor). The calculation took into account the quotient effect as well as the party median effect. Observers assigned to monitor resolution of challenges at the CEMs and CEDs were notified of these close races so that they would be sure to note any challenges filed there and how those were resolved. Challenges are only important where they are



OBSERVING THE 2006 NICARAGUA ELECTIONS

ruled to be valid, so The Carter Center continued its observation in each department or region for the official period following the elections designated for the handling of challenges at the municipal and departmental or regional levels.

The use of GIS modeling in election observation is experimental and further development of these techniques is needed. The Carter Center is committed to remaining at the forefront of innovation in election observation methods.



OBSERVING THE 2006 NICARAGUA ELECTIONS

APPENDIX D
REPRESENTATIVE DEPLOYMENT
OF SHORT-TERM OBSERVERS

Of the 29 Carter Center short-term observers for the 2006 Nicaraguan elections, 20 were asked to participate in an experimental improvement in election day methodology. Each team was asked to visit a list of randomly selected voting centers (CVs) and polling stations (JRVs). The random selection of CVs and JRVs for each team was done in two stages. First, participating teams were assigned randomly to CVs within a predetermined geographic area. Second, within the pool of assigned CVs, JRVs were also randomly selected.

Standard election day practice for international observers involves assigning teams to specific geographic regions and giving each team considerable leeway in choosing which areas are visited on election day. Randomizing observers on election day has several advantages over standard practice and was undertaken with the goal of improving the accuracy of the observations collected by short-term observers. By using sampling methods, this technique should generate information about JRVs that is closer to the mean of the overall population and allows for the statistical computation of confidence intervals and other information.

For each team assigned to a predefined geographic area, the list of randomly selected CVs was drawn from a complete list of CVs. Although Carter Center teams were deployed to every department in Nicaragua, observers did not attempt to reach every municipality within each department. Of the 11,274 JRVs in the country, 5,990 were included in the pools from which samples were drawn. An additional pool of JRVs was visited by the nine Carter Center observer teams who were not given a randomly generated list of CVs and JRVs. The remaining JRVs were located in municipalities where Carter Center observers did not travel on election day. Because the assigned municipalities from

which samples were drawn were not selected randomly, the data collected by Carter Center teams participating in the randomization can only be generalized to the municipalities included in the original pools.¹

Ten teams in Esteli, Madriz, Chinandega, Chontales, Masaya, North Atlantic Autonomous Region (RAAN), and Managua were given lists of CVs generated using simple random sampling, stratified by team. The samples of CVs given to the 10 teams in Nueva Segovia, Matagalpa, Jinotega, Leon, Chontales, Masaya, Granada, Rivas, Carazo, and the South Atlantic Autonomous Region (RAAS) were generated with additional consideration to the logistical challenges in the region. The long-term observer (LTO) assigned to the region defined specific parameters, and random samples were generated until one met the LTO defined parameters, making the method an unequal probability sample. This method was employed to maximize the chances that the lists of CVs would be feasible for short-term observers. Although not simple random sampling of CVs, each CV out of all CVs in the region has a known probability of being included in the sample. The JRVs for all 20 teams were selected from within the assigned CVs

1. The municipalities from which samples of CVs and JRVs were drawn include Acoyapa, Belen, Bluefields, Buenos Aires, Chichigalpa, Chinandega, Ciudad Antigua, Ciudad Dario, Ciudad Sandino, Condega, Corinto, Dipilto, Diria, Diriamba, Diriomo, El Cua, El Rama, El Realejo, El Rosario, El Tuma-La Dalia, Esteli, Granada, Jinotega, Jinotepe, Juigalpa, La Concepcion, La Concordia, La Libertad, La Paz Centro, La Paz de Carazo, La Trinidad, Leon, Managua (II), Managua (IV), Masatepe, Masaya, Matagalpa, Mosonte, Muelle de los Bueyes, Nagarote, Nandaime, Nindirí, Niquinohomo, Ocotal, Palacaguina, Potosi, Puerto Cabezas, Rivas, San Fernando, San Isidro, San Juan de Oriente, San Juan del Sur, San Lucas, San Marcos, San Nicolas, San Pedro de Lovago, San Rafael del Norte, San Ramon, San Sebastian de Yale, Santa Teresa, Santo Domingo, Santo Tomas, Sebaco, Somoto, Telica, Tipitapa, Tisma, Yalaguina.



OBSERVING THE 2006 NICARAGUA ELECTIONS

that were selected using systematic random sampling.

The ability of each team to actually visit the randomly assigned CVs and JRVs varied considerably. In some areas, logistical barriers were too high, and teams visited only three to five CVs from their list. The four participating teams in Managua had few problems finding nearly all of the assigned CVs, and teams tended to encounter more difficulties when their assigned area became more rural.

In total, the 29 Carter Center teams visited approximately 433 JRVs. Of these, 345 were visited by the 20 teams that participated in the experimental use of randomization, and 282 of these were in randomly assigned CVs.

Thus, for each piece of information systematically collected by Carter Center observers at JRVs, the above information can be used to calculate a confidence interval or margin of error. The data must be weighted to account for the multistage randomization, the disproportional stratification between regions, and the bias of observers away from very rural areas.



OBSERVING THE 2006 NICARAGUA ELECTIONS

APPENDIX E

LIST OF SHORT-TERM DEPLOYMENT TEAMS

Team	Names	Deployment Area	Route
1	Tatiana Rincón and David Ives	Nueva Segovia	Ocotal and surroundings
2	Ascensión Toledano and Tom Walker	Madriz	Somoto and surroundings
3	Amparo Tortosa Garrigos and Matt Maronick	Esteli	Esteli to Condega
4	Gabriel Zinzoni and Peter de Shazo	Matagalpa	Matagalpa to Sebaco
5	Jennie Lincoln and Benny McCabe	Jinotega	Jinotega and surroundings
6	Anneli Tolvanen and Bill Smith	Jinotega	Jinotega to Yali
7	Julie Cupples, Casey Margard, and Kelly Margard	Leon	Nagarote to Leon
8	John Graham, Rob Kincaid, Rick Hutcheson, and Amy Jackson	Leon	El Sauce to Leon
9	Ken Frankel and Benjamin Naimark-Rowse	Chinandega	Chinandega to Somotillo
10	Carlos Walker and Helen Keogh	Chinandega	Chinandega to Corinto
11	Coby Jansen and Santiago Alconada	Boaco/Chontales	Boaco to Comalapa
12	Laurie Cole and Jack Spence	Boaco/Matagalpa	Boaco to Muy Muy to Esquipulas
13	Jacob Bradbury and Veronica Querejasu	Chontales	Juigalpa to Santo Domingo to Santo Tomas
14	Rose Spalding and Alexandra Escudero	Chontales/RAAS	El Rama to Juigalpa
15	David Evans and Sandra Flores	Rio San Juan	San Carlos
16	Daniela Issa and George Vickers	Masaya	Masaya and surroundings
17	Mélida Jiménez and Richard Feinberg	Granada	Nandaime to Granada
18	Enrique Bravo and Lawrence Coben	Rivas	Rivas to San Juan del Sur
19	Cymene Howe and Stephen Randall	Carazo/Masaya	Jinotepe and surroundings
20	Rene de Vries and Craig Auchter	RAAN	Puerto Cabezas
21	Anais Ruiz and Dennis Young	RAAS	Bluefields and El Bluff
22	Laura Neuman, Vibeke Pedersen, and Courtney Mwangura	Managua	Managua
23	Chris Mitchell, Paul Lubliner, and Laura Ertmer	Managua	Managua
24	Kristen Shelby and Jessica Allen	Managua	Managua
25	Peter Quilter and Will Durbin	Managua	Managua
26	Sharon Lean, Rachel Fowler, Marcel Guzmán de Rojas, and Sarah Rivard	Managua	Managua
Leadership 1	President Carter and Jaime Aparicio	Managua/Masaya	Managua and Masaya
Leadership 2	President Ardito Barletta and Shelley McConnell	Managua	Managua
Leadership 3	President Toledo and Jennifer McCoy	Managua	Managua

Note. RAAN = North Atlantic Autonomous Region; RAAS = South Atlantic Autonomous Region.



OBSERVING THE 2006 NICARAGUA ELECTIONS

APPENDIX F OBSERVATION FORMS

**The Carter Center
Nicaragua 2006 Observation Mission
Election Day Checklist
November 5, 2006**

Observer name: _____ Time at JRV: _____
Department of JRV: _____ Municipio of JRV: _____
JRV no. and location: _____
No. of registered voters: _____ No. of ballots cast so far: _____
Average time to vote: _____ No. of people in line (est.): _____

1. Was the voters list clearly displayed outside of the voting center? YES _____ NO _____
2. Which party poll watchers (*fiscales*) were present? (Check those present):
PLC (Rizo) _____ FSLN (Ortega) _____ ALN (Montealegre) _____
MRS (Jarquin) _____ AC (Pastora) _____
3. Which domestic observers were present?
_____ Ethics and Transparency (ET)
_____ Institute for the Promotion of Democracy (IPADE)
_____ Other (specify) _____
4. Which parties nominated the JRV election officials (*miembros de mesa*)? (List party):
JRV President _____ 1st Member _____ 2nd Member _____
5. Did party poll watchers (*fiscales*) and/or domestic observers indicate that there were:
_____ no problems _____ few significant problems (explain on back)
_____ a few, but not significant _____ many significant problems
6. At what time was the JRV ready to receive votes? (ask JRV members and mark only one):
_____ Between 7AM and 7:30AM
_____ Between 7:30AM and 8:30AM
_____ Between 8:30AM and 10:00AM
_____ After 10:00AM
_____ Still not open



OBSERVING THE 2006 NICARAGUA ELECTIONS

Election Day Checklist, continued

7. JRV members assert that they received (before the JRV was constituted):

Blank <i>Acta de Constitución y Apertura, Cierre and Escrutinio</i>	YES _____	NO _____
Unmarked ballots and ballot box	YES _____	NO _____
Voters list (<i>Padron</i>)	YES _____	NO _____
Labeled empty plastic bags to store ballots and <i>actas</i>	YES _____	NO _____
Finger marking ink (<i>Tinta indeleble</i>)	YES _____	NO _____
ID hole punching device (<i>ponchadora</i>)	YES _____	NO _____

8. JRV members assert that the table opened in (mark only one):

_____ the originally specified location
 _____ a different location
 _____ did not open

9. JRV members assert that the opening *acta* was signed by:

JRV President	YES _____	NO _____
1st Member	YES _____	NO _____
2nd Member	YES _____	NO _____

10. JRV members assert that _____ poll watchers (*fiscales*) signed the opening *acta*.

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

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

COMMENTS/EXPLANATION OF PROBLEMS

12. Check those problems that apply:

_____ JRV closed or voting suspended (explain below)
 _____ Insufficient materials (which kind?)
 _____ Security problems (explain below)
 _____ Indelible ink not applied correctly (explain below)
 _____ ID card not punched when Art. 41 used
 _____ Intimidation of voters (explain below)
 _____ Secrecy of ballot not assured (explain below)

13. **How many** voters were denied an opportunity to vote thus far?

Reasons (give numbers):

Not on list (no witnesses/witnesses not accepted) _____

No voter document _____

Discrepancy between voter ID and list _____

Cédula ruled invalid _____

14. **How many** voters that were not in the voters list were accepted to vote (excluding party poll watchers, police, military, and JRV members)? _____



OBSERVING THE 2006 NICARAGUA ELECTIONS

Closing and Counting Report Nicaraguan Elections, November 5, 2006 The Carter Center

Observer Name: _____

JRV No. and Location: _____

Department/Region: _____ Municipality: _____

COUNTING PROCESS

1. Domestic observer present? YES _____ NO _____

2. Other international observers present? YES _____ NO _____

3. Party poll watchers (*fiscales*) present?

PLC (Rizo) _____ FSLN (Ortega) _____ ALN (Montealegre) _____
MRS (Jarquin) _____ AC (Pastora) _____

4. Time poll closed: _____ 5. Time count started: _____

6. What party poll watchers registered challenges? (If yes, explain on back)

PLC (Rizo) _____ FSLN (Ortega) _____ ALN (Montealegre) _____
MRS (Jarquin) _____ AC (Pastora) _____

7. Did count function normally? (If no, explain on back) YES _____ NO _____

8. Did JRV president give poll watchers copies of results (*actas*)? YES _____ NO _____

9. Number of citizens not permitted to vote:

Reasons (give numbers): Not on list _____ Discrepancy between card and list _____
No voter document _____ Voter at wrong JRV _____
Ran out of materials _____ JRV suspended or closed _____

10. Total voters on list: _____



OBSERVING THE 2006 NICARAGUA ELECTIONS

Closing and Counting Report, continued

PRESIDENTIAL ELECTION RESULTS

FSLN _____

ALN-PC _____

PLC _____

AC _____

MRS _____

Total valid votes _____

Null votes _____

Total votes cast _____

Approx. % participation _____

DIPUTADOS NACIONALES ELECTION RESULTS

FSLN _____

ALN-PC _____

PLC _____

AC _____

MRS _____

Total valid votes _____

Null votes _____

Total votes cast _____

Approx. % participation _____

DIPUTADOS DEPARTAMENTALES ELECTION RESULTS

FSLN _____

ALN-PC _____

PLC _____

AC _____

MRS _____

Total valid votes _____

Null votes _____

Total votes cast _____

Approx. % participation _____



OBSERVING THE 2006 NICARAGUA ELECTIONS

Summary – Election Day Report
Nicaraguan Elections, November 5, 2006
The Carter Center

Observer name: _____ Total # of JRVs visited (# of forms): _____

Department or region (use separate sheets for each department or region): _____

Sum total of registered voters at JRVs visited: _____ Avg. minutes taken to vote: _____

1. How many of the JRVs had the voters list clearly displayed: _____

2. How many of the JRVs had party poll watchers (*fiscales*) present from:
PLC _____ FSLN _____ ALN _____ MRS _____ AC _____

3. At how many JRVs were domestic observers present from:
Ética y Transparencia (ET) _____
Instituto para el Desarrollo y la Democracia (IPADE) _____
Otros (especifique) _____

4. How many officials (*miembros de mesa*) at the total number of JRVs were nominated by each party?
President: PLC _____ FSLN _____ ALN _____ MRS _____ AC _____
1st Member: PLC _____ FSLN _____ ALN _____ MRS _____ AC _____
2nd Member: PLC _____ FSLN _____ ALN _____ MRS _____ AC _____

5. At how many JRVs did party poll watchers and/or domestic observers indicate that there were:
no problems _____
a few, but not significant _____
a few significant problems _____
many significant problems _____

6. How many JRVs were ready to receive votes at:
_____ Between 7AM and 7:30AM
_____ Between 7:30AM and 8:30AM
_____ Between 8:30AM and 10:00AM
_____ After 10:00AM
_____ Never – did not open

7. How many JRVs asserted that they had NOT received the following materials before opening?
Blank *Acta de Constitución y Apertura, Cierre and Escrutinio* _____
Unmarked ballots and ballot box _____
Voters list for that JRV(*padrón electoral*) _____
Labeled empty plastic bags to store ballots and tally sheets (*actas*) _____
Finger marking ink (*tinta indeleble*) _____
ID hole punching device (*ponchadora*) _____

8. At how many JRVs did the table open at
the originally specified location _____
a different location _____



OBSERVING THE 2006 NICARAGUA ELECTIONS

Summary Report, continued

9. At how many JRVs did someone assert that any of the following officials did NOT sign the opening *acta*?

President _____

First member _____

Second member _____

10. What was the AVERAGE number of party poll watchers (*fiscales*) who signed the opening *acta*?

11. How many JRVs did YOUR TEAM evaluate as functioning:

NORMALLY and WITHOUT IRREGULARITY _____

with some MINOR IRREGULARITIES but NOT SIGNIFICANT for result _____

with SERIOUS PROBLEMS that could potentially distort the result _____

12. At how many JRVs were the following problems found?

JRV closed or voting suspended _____

Insufficient materials _____

Security problems _____

Indelible ink not applied correctly _____

ID card not punched when Art. 41 used _____

Intimidation of voters _____

Secrecy of ballot not assured _____

How many JRVs did your team visit after 4PM? _____

For the next questions consider only the JRVs visited after 4PM.

13. At how many JRVs were voters denied the right to vote?

Reasons (give total number of voters for each category):

Not on list (no witnesses/witnesses not accepted) _____

No voter document _____

Discrepancy between voter document and list _____

Cédula not valid _____

Ink residue on thumb _____

14. What was the sum total of the number of voters (excluding poll watchers, police, military, and JRV members) who were accepted to vote despite not being on the voters list? _____



OBSERVING THE 2006 NICARAGUA ELECTIONS

APPENDIX G CARTER CENTER PUBLIC STATEMENTS AND PRESS RELEASES

Carter Center Report on Pre-election Delegation Visit to Nicaragua, Jan. 31–Feb. 2, 2006

February 7, 2006

In January 2006, The Carter Center received from the president of the Supreme Electoral Council (CSE), Dr. Roberto Rivas, an invitation to observe Nicaragua's regional and national elections to be held in March and November 2006, respectively. In the spirit both of its past observation missions in Nicaragua in 1989–90, 1996, and 2001 and its continuing support for Nicaraguan democracy as expressed in two visits by the Friends of the Democratic Charter in 2005, The Carter Center expressed its willingness to observe. It therefore sent a pre-election delegation to Managua Jan. 31–Feb. 2, 2006, to discuss with the election authorities the proposed framework for observation and the form that a possible Carter Center election observation mission might take. The delegation included the former chief electoral officer of Peru, Dr. Fernando Tuesta; the senior associate director of the Carter Center's Americas Program, Dr. Shelley McConnell; and political analyst David R. Dye.

The Carter Center delegation met with a wide array of Nicaraguans who come to the election with a variety of perspectives. These included Dr. Rivas and CSE Vice President Emmet Lang as well as magistrates Luis Benavides, José Marengo, and Julio Osuna; Foreign Minister Norman Caldera and his staff; PLC leaders Wilfredo Navarro, Noel Ramirez, and Silvio Calderon; FSLN presidential candidate Daniel Ortega, accompanied by legal representative Edwin Castro and party election officials Lumberto Campbell and Juan José Ubeda; presidential candidates Eduardo

Montealegre and Herty Lewites with accompanying staff members; representatives of two national observer organizations, Roberto Courtney of *Etica y Transparencia* and Mauricio Zúñiga from IPADE; and Rosa Marina Zelaya from the *Movimiento por Nicaragua*. In addition, the delegation met with U.S. Ambassador Paul Trivelli and staff, including officials of USAID, OAS representative Pedro Vúskovic, NDI local director Deborah Ulmer, and consultants from IFES, a U.S.-based organization that offers technical electoral assistance.

In these conversations and via the mass media, The Carter Center delegation was made aware of electoral matters that need clarification, including concerns related to the electoral list, voting documents, application of Articles 41 and 116 of the electoral law, the lack of a quorum for decision making within the CSE, and the potential that some candidates may be disqualified from the presidential race, thus limiting competition and representation, among others.

Of particular concern to the delegation was the ongoing division within the CSE that has resulted in that body's inability to reach a quorum for decision making. This is a serious problem that has the potential to severely affect the electoral process, including the elections on the Atlantic Coast, and therefore a solution is urgently needed. It is the responsibility of all CSE members to cooperate to move beyond this impasse.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Independent of the legal discussion surrounding Articles 41 and 116 of the electoral law, the delegation noted that these articles permit citizens to exercise their right to vote and constitute valuable instruments for overcoming deficiencies in the electoral list. They are an important complement to the verification process, in which citizens are not always able to participate, and can encourage turnout on election day because citizens can be assured they will have the opportunity to vote. Safeguards exist to prevent double voting, such as the use of indelible ink to mark the fingers of those who have voted.

It is the responsibility of the electoral authorities to create confidence in the electoral process by providing transparency and taking proactive measures to guarantee that citizens can exercise their right to vote in free and fair elections, not merely taking reactive measures to redress complaints. The Carter Center urges the CSE to redouble its efforts to eliminate all doubts concerning the development of the electoral process, among other things, by sharing information fully and distributing documentation in timely fashion to all relevant actors. The Center furthermore cautions the political parties against fostering unwarranted fears

that discredit the electoral process in which they are jointly engaged.

The Carter Center reaffirms its commitment to support Nicaraguan citizens in the fullest expression of their rights through its impartial and professional election monitoring efforts, as it has done in Nicaragua in the past and in dozens of other countries. Because election observation requires examination of the entire process, not just the vote and count on election day, it is vital that international observation efforts commence as soon as conditions permit. Our delegation was encouraged to learn of the early support provided by the international community for election observation and noted that diverse and ongoing support will be needed for those efforts to be maximally effective. At the same time, The Carter Center stresses the need for international actors to formulate their statements concerning the elections in ways that maximize the fairness of the contest and avoid any affront to legitimate national sensitivities.

The Carter Center thanks the many Nicaraguans who took time to meet with the delegation and share their perspectives concerning this important civic process.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Communiqué on Nicaragua's Pre-election Climate

February 23, 2006

In response to an invitation extended by the seven members of the Supreme Electoral Council, The Carter Center announced today that it is sending a small contingent of observers to the regional elections on the Atlantic Coast of Nicaragua, scheduled for March 5, 2006. The elections for Atlantic Coast regional councils are critically important for strengthening the process of regional autonomy and therefore of democracy and are of importance to all Nicaraguans.

In regard to the issues mentioned in our first communiqué Feb. 7, The Carter Center notes with satisfaction that a quorum was obtained in the Supreme Electoral Council that same day to permit a vote on changing the name of one of the alliances participating in the election, notwithstanding the fact that some of the magistrates registered their dissent from the decision and later appealed it to the courts. The magistrates of the Supreme Electoral Council likewise took a positive step forward on Feb. 8 by clarifying that Articles 41 and 116 of the elections law would be fully respected on voting day, although not all the doubts concerning how the articles will be applied have been dissipated.

The Carter Center nevertheless expresses its concern over the persistent impasse in the Council, whose seven magistrates have been unable to form a quorum in a sustained fashion, to the point where the Supreme Court of Nicaragua recently ruled that a quorum could be established via the incorporation of alternate magistrates. The Center reiterates that it is the responsibility of all the magistrates to cooperate fully and

comply with their duty to meet, thus obviating any need to resort to other powers of state in order to resolve their internal problems.

The legal and constitutional discussion sparked by the above-mentioned judicial ruling aside, the Center observes that consensus among Nicaragua's highest election authorities remains fragile with just a week to go before the regional voting commences. It also notes with concern that important political actors have recently weighed the possibility of withdrawing from the race. Neither of these situations is conducive toward an orderly election process.

Given the above circumstances, The Carter Center commends the Liberal Constitutionalist Party for its decision to remain in the race and urges other parties who may harbor doubts about the process to do likewise. The Center furthermore urges the magistrates of the Supreme Electoral Council to make every effort possible to allay doubts about the full and proper application of Articles 41 and 116, duly instructing all voting board officials about the correct manner of their implementation. Finally, it exhorts all actors—election authorities, political parties, and social groups—to do everything in their power to see to it that the regional elections are held in an orderly fashion and with maximum participation of the voters. Withdrawing from the race at the last moment, calling for abstention, or creating problems for the functioning of the voting boards on election day will not help guarantee respect for the political rights of the Coast population, which is eagerly awaiting its opportunity to cast its ballots on March 5.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Third Report on the Nicaraguan Pre-election Process

May 10, 2006

Atlanta... The Carter Center is pleased to announce that former U.S. President Jimmy Carter will visit Nicaragua from July 3–5, 2006, to assess the progress of preparations for that country's national election on Nov. 5. During his stay, President Carter will meet with Nicaragua's electoral and governmental authorities to discuss possible modalities for a Carter Center election observation mission. He will also meet with the entire spectrum of participants in this year's election, along with Nicaraguan civil society organizations and both national and international observers.

This will be the fourth time since 1990 that The Carter Center has observed a national election in Nicaragua. During each of the three past elections, The Carter Center issued periodic reports on its activities accompanied by recommendations for improving the process. In advance of President Carter's visit, The Carter Center would like to offer Nicaraguans some reflections on the way in which the current election process in their country has been developing. We would also like to offer the electoral authorities a set of suggestions about ways to strengthen the process now underway.

Atlantic Coast Elections. The 2006 election process passed an important milestone on March 5 when Nicaragua's Atlantic Coast population went to the polls to choose representatives for two regional councils, which form the highest level of the autonomous government that presides over the country's Caribbean areas. As it had announced previously, The Carter Center sent a small team of observers to witness the voting in a limited number of voting tables in these areas, which contain Nicaragua's principal indigenous populations. The Organization of American States and two national organizations, Ethics and Transparency and the Institute for Democracy, did the same with much larger numbers of personnel.

According to the unanimous judgment of the observers, the Atlantic Coast elections generally qualified as a success. Until the final stage, these elections transpired in a tranquil and orderly atmosphere with very little friction among the parties and candidates. With certain lapses, the organization of the elections was described by the observers as good. For example, almost all the voting tables opened on time, and few suffered any interruption during the day. After ratifying their validity, the Supreme Electoral Council successfully trained local election officials in the correct application of Articles 41 and 116 of the election law, which permitted a significant number of citizens to vote who might otherwise have been excluded from the process. Against the grain of certain predictions, the vote count concluded with few challenges to the results at the tables. An especially encouraging element was the upturn in voter turnout, which reached 45 percent of all those enrolled as compared to 39 percent in 2002. All the foregoing merited, and merits, the congratulations that the observers expressed to all involved—the voters, the parties and candidates, and the Supreme Electoral Council.

TWO CONCERNS

Nonetheless, the political events that preceded and succeeded the Atlantic Coast voting posed, and continue to pose, serious questions about whether the rest of the 2006 election process will transpire in an equally peaceful manner.

Lack of Consensus. The Carter Center views with concern the persistent lack of consensus among the authorities of the Supreme Electoral Council, a difficulty that continues to hamper the seven principal magistrates from sitting together normally to take decisions in common. More worrisome still is that this situation has continued for several months with no definite way of ending the impasse in sight. The fact



OBSERVING THE 2006 NICARAGUA ELECTIONS

that impasses now affect other powers of state as well is also disquieting, as it points toward the possibility that the entire election process could bog down institutionally in its final stages.

This situation began when a sector of the principal magistrates refused to form the legal quorum of five members, arguing that certain decisions taken or about to be taken by their colleagues lacked or would lack legality. The latter, in turn, had recourse to Nicaragua's Supreme Court, obtaining a judgment from the constitutional chamber permitting them to incorporate alternate magistrates to fill the quorum and make decisions. They proceeded to make a series of important decisions with which the first group of magistrates again disagreed. Together with other actors, the dissenting magistrates criticized the court's ruling as irregular and in contradiction with Article 6 of the election law, whereupon they asked the National assembly to make a so-called authentic interpretation of the article in question. However, months have passed since the date of this request without the assembly being able to act to settle the issue.

The Carter Center has no comment on the legality of the decisions made by the majority of magistrates, the Supreme Court ruling, or the authentic interpretation of Nicaragua's election law. However, it wishes to register its concern that if this impasse is prolonged further, lack of political consensus in the Supreme Electoral Council may interfere with the progress of the election process and promote a situation of uncertainty both before and during November's voting.

In fact, we would observe that in February 2006, in tandem with the Council's internal difficulties, various political actors alleged that plans for fraud or manipulation of the vote were underway on the Atlantic Coast. Several participants even threatened momentarily to withdraw from the race at the same time that fear emerged of massive challenges to the vote count on election night. The specter of possible disturbances evoked by this scenario eventually led President Enrique Bolaños to ponder the option of decreeing a state of emergency to safeguard public

order in case this were necessary. In addition, at various moments during this period, calls were heard for the magistrates of the Supreme Electoral Council to resign en masse.

Fortunately, the crisis scenario forged in Managua vanished on election day, apparently due to the good judgment of Coast residents, who refused to countenance the transfer of the Pacific areas' political tensions to their territories. But the possibility that a scenario of this kind—full of suspicions and threats to create difficulties—could erupt again in the late months of this year not only cannot be discounted but is clearly latent.

For this reason, and in anticipation of an election contest that promises to be tense and polarized, it is advisable to begin to act to avoid possible negative scenarios. This can be done by acting on those factors that generate the suspicions, which then multiply and convert themselves into actions capable of destabilizing an election. Above all, progressive clarification and fortification of the rules of the game are required, as this is the only way to maximize the confidence of all election actors and the citizenry at large that the guarantees for the integrity of the vote will be fulfilled at the end of the day.

In good measure, this confidence depends on the perceptions that citizens have of the work of the electoral authorities. In the coming phases of the process, the magistrates of the Supreme Electoral Council will be called upon to make key decisions, some routine, some unforeseen, to keep the process on track down to the eventual proclamation of the winning candidates. For these decisions to have the maximum possible consensus and legitimacy, it is indispensable that the magistrates work in harmony with one another and that the citizens see them working in that fashion. The Carter Center therefore urges the magistrates once again to make an effort to find a way to resolve their differences.

Electoral Sovereignty. Our concern over the emergence of negative scenarios has increased upon seeing the climate in which the precampaign period is developing. In recent weeks, the great majority of



OBSERVING THE 2006 NICARAGUA ELECTIONS

Nicaraguans have watched in silence while noted political, governmental, economic, and even religious figures have engaged in debates over the positions taken by foreign governments and their diplomatic representatives with regard to Nicaragua's election contest. In touching the deep national sentiments of the Nicaraguan people, such debates contribute to a state of polarization that injects tension into the election process and may lead to disturbances at the end of the campaign. Given the importance of the political choices that Nicaraguan parties will present to voters this year, it is very important for parties and their candidates to be specific in their campaign proposals and promote rational political debate. As a contribution to that debate, The Carter Center requests that neighboring governments in the hemisphere respect the dignity of the Nicaraguan people by abstaining from interference in their internal affairs, thereby helping Nicaragua to center its election debate on concrete alternatives accompanied by their respective arguments.

SUGGESTIONS FOR ACTION

Meanwhile, with all due respect to the magistrates, The Carter Center would like to suggest that the Supreme Electoral Council contemplate a series of measures to fortify citizen confidence in the electoral process. Some of our recommendations, accompanied by additional comments, refer to aspects of the recently concluded Atlantic Coast elections, while others look forward, anticipating problems that may emerge in the coming months at the national level.

1. "Article 41" Voters. On March 5, a significant number of Nicaraguan citizens with valid voting cards failed to find their names on the Atlantic Coast election rolls. This situation occurred amidst the intense wave of speculation alluded to above and despite a process of citizen verification that the Supreme Electoral Council regarded as successful. According to differing figures from observer organizations, the number of cardholders absent from the rolls varied between 3 percent and 1 percent of all those who voted. Regardless of the precise number, this percentage is high. It is also of concern in

that if such a number of voters had been denied the opportunity to cast their ballots, a series of conflicts might well have ensued. Fortunately, the Supreme Electoral Council took the wise decision to permit these people to vote under the terms of Article 41 of the election law. The situation of these voters nevertheless poses a question mark, given that, in principle, no voter in possession of a valid voting document should be absent from the lists. Given these facts, it would be helpful for the Supreme Electoral Council to explain to Nicaraguans why discrepancies between the voter document and the election rolls arose and what the Council is now doing to prevent a repetition of this problem in the national elections.

2. Materials that Failed to Function. According to other reports from the observers, on the day of the Coast voting, a series of materials that are key to safeguarding the integrity of the vote failed in significant measure to function properly. These include vote card punches, lamps for reading vote card security stripes, and even the indelible ink used to mark voters' fingers so as to preclude the possibility of their voting twice. These problems, which have repeated themselves across successive elections, are another source of concern. Improvement in this regard is vital before the November voting takes place. Once again, it would be timely for the Supreme Electoral Council to inform the citizenry about the measures it plans to take to prevent election materials from failing as some did during the Atlantic Coast vote.

3. Location of Voting Places. In the wake of the voting on the North Atlantic Coast, disturbances occurred in Bilwi due to the refusal of the indigenous party Yátama to accept the allocation by the election authorities of a given council seat, alleging the existence of a prior political accord that had supposedly transferred certain voting tables from one election district to another. According to analyses of the national observers, the origin of this conflict lay in the lack of a clear prior definition and publication of where the voting tables were located in regard to the boundaries among the Coast election districts. Fortunately, the



OBSERVING THE 2006 NICARAGUA ELECTIONS

episode of violence instigated by Yátama, which saw the head of the regional election council sequestered in his offices, was resolved without major problems. The fact that this situation was resolved on the basis of a political accord rather than on the basis of clearly established prior rules nevertheless sets a negative precedent. The Supreme Electoral Council could help to dispel any doubt about the repetition of disputes related to electoral boundaries by publishing as soon as possible on its Web page the regulations that define the exact locations of Atlantic Coast voting centers in relation to the region's election districts and by assuring the citizenry that no such uncertainty exists in regard to the location of voting places in the rest of the country's departments and regions.

4. The Final Count. By May 5—a full two months after the voting—the Web page of the Supreme Electoral Council still registered only the preliminary results of the Atlantic Coast voting as on March 9. On that date, the total number of votes amounted to 100,352. According to the April 1 edition of *La Prensa* newspaper, the Council reported that the final total of valid votes was 93,524. To clarify this difference to the citizens, it would be advisable for the Council to publish the final official results of the Atlantic Coast election on its Web site as soon as possible, accompanied by an explanation for the reduction in the number of valid votes, assuming such a reduction has actually taken place.

5. Missing ID Cards. Recent opinion polls have thrown up the striking datum that between 15 and 18 percent of all Nicaraguans of voting age lack the national identity cards that are required to vote. In view of these numbers, and given myriad reports concerning the nondelivery of these documents to the citizens, it is indispensable to start now to make a maximum effort to get these documents into the hands of as many voters as possible before November. This effort should aim at the many young people who have come of voting age in recent years in which the majority of local ID-issuing offices have been closed, along with people who seek replacement cards and the cards

already manufactured that have not yet been delivered. We urge the election authorities to intensify the pace of the processing, manufacture, and distribution of voter identification documents, cooperating fully with civil society and electoral assistance organizations who wish to contribute their energies and ideas to the solution of this problem.

6. Verification and Audits. A thoroughgoing process of citizen verification with maximum outreach to potential voters will also be conducive to the objective of guaranteeing all Nicaraguans their right to vote. We urge all citizens to avail themselves of the opportunity to check their presence on the voting rolls when that opportunity comes in June. Once again, the Supreme Electoral Council can help to maximize the number of citizens reached by this process by sharing the tools necessary to assist voters who wish to verify their status with civil society and other organizations. Meanwhile, an appropriate audit of the national election roll is a necessary complement to the verification exercise and will help the election authorities to identify and correct any problems, thus ensuring that the election lists that finally emerge as definitive are of the highest possible quality. In this regard, we urge the election authorities to cooperate with the efforts of the national observers and specialized election assistance organizations to carry out a professional-quality audit of the national roll.

7. Money in Politics. The political debate of the last few weeks has been marked by allegations that one or another political force is contravening the rules that govern party and campaign financing in Nicaragua. The Carter Center underscores that the financing of parties and campaigns is necessary in a democracy and should not be viewed only from the angle of its potential negative effects. In any case, complete clarity should exist among parties, candidates, and potential donors about the rules of the game for legitimate contributions. We urge the Supreme Electoral Council to publish all current regulations concerning campaign finance and ordinary political party funding as quickly as possible on its Web site.



OBSERVING THE 2006 NICARAGUA ELECTIONS

8. Rules for Observers. After completion of the Atlantic Coast elections, the Supreme Electoral Council has issued new regulations regarding election observation during the national elections in November. This document represents a laudable effort by the election authorities to fix the rules of the game for the observers, an issue that has not been exempt from a certain amount of tension in past elections. However, to avoid any future friction between observers and election officials, we would like to recommend that the Supreme Electoral Council, in conjunction with the observers themselves, specify more precisely those aspects of the regulations having to do with access to the sites destined for key steps of the process, such as the municipal and departmental election councils and the computing centers at all levels, and in addition guarantee the timely accreditation of all observers.

A common thread running through many of the ideas we have presented is the recommendation that the Supreme Electoral Council make better use of its Web site as a means of communicating with political actors and the citizenry. This recommendation fits

with the efforts the Council is making this year to develop the capacities of its Web page with technical assistance from IFES. It would indeed be advisable for the electoral authorities to routinely publish all of their official resolutions electronically, as maximizing the transparency of its acts is the best way for an institution to strengthen the trust of the citizenry.

In conclusion, we would like to express our thanks anew to the magistrates of Nicaragua's Supreme Electoral Council for the invitation they have extended us to observe the 2006 elections. The openness demonstrated by the election authorities to the work of both national and international observers, in addition to constituting another guarantee of the process, permits us to make suggestions that can help obviate the problems that may crop up on the road to election day. We are hopeful that with sensible and timely decisions on the part of the election authorities and the mature and responsible conduct on the part of political actors and voters, election day this November will turn out to be the civic and democratic exercise we all wish it to be.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Message from Former U.S. President Jimmy Carter to the Nicaraguan Electorate Encouraging Participation in the Verification Process

June 15, 2006

In the days ahead, Nicaraguan citizens will have an opportunity to participate in a verification process, in which they will personally confirm that their names are on the voters list for the national elections in November. I encourage all Nicaraguans of voting age to participate in the verification process June 17 and 18. This is an important opportunity to correct any errors or omissions in the voters list. The right to vote is precious and should be protected, and by verifying your name and voting location, you can contribute to building a strong democracy in Nicaragua.

To demonstrate the concern of the international community about the need to develop the most accurate voters list possible prior to the elections, international observers will monitor the verification process. A delegation from The Carter Center will deploy to various departments and autonomous regions to monitor verification this weekend and assure that citizens have the opportunity to make any needed corrections so they can cast a vote in November and help select their new government.



OBSERVING THE 2006 NICARAGUA ELECTIONS

The Carter Center Observes Nicaragua's Voter Registration Verification Process

June 21, 2006

Managua, Nicaragua... The Carter Center sent a group of 11 experts from Argentina, Bolivia, Colombia, Costa Rica, Ireland, the United Kingdom, and the United States to Nicaragua for the purpose of observing citizen verification of the voting rolls during the weekend of June 17 and 18, 2006. The Center's observers were deployed to the departments of Boaco, Carazo, Chinandega, Chontales, Estelí, Granada, León, Jinotega, Madriz, Managua, Masaya, Matagalpa, and Nueva Segovia as well as to the South Atlantic Autonomous Region.

During the course of their work, Carter Center observers confirmed that, save for minor slip-ups, the verification exercise was conducted in consonance with established procedures. With few exceptions, all the personnel assigned to the verification centers showed up to work and carried out their duties appropriately and in the prescribed manner. All the materials needed for the verification procedure were, moreover, distributed in good condition, although some centers ran out of forms for making address changes before the close of the process.

In all, Carter Center observers witnessed the presence of poll watchers from at least two of the participating parties or alliances, and in the majority of cases three were present. Technical personnel of the Supreme Electoral Council assisted the process correctly, and security conditions were adequate.

Over the two days of the verification exercise, The Carter Center generally witnessed a small turnout for the process. The following circumstances may have had an impact: Some number of citizens arrived to check not only their own names on the roll but, informally, those of family members and friends as well. Other voters appear to have regarded checking themselves against the roll as unnecessary, given that they have always voted successfully at the center in question. Finally, in some cases, the publicity given to the event was insufficient.

The information contained in a voting roll is essential to permit citizens to participate in an election process. The Carter Center believes that citizen verification exercises are absolutely necessary, given that they allow citizens to confirm or correct the data about themselves that are found on the roll. The Carter Center therefore urges all Nicaraguans who have not confirmed their presence on the voting lists to do so in the offices of their Municipal Electoral Councils before the deadline on Aug. 6, 2006.

The Carter Center furthermore wishes to highlight the dedication and civic commitment of the personnel who conducted the verification process and congratulates the Nicaraguan people for their citizen awareness.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Statement by Former U.S. President Jimmy Carter on Nicaragua's Pre-election Climate

July 6, 2006

Managua... Rosalynn and I have spent three days in Managua learning about the election process, accompanied by Dr. Jennifer McCoy, director of the Carter Center's Americas Program; Dr. Shelley McConnell, senior associate director; Dr. Jaime Aparicio, our new chief of mission for the Nicaraguan elections; and David Dye, our political analyst.

We met with President Bolaños; four members of the Supreme Electoral Council including its president, Roberto Rivas; candidates; and other party members from four of the five political parties and alliances participating in the 2006 elections. Daniel Ortega declined our invitation.

We also met with the Organization of American States as well as the national election observer groups Ethics and Transparency and IPADE, representatives from civil society groups concerned with the elections, the resident representative of the U.N. Development Programme, Cardinal Obando y Bravo, and former President Violeta Chamorro and her family.

We arrived at a sad and difficult moment in which one of the presidential candidates, Herty Lewites, had unexpectedly died. Nevertheless, Nicaraguan leaders were willing to take the time to meet with us and share their hopes and concerns regarding the election process, which we appreciate.

POLITICAL-ELECTORAL CLIMATE

We were pleased to learn of some important electoral progress. All the parties and candidates have now registered, and the concerns about possible disqualification of candidacies have subsided. It is important for Nicaragua that candidates engage in healthy competition for office, giving citizens a choice about who their leaders will be.

The Carter Center strongly opposes foreign inter-

vention in Nicaragua's electoral process. Almost all of the Nicaraguans with whom we spoke expressed concern about foreign governments endorsing, vetoing, or funding specific candidates.

President Rivas has assured us that the Supreme Electoral Council (CSE) will give The Carter Center the access we need to observe every step of the electoral process. National and international observers will be credentialed to enter the *juntas receptoras de voto* (JRVs) to observe the voting and vote count and to observe the transmission of the results, resolution of complaints at the departmental and regional electoral councils, and activities at the departmental and national counting centers.

He has informed us that the CSE will also issue sufficient credentials to national observers such as ET, IPADE, and CEDEHCA and has eliminated prior restrictions on those credentials. We were glad to hear that the political parties understand the value of party poll watchers and are organizing their poll watchers to be present in all the JRVs on election day.

We also heard concerns about the political framework of the electoral process. By law, only two parties name magistrates to the CSE, and some parties told us they feel excluded and consequently lack confidence in the election authorities. We urge the CSE to meet regularly with representatives of all the political parties to consult and inform them.

We were pleased to witness the tremendous interest and citizen involvement in the electoral process to date. This includes citizens' groups, domestic observers, party poll watchers, and voters.

RECOMMENDATIONS

All elections pose administrative and technical challenges. Our conversations suggested remaining steps



OBSERVING THE 2006 NICARAGUA ELECTIONS

that can be taken to develop an effective and transparent process and ensure that Nicaraguans and international observers alike will have confidence in the elections.

1. Identification card (*cédula*) process. We are very concerned about the backlog of production and distribution of *cédulas*. We have some suggestions, which were well received by the CSE, for ways to facilitate the process:

- a. To facilitate the issuance of birth certificates, reach agreement with mayors' offices so that these are free of charge, as well as establish a precise date by which citizens can pick up their birth certificates.
- b. Several civil society organizations have voluntarily cooperated on this task. A number of identity cards have been issued and not delivered. It is important to strengthen the information campaigns concerning the exact addresses of the municipal electoral centers at which these identity cards can be collected. COSEP and others have offered to assist.
- c. Send mobile identity card units to high schools to register citizens of voting age.
- d. Have the Managua Municipal Electoral Center accept applications from all of Managua's districts.
- e. Instruct the municipal electoral councils in the country to indicate the date on which the identity card will be issued on the slip/stub acknowledging receipt of their application.
- f. Undertake a greater effort to increase the daily reception of applications and the issuance of identity cards by using the necessary human and material resources.

The CSE believes it is meeting the demand for new *cédulas* but committed to provide additional human and material resources where there is a demonstrated need.

2. Voters list. No voters list is perfect, but the CSE should do everything possible to update the list. After the 2001 elections, we called for a modernization of the civil registry and a concurrent updating of the voters list. This has not yet been accomplished.

Consequently, we are pleased that the CSE has committed to implement Articles 41 and 116, which allow any voter with a valid *cédula* to vote, even if he or she does not appear on the voters list. The limitations of the voters list also make it even more important to have effective indelible ink, tested beforehand with the participation of the parties, to prevent double voting.

3. Selection of voting precinct (JRV) officials. Each level of the electoral administration, including department and municipal councils and voting precincts, is constituted of three members. By law, the president and first member are chosen by the two largest parties—the FSLN and the PLC—and the second member is chosen from individuals presented by the remaining three parties. There should be equity in this representation. The departmental- and municipal-level boards have already been chosen with a distribution that does not appear to be balanced. For example, Alternativa por el Cambio received 35 percent of the principal positions for departmental committees and 27 percent for municipal committees; the ALN-PC alliance received 53 percent of the departmental committees and 55 percent of the municipal committees; and the MRS received 12 percent of the departmental committees and 18 percent of the municipal committee slots.

We urge the municipal electoral councils to ensure equity in the choice of the principal JRV second members.

4. Regulations. It is very important that all of the rules of the game be clarified before the process begins. We discussed four questions in particular with the CSE: the process by which JRVs will be nullified, political finance regulations, allocation of deputy seats in the five departments that have only two deputies, and location of JRVs. The CSE assured us that it will publish these regulations well before the election and hopefully by Aug. 6.

5. Posting of election results. The CSE committed to publishing on its Web site on election night both the results of each voting precinct (JRV) as the CSE



OBSERVING THE 2006 NICARAGUA ELECTIONS

enters them into its computer and also a scanned image of the tally sheet (*acta de escrutinio*) from each precinct. This is a very positive step that will allow complete transparency in the tabulation of results.

6. Dispute resolution process. Complaints and appeals after the election are an important part of the process. We will stay in the country to observe this phase as well. The CSE guaranteed observers to have access to the dispute resolution process, and we expect to observe resolution of disputes at the regional level as we did in 2001. We have discussed with the CSE access to observing the appeals at the national level, and we hope to receive written copies of the appeals and the decisions, rationales, and votes of the CSE on those appeals.

BEYOND ELECTIONS

Transparency is another essential element of elections and necessary for the establishment and perpetuation of democracy. In Nicaragua, The Carter Center has been engaged for a number of years in supporting the establishment of an access to information regime. We have worked in partnership with the president's communications director, civil society organizations, leaders of the media, and the National Assembly in their promotion of a comprehensive access to information law, and we were pleased to hear of the advances and great possibilities for the passage of a law before the summer recess. Moreover, we received positive signals from the candidates concerning their dedication to transparency and commitment to ensure the full implementation of an access to public information law.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Carter Center Launches Election Observers in Nicaragua

September 20, 2006

The Carter Center fielded its first election observers in Nicaragua on Sept. 8, 2006, sending seven observers to begin monitoring the election process. The observers received a two-day training at the Carter Center's Managua office before deploying to Esteli, Leon, Matagalpa, Granada, Juigalpa, Bluefields, and Puerto Cabezas. The Center will also initiate observation of the department of Managua from its office in the capital this week.

The observers will establish relationships with the electoral authorities, local governments, political parties, domestic observer groups, and security forces in all 17 departments and autonomous regions. All are

Spanish speakers, and they come from a variety of countries including Argentina, the Netherlands, New Zealand, Spain, Sweden, and the United States.

"Good training and early deployment of election observers are hallmarks of professional election observation," said Carter Center Chief of Mission Jaime Aparicio, the former Bolivian ambassador to the United States. "Moreover, these and other observers will remain in Nicaragua for a period after the election to monitor the handling of challenges to the vote." The observers are expected to stay in Nicaragua through Nov. 21 or if there is a second-round election, through Dec. 21.



OBSERVING THE 2006 NICARAGUA ELECTIONS

The Carter Center Nicaragua Election Observation Mission: Pre-election Statement

October 19, 2006

Having accompanied Nicaragua's election process throughout 2006, and monitored it intensively since September, The Carter Center takes this occasion to express its views concerning the progress of the preparations for the Nov. 5 balloting.

The Carter Center congratulates all the actors in this year's election process—the voters, the political parties, and the electoral branch—on the contributions they have made to its progress so far. True to their word, the magistrates of the Supreme Electoral Council have kept their promise in May 2006 to maintain quorum among the seven members and have taken the decisions needed to keep the various phases of the process moving forward. Parties and candidates have generally acted in such a way as to preserve the civic spirit that should prevail in any election campaign. Together, all the actors have so far kept their conduct within parameters sufficiently strict to suppose that, once concluded, the 2006 election process may comply with international standards for a free and fair election.

We likewise wish to congratulate the executive branch and those responsible for generating and distributing electricity in Nicaragua on the accord they have recently reached to guarantee normal power supplies to the voting centers, computing centers, and other election-related installations. We are hopeful that this accord will dispel the concerns that have been generated in recent weeks about power cuts on voting day and the days immediately following and that the citizens will come to the polling places with full confidence that their votes will be respected. We also recognize the tests and adjustments that the Supreme Electoral Council has been carrying out in various municipalities despite the electricity cuts.

In addition, The Carter Center would like to con-

vey a series of recommendations concerning potential problems that still need to be resolved or prevented before Nov. 5 and its immediate aftermath. The final stretch of any campaign is always the tensest period and the one fullest of potential dangers to the process, especially when the race is very close. As always, we offer these comments and recommendations in a sincere desire to collaborate in improving the election process, which we hope will be crowned with success in an atmosphere of complete transparency.

1. The Campaign Climate. Political parties bear the maximum responsibility for making an election campaign substantive and maintaining its climate within the bounds of respect for the honor and integrity of all participants. For the most part, during the current campaign, Nicaragua's parties have transmitted substantial programmatic messages to the voters and have participated in a large number of candidate forums and debates. We urge them to maintain this attitude in the final campaign stretch, correcting the trend toward personal attacks that has emerged in the last few weeks. We also want to reiterate our call to the governments of the hemisphere to refrain from intervening in the internal affairs of Nicaragua at this delicate juncture.

2. Delivery of Voting Documents. With only three weeks to go before the election, the delivery of ID cards and especially of supplementary voting documents to hundreds of thousands of voters is still an unresolved issue. We urge the municipal election councils and all observers to lend maximum attention to this problem so as to facilitate the delivery of the largest possible number of documents to the citizenry. This will guarantee the right to vote and avoid suspicion that a biased distribution of these documents could negatively affect the legitimacy of the election



OBSERVING THE 2006 NICARAGUA ELECTIONS

process. We also urge a mass publicity campaign so that voters will come to the municipal election offices and pick up their documents. In addition, initiative and creativity in civil society at local level can help greatly by mobilizing resources and vehicles with which to help citizens get to these offices and pick up their documents on time.

3. Transmitting the Vote. Throughout the world, the hours following the conclusion of the voting are always the moments of highest tension in election processes. The Carter Center hopes that the technical process of vote transmission will be accomplished without any complications. It is important for the electoral authorities to take the necessary precautions so that the transmission of election results for Managua municipality from the national stadium is effected without undue delays or crowding and in a climate of complete order. For this purpose, a prior assessment of the flows of people and documents through the stadium is appropriate because it would guarantee a sufficient number of points at which to transmit all the tally sheets within a reasonable time frame without creating any bottlenecks. We would also recommend holding simulations of the transmission process with the participation of the political parties and observers.

4. Guarantees for the Parties. Toward the same end of speeding the transmission and processing of the votes in an atmosphere of complete transparency, we recommend that the authorities of the Supreme Electoral Council guarantee the poll watchers assigned by the political parties physical copies of all the tally sheets as soon as these are received in the national computing center. As quickly as time permits, the contending parties wish to check these copies with those they receive from the local polling places, thus guaranteeing the fidelity of the vote transmission. This step will contribute strongly to dispelling any doubt about the transmission and strengthen confidence in the process as a whole.

5. Responsible Challenges. The political parties have a legitimate right to challenge the results of the voting at the local polling places. But this right should

be exercised with due responsibility, foregoing excessive challenging of the tally sheets for the exclusive purpose of securing a momentary political advantage. In this regard, we exhort all parties to instruct their poll watchers to limit their challenges to those that truly merit the consideration of the election authorities, thus avoiding the proliferation of irresponsible challenges.

6. Respecting the Voters' Will. The Supreme Electoral Council has made an effort to define certain rules that the election authorities at different levels will use to decide the challenges they receive. We recommend appending the recently issued regulations on this matter and instruction stipulating that in those cases where the tally sheet undergoes alteration, the copy of the sheet that is not altered will be accepted in its stead. This addition, which could usefully be accompanied by a public statement of the Council to the same effect, will help resolve any doubt about how to interpret the intention of the voters at a given polling place. In addition, we urge the magistrates of the Supreme Electoral Council and other authorities to adhere to the letter and spirit of Article 131 of the elections law, which permits, in those cases where it is impossible to detect the will of the voters through examination of the tally sheets, opening the ballot boxes and recounting the votes. In such cases, only this procedure will guarantee full respect for the will of the people.

7. Legitimate Victors. Once the vote count has concluded and the challenges are resolved, one of the last remaining steps in the election process is the assignment of deputy seats in the National Assembly. So that there exists no doubt concerning who legitimately occupies those posts, it is necessary for the Supreme Electoral Council to decide on how to interpret the rules for assigning these seats in the five departments that elect only two deputies. The ambiguity contained in the current election law on this matter should not be allowed to contaminate the eventual proclamation of the winning candidates in the national legislature. We therefore urge a clear prior definition



OBSERVING THE 2006 NICARAGUA ELECTIONS

of the rules for this seat assignment before voting day.

In conclusion, The Carter Center wishes to reaffirm its historic commitment to democracy in Nicaragua as well as its decision to responsibly fulfill the tasks of election observation for which it has been invited once again this year, to the end of ensuring that the right to vote of all Nicaraguan citizens is fully respected.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Carter Center Names Leaders for Election Mission to Nicaragua

October 27, 2006

Atlanta... The Carter Center announced today that it has named former Peru President Alejandro Toledo and former Panama President Nicolás Ardito Barletta to join former U.S. President Jimmy Carter as co-leaders in observing Nicaragua's national elections on Nov. 5, 2006. The Carter Center delegation will also include 50 international observers deployed throughout the country.

"The participation of former Latin American presidents demonstrates that other countries in the region share Nicaragua's desire for transparent, free, and fair elections," said Jaime Aparicio, chief of mission for the Carter Center's election observation project. The Latin

American leaders are expected to arrive in Nicaragua on Nov. 3, 2006, and President Carter will arrive the following day. They hope to meet with President Enrique Bolaños, the Supreme Electoral Council, political party leaders, representatives of domestic and international election observation delegations, and others and will monitor the polls on election day as well as the counting process and handling of challenges.

Past Carter Center election missions have been led by former presidents and prime ministers from Argentina, Belize, Colombia, Costa Rica, Ecuador, Peru, Uruguay, Venezuela, and the United States.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Statement by Former U.S. President Jimmy Carter and The Carter Center on the Eve of the Nicaragua Elections

November 4, 2006

This is the fourth national election that The Carter Center has observed in Nicaragua, beginning in 1990. Your country has always held a special place in my heart. It is a pleasure to be here in the company of my two co-leaders, the former president of Panama, Nicolás Ardito Barletta, and the former president of Peru, Alejandro Toledo.

We are here at the invitation of the Supreme Electoral Council (CSE) and the Nicaraguan government. The Carter Center's role has been to observe election preparations in order to inform the international community and to offer advice to the CSE based on our experience in monitoring 66 elections in 26 countries worldwide.

Since January of this year, The Carter Center has sent six pre-election delegations to Nicaragua. We were present for the regional elections on the Caribbean Coast and monitored the verification process. In August, we opened an office in Managua headed by Jaime Aparicio, our chief of mission, who is a former Bolivian ambassador to the United States. In early September, we placed seven long-term observers in locations outside of Managua, including both the North and South Atlantic Autonomous Regions, and these observers have reported on developments in the election campaign. Our technical specialists have developed methods for identifying any patterns that may emerge in procedural irregularities or annulment of votes.

Throughout our observation of this electoral year, we are very pleased to note that Nicaragua is establishing an electoral process that has the potential to meet the expectations of its citizens to be able to choose their representatives in a competitive campaign and a voting process with accuracy and integrity. Five political parties and alliances have organized, registered, and campaigned across the country in a peaceful climate.

Civil society has organized to monitor the elections. Nicaragua is again playing host to international observer organizations including the Organization of American States (OAS), the European Union (EU), and The Carter Center. Despite deep political divisions, political competition is occurring without resort to the civil conflict Nicaragua has experienced in its past. International observers today are focused on the technical aspects of the process, not violent clashes, and we will therefore focus on the progress and remaining concerns in this regard.

In the half-dozen public statements we have made since January, The Carter Center has drawn attention to problems with the technical preparations for elections and the political climate and made constructive suggestions for resolving them. The CSE has addressed a number of our observations, including these areas of progress:

1. The seven magistrates of the CSE have kept quorum and taken decisions.
2. The CSE has issued credentials to national observer organizations in a timely fashion to visit the voting sites (JRVs) on election day.
3. The CSE has issued some of the regulations of which publication was still pending at the time of our July visit. In particular, rules for making and resolving challenges have been published, along with regulations for election complaints and a code of election ethics.
4. After a two-week postponement of the applications deadline by the National Assembly, the CSE has accelerated the production and delivery of *cédulas* and supplementary voting documents to the municipal centers.

Other problems, such as deficiencies in the national registry and therefore the electoral list, will require a long-term solution.



OBSERVING THE 2006 NICARAGUA ELECTIONS

We have also been pleased to learn of the CSE's plans to ensure a smooth transmission and reporting of the vote and about government and private sector efforts to guarantee adequate electricity for the voting centers and installations of the CSE at all levels.

Nevertheless, we have some remaining concerns that we have discussed with the CSE. These include the following:

1. Reports about problems concerning the naming and training of second members for the JRVs
2. Reports about political bias in the distribution of voting documents to the citizens in certain areas
3. Uncertainty over the criteria the CSE will use to resolve any challenges that arise

Yesterday, The Carter Center deployed 50 observers throughout Nicaragua to observe the proceedings on election day and also the resolution of challenges afterward. These observers come from 20 different countries and have been trained for this work.

My co-leaders met with President Bolaños and the Alternative for Change party, among others. This afternoon we will meet with Daniel Ortega and the FSLN, with whom I was unable to meet in July when I visited Managua and met with other party leaders. Tomorrow we will observe the election and also meet

with the presidential candidates from the PLC, ALN, and MRS parties.

The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005. As such, our interest is in the integrity of the process and not in the outcome of the election.

We have come to monitor the election, not supervise it. We are opposed to external intervention in the internal affairs of Nicaragua, and since May, we have urged publicly that other nations respect Nicaragua's sovereignty in this election process. As foreigners we are here to help, but ultimately the quality of the election lies in the hands of the Nicaraguan people. We hope all citizens will make tomorrow a festive day of civic pride, and we urge political parties and candidates to refrain from making premature announcements of victory until the official results are announced.

To the citizens of Nicaragua: Your vote matters, and the secrecy of your vote is guaranteed. We urge you to exercise this precious right by going to the polls tomorrow.



OBSERVING THE 2006 NICARAGUA ELECTIONS

The Carter Center Nicaragua Election Observation Mission: Postelection Statement

November 7, 2006

Once again we wish to thank the Supreme Electoral Council (CSE) and the government of Nicaragua for their kind invitations to observe the 2006 election process. This is the fourth national election The Carter Center has observed in Nicaragua since 1990, and each experience brings fresh lessons.

Overall, we found the election climate to be competitive and the election administration to be adequate with significant improvements over past electoral processes. Nicaraguan democracy has evolved from a decade of revolutionary civil conflict to an emerging democracy swinging between an extreme party fragmentation in 1996 to a restrictive two-party dominant system prior to the 2001 elections. The 2006 elections had five political parties competing energetically in a campaign free of violence. The military and police played a positive and nonpartisan role supporting the elections.

Nevertheless, the electoral process needs further improvement in the future. Leading into the elections, we had long-term concerns about the civil registry and the adequacy of the national voters list. These are issues that need to be addressed after the current election process concludes, and we hope the Nicaraguan authorities will address them. We were also concerned initially about the possible disqualification of political candidates and have been pleased to note that this did not occur.

In the week leading up to the election, we voiced concern about reports of political bias in the distribution of voting documents, including *cédulas* and *documentos supletorios*. Both The Carter Center and other international and domestic observers have noted evidence of this phenomenon in several places in the country. A number of voting documents were not delivered prior to election day, possibly denying some citizens the opportunity to vote.

Importantly, despite these and other concerns, five presidential candidates went forward with the election, all persuaded that they stood a chance of winning under the current rules and conditions.

The CSE announced results as of late Nov. 6 for 61 percent of polling sites (JRVs). The results for the presidential race show FSLN candidate Daniel Ortega leading with 38.59 percent of the vote, followed by Eduardo Montealegre with 30.94 percent and Jose Rizo with 22.83 percent. These are preliminary, not final, results and are subject to change. In addition, the country elected a new National Assembly, which will be vitally important given the role the legislature will play under the constitutional reforms to go into effect in January. We intend to follow the vote reporting process through to the end in these legislative contests.

Yesterday our 62 observers visited 412 JRVs, reporting very few significant problems either in the opening,



OBSERVING THE 2006 NICARAGUA ELECTIONS

the voting process, or the closing and vote count. Almost all JRVs had the materials they needed, and the voting proceeded calmly and for the most part without interruption. Very few citizens who came to vote were unable to do so. Party poll watchers from at least three parties were present at more than 96 percent of the tables we visited, and these poll watchers all received copies of the tally sheets. Roughly half of the second members of the JRVs we visited were nominated by ALN, with the remainder divided between MRS and Alternative for Change. Together, the findings on party poll watchers and second members suggest that a mix of parties was able to organize effectively.

Official figures from the CSE indicate a low number of challenges to the vote tallies, which coincides with our delegation's findings of few significant irregularities. Our observers will remain in Nicaragua this week to follow up on the resolution of challenges to the vote tallies and the results of legislative races.

We note that once again that Ethics and Transparency has done a timely quick count, the results of which closely match those presented by the CSE so far, and we congratulate the group on its success in this endeavor. It and other civil society organizations, such as IPADE, Movimiento por Nicaragua, and Hagamos Democracia, worked tirelessly to ensure a good process.

Although no candidate has claimed victory, we were concerned about premature victory celebration on the part of one party. We note with satisfaction that early reactions did not damage the process. Official results will be known only after several days when the tally sheet processing is completed. We note that challenges and complaints (*impugnaciones y recursos*) must also be considered.

We hope for reconciliation among the contending forces and urge the future president-elect to reach out to the other parties and candidates. We have met with the four major presidential candidates last night and this morning. Although there are still some questions to be resolved concerning the vote and count, all indicated they could dialogue with their former adversaries in a search for healing in this divided country.

We want to thank the Organization of American States and the European Union for excellent cooperation throughout and their representatives in the field for the mutual support we have offered and received. Our observers have also cooperated closely with our national observer counterparts whose willingness to remain throughout the day in their assigned JRVs offers an additional safeguard that international observers are too few in number to provide.

All the candidates recognize the new political reality in the makeup of the National Assembly. After a competitive campaign, there is an opportunity to work together to deepen trust in political institutions and processes. We urge the newly elected National Assembly to modernize the political institutions including the Supreme Electoral Council. We encourage the approval and the implementation of an access to information law. These steps will enhance greater transparency, professionalism, and citizen confidence.

As he completes his term in office, we congratulate President Bolaños for his consistent support for democracy and transparency.

Finally, we thank the Nicaraguan people for providing us with the information and cooperation needed to successfully carry out our observation mission.



OBSERVING THE 2006 NICARAGUA ELECTIONS

Statement Concerning Nicaraguan Election Results from The Carter Center

November 9, 2006

As The Carter Center continues its observation of the electoral process in Nicaragua, we note that the Supreme Electoral Council has reported the results for 92 percent of the polling stations. These results indicate that Daniel Ortega has a clear lead of 9 percent over the second-place finisher Eduardo Montealegre in the presidential race.

On Nov. 7, Eduardo Montealegre conceded defeat. We applaud the graciousness of Montealegre in acknowledging his defeat in a true democratic spirit and promising to act as a constructive opposition for the well-being of all Nicaraguans. In addition, yesterday, Nov. 8, Edmundo Jarquin and Eden Pastora acknowledged Daniel Ortega's victory, and today Jose Rizo conceded the race as well.

We congratulate Daniel Ortega and applaud his statesmanship in reaching out to his political opponents to work together to fight poverty and govern on behalf of all Nicaraguans.

The Carter Center continues to monitor the legislative races, which are still being counted, as well as the resolution of challenges originally made at the JRV level and any appeals that may be made at the national level. We urge the departmental electoral councils in Matagalpa, Carazo, and other departments and regions where the process is still ongoing to act swiftly and with transparency in making arithmetic corrections and resolving challenges concerning the tally sheet results for deputies in the National Assembly. We have 22 observers still present in the 17 departments and regions as the departmental and regional electoral councils finish their work. Carter Center representatives will remain in Nicaragua until the Supreme Electoral Council announces the final results and the seats are awarded in the National Assembly.

The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005.



OBSERVING THE 2006 NICARAGUA ELECTIONS

THE CARTER CENTER AT A GLANCE

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed 67 elections in 26 countries; helped farmers double or triple grain production in 15 African countries; mediated or worked to prevent civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

Budget: \$49.1 million 2005-2006 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, 404-420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. 404-865-7101.

Staff: 160 employees, based primarily in Atlanta.



MARTIN FRANK

THE
CARTER CENTER



ONE COPENHILL
453 FREEDOM PARKWAY
ATLANTA, GA 30307

404-420-5100 ♦ Fax 404-420-5145

WWW.CARTERCENTER.ORG

Spine only. Not a page.
Spine is wider than
needed for printer's
convenience.

