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TABLE OF CONTENT

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION	4
III.	POLITICAL BACKGROUND	5
	1. NATIONAL BACKGROUND	5
	2. REGIONAL BACKGROUND	6
IV.	LEGAL FRAMEWORK FOR REGIONAL ELECTIONS	7
	1. LEGAL FRAMEWORK	7
	2. REGIONAL ELECTION SYSTEM	7
V.	ELECTION ADMINISTRATION	8
	1. STRUCTURE AND COMPOSITION, MEMBERSHIP APPOINTMENTS	8
	2. FUNCTIONING	9
	3. CANDIDATE REGISTRATION	10
	4. VOTER REGISTRATION, VERIFICATION, ID CARDS DELIVERING (CIVIL REGISTER)	10
VI.	ELECTION CAMPAIGN	11
	1. LEGAL FRAMEWORK FOR ELECTION CAMPAIGNING	11
	2. REGIONAL ELECTION CAMPAIGN	12
VII.	THE MEDIA	13
	1. LEGAL FRAMEWORK	13
	2. MEDIA LANDSCAPE IN THE 2010 REGIONAL ELECTIONS	13
VIII.	ELECTION OBSERVATION	15
	1. LEGAL FRAMEWORK	15
	2. NATIONAL ELECTION OBSERVATION	15
	3. INTERNATIONAL ELECTION OBSERVATION	16
IX.	ELECTION DAY	17
	1. LEGAL FRAMEWORK, QUALITY OF POLLING PROCEDURES	

	17
	2. ELECTION DAY OBSERVATIONS
	17
	3. ANNOUNCEMENT OF RESULTS
	18
	4. ACTIVITY OF THE CEM, CER, CSE
	19
X.	COMPLAINTS AND APPEALS
19	
	1. LEGAL FRAMEWORK, GENERAL PROCEDURES
	19
	2. CONCLUSIONS
	23
XI.	RECOMMENDATIONS
24	
	1. LEGAL REFORM
	24
	2. VOTER REGISTRATION
	25
	3. ELECTION ADMINISTRATION
	26
	4. ELECTORAL PROCEDURES
	27
	5. PUBLICATION OF RESULTS
	27
	6. COMPLAINTS AND APPEALS
	28
	7. MEDIA
	28
	8. FINAL RECOMMENDATION
	29
XII.	ANNEXES
30	
	1. ANNEX A: RESULTS
	30
	2. ANNEX B: LIST OF CONTACTS
	32

I. EXECUTIVE SUMMARY

Regional elections took place on 7 March 2010 to elect a total of 90 members of the Councils of the Autonomous Regions of the Atlantic Coast. The elections were organized in the North Atlantic Autonomous Region (RAAN) and in the South Atlantic Autonomous Region (RAAS). Despite some shortcomings, the process was in appearance consistent and rather well organized, with the notable exception of its final – and decisive – part (see section on Complaints and Appeals). These serious weaknesses, involving the possibility of fraud in certain RAAS constituencies during the aggregation of results, which the Consejo Supremo Electoral (CSE) failed to redress, underlined once again the exigency of a deep legal reform to enhance the confidence of the electorate as regards the electoral processes and administration.

The lack of transparency and the political manipulation of the deficient legal framework were at the root of most problems encountered during this election. In principle, the election law could generally be considered acceptable for the conduct of democratic elections, but only if implemented in good faith. However, it does give way to misapplications if abused. In this very case, the irregular allocation of four seats¹ in the RAAS during the post-election period affected the final composition of its regional Council and could possibly affect its political balance.

The pre-election environment did not experience significant social tension despite political polarization, probably because political parties at central level regarded these municipal elections as marginal ones.

The historical low level of voters' participation in the regional elections was once again confirmed (36,7 %). This is mainly due to the lack of credibility of the autonomic institutions so far and the lack of public trust in electoral systems as well as in the political parties in general. Regional councils are viewed by voters as weak institutions with little autonomy and not in the position of representing people's interests.

The voter registration process was neither fully reliable nor satisfactorily inclusive: inaccuracy of the voters' lists due to the presence of an unknown amount of deceased and expatriate citizens; illegal participation of some political parties in handling identity card applications and subsequent distribution to citizens and the lack of institutional civic awareness campaigns. The official number of registered voters was 290,854.

During the electoral campaign, the parties, especially the Constitutionalist Liberal Party (PLC), the National Liberal Alliance (ALN) and the National Liberation Sandinista Front (FSLN), accused each other of all kinds of serious irregularities² prior to the Election Day without being always in a position to provide hard evidence thereof.

¹ Out of a total of forty five.

² i.e. minors having been issued with ID cards, FSLN manipulating small parties to gain control of the second JRV member, the existence of a strategy developed by FSLN to implement fraud, mismanagement of public funds, manipulation of the voter register to allow the non resident military to vote.

The politicisation of the Consejo Supremo Electoral (CSE) in favour of the Frente Sandinista de Liberación Nacional (FSLN) casts doubts on its ability to act as an independent State institution, its actions appearing as politically motivated. Notwithstanding the criticism rising from a part of the political actors, particularly with reference to the 2008 Municipal Elections, the CSE continued to operate showing a degree of haughtiness; some of its most relevant actions again lacked transparency or were clearly arbitrary, such as the treatment given to the local observation or the way it ruled the electoral appeals³.

Considering the degree of politicisation of the lower layers of the election administration and the fact that the Electoral Law allocates election management positions according to the last general election results, the interpretation made by the CSE of the vague provisions of the Electoral law in this respect, the political alliances and a divided opposition gave the ruling party a *de facto* control over the electoral administration, to the detriment of some locally well-established parties like the PLC.

At regional and especially municipal level, the lack of financial resources affected the work of the electoral authorities. Despite being in charge of issuing of ID cards according to the Law on Citizen's Identification, the election administration had to close down municipal offices because of budget limitations. During the inter-election periods, citizens could only apply for ID cards at regional level. This situation kept fostering the involvement of political parties, this time essentially the ruling party in practice, in providing ID cards to their affiliates.

As for the past municipal elections, the main civil society organizations specialized in observing electoral processes, IPADE and Etica y Transparencia, were not accredited by the CSE to observe elections, without any clear justification other than the allegation of being politically biased. Nevertheless, their observers could be present and witness the polling day, but outside the polling stations. Together with the CEDHECA observation – whose members received accreditation –, this slightly reduced public distrust and instilled a degree of confidence in the process during the day of the voting. However, the fact that there was no local observation during the aggregation of the results at municipal and regional levels had serious consequences, as it was then when most irregularities happened.

The role played by the media was ambivalent. On the one hand, the two main newspapers, *La Prensa* and *El Nuevo Diario*, were often acting as the mouthpiece of the opposition parties by strongly criticizing the electoral institutions during the election campaign and, thus, augmenting the lack of confidence of many voters in the overall process. On the other hand, during the Election Day, the significant presence of a considerable number of journalists and media in the regions represented an added value in terms of transparency.

On the transparency of the electoral process itself, the sequency of the latter should be divided in two clearly distinct parts:

The first part comprises part of the electoral preparations, and Election Day activities, appraised as formally correct according to the main international standards and good practices. The presence of numerous party agents at all levels represented an added guarantee for its overall credibility. Nevertheless, there was the perception of political interference from

³ i. e. the lack of accreditation for the two main organisations of local observers or the decision to prevent the newspapers *La Prensa* and *Nuevo Diario* as well as the TV channel Canal 2 to attend the CSE press conferences and other public activities.

the ruling party, FSLN, in the decisions and management of the electoral process, due to their dominant presence in the electoral administration⁴.

On Election Day, polling and counting proceeded in an orderly way and according to the rules and regulations. Election procedures were followed, electoral staff acted in a professional manner, citizens could vote freely and political party agents were present in the vast majority of JRVs. The electronic transmission of results protocols from CEMs to the CSE for the purpose of gathering provisional results took place with normality but, in a small number of municipalities, technical problems made the CSE take the decision to request some 19 result sheets to be brought directly to the capital. This situation created mistrust among opposition parties as the process leading to the decision was not entirely transparent.

The second part, much more problematic, comprises the aggregation of results at municipal and regional levels and the system of complaints and appeals. The complaints and appeals *ad hoc* regulations are very basic. They do not provide for adequate clarity regarding the procedure to be followed in the case of damaged or altered results forms, and could be abused if not implemented in good faith. These deficiencies in the law are important as irregularities may have happened in certain constituencies in RAAS during the tabulation process, namely, through the wrong transcription of some results sheets.

The CSE took 19 days to publish the official results and allocate the seats, an abnormal time delay even taking into account the practical difficulties of these regional elections. Despite formal compliance with Electoral Law and only minor delays as regards the Electoral Calendar provisions, it would have been possible to do it more efficiently and more timely, in order to avoid wrong expectations and rumors during the post-election phase.⁵

There were a few complaints at Municipal Election Centre (CEM) level, which mostly referred to the aforesaid alleged illegal changes made to polling results. There were also attempts coming from all parties to annul JRV results by abuse of the legal causes established by the Electoral Law⁶, with the purpose of having a strategic influence on the election results.

Above all, the work at CSE level revealed serious inconsistencies in the way to rule the political parties' appeals in accordance with the International Standards on free and fair elections⁷, in particular with regards to RAAS Regional Council, where the final composition (and, possibly, the ensuing political majority) was influenced by the CSE resolutions. There is, thus, a pattern of "inconsistencies" in the tabulation made by the CSE, which is not supported by the results publicly announced at JRV level and at the disposal of all parties. Though limited, this may amount to a case of fraud to change the electoral results, as it appears that in four constituencies, the shifting of just a few votes from one party to the other has switched the attribution of the third councillor in favour of the ruling party or its ally. These inconsistencies between results at JRV level and regional level have remained

⁴ And allegedly, the instructions the party gave the CSE to the effect of not allowing full-fledged observation by the most capable domestic observation organisations.

⁵ Taking into account the number of valid ballots (approx 115.000) and polling stations (884).

⁶ Electoral Law, art. 162, 4) "Cuando la documentación electoral se haya alterado o esté incompleta, de conformidad a lo que se establezca reglamentariamente". *When the electoral documents had been altered or it is incomplete, according to the ad hoc regulations.*

⁷ See the United Nations Human Rights Committee General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25): 12/07/96. Paragraphs 19 and 20.

unaccounted for to date, and thus cast a serious shadow over the treatment of appeals applied by the CSE.

In this region, the allocation of the aforementioned four seats was appealed by the PLC with serious arguments from the perspective of the treatment of results. However, the seats at stake were finally granted to FSLN (3) and YATAMA (1) without further ado, even though the PLC demonstrated⁸ that the provisional results delivered by CER (and endorsed by CSE) carried serious discrepancies.

In conclusion, despite some positive organizational aspects compared to the 2008 municipal elections, the irregularities observed during the treatment of the appeals have affected the regional electoral process of 2010, to the point of altering the outcome of the elections in one of the two regions⁹ and possibly switching the majority of its regional council towards the ruling party and its allies' side. Its final impact may only be assessed when the regional councilors are sworn in, normally in early May 2010.

In a wider perspective, the appraisal made by the Election Expert Mission of the Regional Elections of 7 March is that this process may not be considered in any way a rehearsal in view of the forthcoming 2011 Presidential Elections, during which problems of a different nature and magnitude may be expected, as it was the case in the past 2008 Municipal Elections, if nothing is done meanwhile to remedy the existing ones.

II. INTRODUCTION

Upon invitation of the Ministry of Foreign Affairs of Nicaragua, an EU Election Expert Mission was sent to the country to follow up the electoral process for the election of councillors for the Regional Councils in the Autonomous Regions of the North and South Atlantic¹⁰ (RAAN and RAAS respectively) of Nicaragua.

The EU EEM was composed of five election analysts, one of them acting as Team Leader operating from Managua. Four experts were deployed to the Atlantic Coast, one team to the RAAN and another one to the RAAS. The global objectives of the mission were *inter alia* to provide continuous strategic analysis and reporting on the ongoing electoral process, and to provide vide inputs for confidence-enhancing demarches, during and after the elections held on 7 March.

The experts spent some days in Managua meeting with the Central Election Administration, the main domestic observation groups and the representatives of the main political forces before being deployed to both regions. The teams in the field did likewise until they returned to the capital city on 11 March. Due to the fact that the complaints and appeals phase took a long time and the EEM suspected that irregularities might happen during this period, the European Commission services agreed to leave an expert in-country until the CSE's announcement of results and allocation of regional seats.

And also by *Ética y Transparencia* and *IPADE*'s technical audits to the concerned polling stations protocols. Parallel PLC counting on the basis of official polling stations protocols, monitored by EEM and ratified by *IPADE* and *Ética y Transparencia*, concluded that in three constituencies, the counting of protocols was irregularly carried out. Together with the cancelation of a polling station which affected the outcome of another constituency, four seats in total changed, changed also the majority in the RAAS Regional Council and therefore the possibility to name the RAAS Governor.
RAAN stands for Autonomous Region of the North Atlantic. RAAS stands for Autonomous Region of the South Atlantic.

The EU has followed past election processes in Nicaragua by sending an Election Observation Mission for the national elections in 2001 and 2006, an Electoral Expert Team for the municipal elections in 2008 and a Technical Assessment Mission in 2010.

III. POLITICAL BACKGROUND

1. NATIONAL BACKGROUND

To understand the context of Regional Elections, the last 2008 Municipal Elections have to be considered. Almost four million citizens registered to vote for Mayors, Deputy Mayors and Municipal Council members in 153 municipalities. According to the results released by the Supreme Electoral Council (CSE), the FSLN won more than 90 mayoral seats, including the capital city, while the PLC, running in alliance with the “We’re Going with Eduardo” (VCE) movement, took the second place with some 50 municipal victories. Of the three other parties on the ballot, the Nicaraguan Liberal Alliance, founded by Eduardo Montealegre, won 3 seats. The remaining two parties, Alternative for Change and the National Resistance Party, only exceeded 1% of the vote in a reduced number of municipalities.

The PLC-VCE Alliance refused to recognize these results and denounced a “gigantic attempt of fraud.” According to local observer groups, IPADE and Etica y Transparencia, the people’s will was violated in the election by different fraudulent manoeuvres in approximately 30% of municipalities – including important cities as Managua, León, Ocotol, Jinotega, Masaya, Juigalpa, and Rivas.

President Ortega’s efforts in 2008 to pull together the 56 parliamentary votes needed to reform the article 147¹¹ failed. The governing Sandinista National Liberation Front (FSLN) only got 38 votes. By the end of the year, six pro-FSLN judges of the Supreme Court used a complicated set of arguments to declare the aforementioned constitutional article “inapplicable.”

More recently, the seven CSE magistrates and three of their substitutes’ terms expire in June at the latest. All of them were hand-picked by Ortega and Alemán as an expression of a political pact. By the new political panorama, CSE structures from top to bottom have come into the FSLN influence. Whether the current magistrates or new ones are elected is crucial regarding the forthcoming 2011 elections.

All opposition parties –the existing four liberal groups and the Sandinista Renovation Movement – held a meeting with representatives of civil society and the private sector that led to the signing on November 2009 of what’s known as “Metrocentro II Agreements”. All signing parties agreed “*not to re-elect any of the current CSE magistrates or their alternates, not to elect new CSE magistrates until a profound transformation is undertaken within the CSE and in the electoral framework that guarantees transparency and respect for the citizens’ vote and not to elect any of the officials that must be appointed by the National Assembly in 2009 and 2010 unless capable, honest and impartial people are chosen for these posts in accordance with the constitutional precepts*” . It seems the non-binding agreement is nowadays dead letter.

¹¹ Limiting Presidential terms to two and prohibiting an incumbent President from running for consecutive election.

2. *REGIONAL BACKGROUND*

Nicaragua's two autonomous regions represent 46% of the national territory. In contrast to the Pacific Coast region of the country, the social and cultural distinctness of the Caribbean Coast is striking. While the Pacific Coast population is quite homogeneous, it is not the case in the Atlantic Coast.¹²

Their Autonomy Law was issued under the Sandinista National Liberation Front (FSLN) government in 1987. The autonomy process legitimizes and acts upon the demands of the "Costeños"¹³ to claim their historic rights to the natural resources of the region as well as the right to defend, preserve, and promote their identity, history, culture and traditions. In practice, the Law is barely implemented and the budget allocated for the Councils is insufficient.

This has been the sixth election of the respective Regional Councils in the North and South Atlantic Autonomous Regions (RAAN and RAAS) since the autonomous government was instituted in 1990. Article 19 of the Law establishes that each Regional Council will consist of 45 members. The Law also grants the elected National Assembly representatives for each region and their right to vote in their respective region's Council.

The regions' political, social and economic reality is probably the main cause of the growing disinterest in elections among coast voters since 1990. As a result, abstention has almost tripled over the four elections between 1990 and 2002 and it has been near to 65% in this election.

The RAAS

Before the elections, PLC's First Vicepresident, Wilfredo Navarro, suspended talks with Eduardo Montealegre accusing him and his movement of striking a deal with the ALN to deprive the PLC of a victory in the RAAS by means of what he called "technical fraud". As a matter of fact, the results of ALN in the RAAS can be considered a defeat, particularly taking into consideration declarations of local representatives of the party before the elections stating that ALN would overcome PLC.

The RAAN

In RAAN, the political situation is a consequence of the so-called "thirteen point" agreement, made in 2006 between FSLN and YATAMA, the Misquito people's party, to exchange support at National level for FSLN and at Regional level for YATAMA. A paradox, as the FSLN represents centralism, while YATAMA seeks for the protection of the Misquitos'¹⁴ collective rights.

¹² Roughly, the population is divided into a large majority of Mestizo (mixed indigenous and Spanish), three different indigenous peoples (Ramas, Mayangnas/Sumus and Miskitus) and other non-indigenous ethnic communities as creoles and garifuna.

¹³ Inhabitants of the Atlantic Coast.

¹⁴ Misquitos are the main indigenous people located in RAAN.

The 2010 electoral process was very polarized, and political parties, mainly YATAMA and PLC, accused FSLN of all kinds of serious irregularities (minors having ID cards, FSLN manipulating small parties to have control of the second JRV member, the existence of a strategy of fraud, mismanagement of public funds, the manipulation of the voter register) without presenting any significant evidence. A different issue was the serious deficiencies in the voter register and the proved illegal intervention of FSLN and YATAMA, in the ID card delivery to citizens.¹⁵

IV. LEGAL FRAMEWORK FOR REGIONAL ELECTIONS

1. THE LEGAL FRAMEWORK FOR REGIONAL ELECTIONS

The Regional Elections are organized according to the general Electoral Law – which sets specific provisions for the regional electoral process –, the Law on Citizen's Identification and the Law on Municipalities. Moreover, the CSE publishes *ad hoc* regulations for every election.

It should be noted that a sentence from the Inter American Human Rights Court on June 2005 obliges the Nicaraguan state to modify the Electoral Law in order to adapt it to the consuetudinary laws of the indigenous peoples. Implementation of this decision is still pending. Moreover, another perverse implication of the current Election Law in these regional elections is that ALN, as the second winner of the 2006 general elections, retains the Presidency or the first member position in CERs, CEM and JRV when that party has at the moment very little support in RAAN and RAAS .

This situation, which is fully in accordance with the Nicaraguan legislation, is against the principle of equality between political parties when running an electoral process and it may be contrary to International and Regional Standards on democracy.

2. REGIONAL ELECTION SYSTEM

According to the Electoral Law, regional elections take place every 4 years and elect a number of 45 councillors to the two regional assemblies (plus two additional members of the National Assembly elected in representation of the region, totalling 47 members). The election system is a proportional representation system with closed lists. Each of the 15 constituencies of the Atlantic Autonomous Regional North and South elect 3 members, by universal and direct vote.

The equality of the vote is not fully respected as constituencies vary considerably in population but all get to elect the same number of councillors. Seats are allocated by means of dividing the total number of votes cast in each constituency by the number of seats to be elected. The resulting number is the quotient that is used to allocate seats to each party once the total number of valid votes for each political organization is divided by it¹⁶.

The Electoral Law implements the Constitutional right to ethnic diversity and political representation of diverse Nicaraguan ethnic groups; the first seat in constituencies where they are strongly represented: i.e. to 4 ethnic groups in the RAAN and to 6 in the RAAS.

¹⁵ We develop this information in the relevant chapter.

¹⁶ Largest remainder system.

Regional parties¹⁷ may run even in a limited number of constituencies¹⁸. This fact allows for multi-ethnic contested elections but does not reflect the preceding regional election results in the assignment of election management membership at regional, municipal and polling station level (JRV, CEM and CER).¹⁹ As an example illustrating the legal inequality vis-à-vis the national and regional parties, YATAMA did not participate in the last general elections and, thus, despite being a strong regional political party in the RAAN, did not retain any Presidency or 1st member position – only 2nd member position competing with all 6 remaining smaller and far less representative parties. As both the Nicaraguan constitution²⁰ and international standards in this matter endorse non-discriminative laws for ethnic groups, this particular point should be changed for future elections.

V. ELECTION ADMINISTRATION

I. STRUCTURE AND COMPOSITION, MEMBERSHIP APPOINTMENTS

In the Nicaragua Constitution, the election administration is defined as an electoral power mandated to organize all elections and dealing with electoral challenges as the last instance of appeal. Furthermore, it also administers the civil registry and issues national ID cards. Its structure is hierarchal with the CSE at top and regional as well as municipal intermediate levels. Polling stations are the bottom of this structure. As a result of a bi-polarised political system, the election administration moved from a setup where renowned and independent persons from the civil society were elected as CSE members to a partisan appointed arrangement in 1995.

The political affiliation of the electoral council's membership was pointed out by the majority of interlocutors, as not contributing to advance institutional confidence among the electorate. Despite this criticism, political composition of electoral management bodies does not go against international standards as long as all different political party members can exercise effective control of all steps of the process.

The CSE is composed of 7 magistrates and 3 substitutes, elected by the National Assembly, for a 5-year term. Re-election is allowed²¹. The political partition of the election management bodies is also reflected in its technical directorates where PLC controls finances and FSLN is in control of election operations.

Regional, municipal and polling stations are composed of 3 members each. Following the Electoral Law, CERs, CEMs and JRV Presidents and 1st members²² were appointed from FLSN and ALN as they came 1st and 2nd in last general elections. Both FSLN and ALN got a 50% share of each position. The 2nd member position was selected from the remaining 6

¹⁷ Electoral Law, art. 1.e)

¹⁸ As was the case for YATAMA, the ethnic Misquito movement that presented candidates in only 8 constituencies, mainly in the RAAN.

¹⁹ Electoral Law, Art. 16.

²⁰ Art. 8 and 91 of the Nicaraguan Constitution state that “The people of Nicaragua are multi-ethnic” and that the “State of Nicaragua has the obligation to issue laws with the aim to promote actions that guarantee that no discrimination of any Nicaraguan occurs based on their language, culture or origin.”

²¹ Constitution, art. 168 to 174. Magistrates are elected with the vote of 60% of the National Assembly (NA). CSE President is also appointed by the National Assembly. The Metrocentro II Agreements seek to bypass this framework.

²² All the tiers of the election administration are run by a President, a first member and a second member, according to the electoral terminology.

political parties running for these elections²³. The criteria used to assign these remaining 2nd positions, as per the Electoral Law, have to respect political diversity and each political party can not hold more than one position in each council. The method used to select the 2nd member position can vary as long as the two previous criteria are observed.²⁴

Appointments are made top-down – CSE appoints CERs, CERS appoint CEMs and these appoint JRVs. The 2nd member positions are crucial and were disputed among political parties, especially for polling station staff, as decisions are taken by majority vote.²⁵

2. *FUNCTIONING*

Formally, the Regional Election Administration²⁶ appeared well organized for the Election Day and performed adequately during this day, despite criticism regarding its political bias in favour of FSLN that did raise several protests mainly from PLC, as to its overall transparency.

Both at regional and municipal level, the traditional lack of human and financial resources was obvious, reflecting negatively on efficiency and on public trust in the process. Despite being in charge of issuing of ID cards, the election administration shuts down municipal offices during elections on the basis of financial limitations. During these periods, citizens can only apply for ID cards at regional or central level.

Since 1996, these limitations have lead to the involvement of mostly municipal political party structures in providing ID cards to their affiliates as a substitute for the inoperative election administration²⁷.

Election administrative bodies at regional and municipal level are temporarily established for each election process. The CERs started to operate only 5 months before Election Day and CEMs should have started their work 15 days after that. Some political parties mentioned that not all CEMs opened offices according to the election calendar. CERs Presidents are retained throughout the year to allow for continuous activity of the civil registry activities such as receiving applications for and giving out ID cards. As mentioned before, the CSE has had no sufficient material resources to keep them functioning, hampering the right of citizens to their civil register and ID cards.

All election management bodies take decisions by majority vote with the exception of a few areas where CSE has to reach a decision by a qualified majority of 5 votes²⁸. At CER and CEMs and due to the political composition and alliances, decisions were at times taken along party lines.

²³ Yatama, UDC, MUC, PLC, APRE and CC.

²⁴ The EEM findings show that the adjudication on 2nd membership was overall arbitrary.

²⁵ It is known that some parties are close to FSLN or ALN and can ally with them when it comes to decision taking at election councils and polling stations.

²⁶ Serving 30 circumscriptions including 424 electoral centres (centros de votación) and 886 polling stations (juntas receptoras de voto).

²⁷ It is publically known that in Siuna and Rosita municipalities, within the mining triangle, ID cards were issued at the FSLN party house.

²⁸ Art. 12 of the Electoral Law

3. *CANDIDATE REGISTRATION*

In order to participate in the elections, political parties have to have offices in all 153 municipalities, which are subject to cumbersome and very restrictive conditions. However, regional parties may only be formed in the two Atlantic coast autonomous regions, but solely for regional or municipal level elections.

The regional election does not allow for double candidacy for each post as for most the rest of the elections. The figure of the substitute is not contemplated and the Law does not say what to do in case of withdrawal or death of candidates.

The EEM did not receive any ex-post complaint about the registering of candidates. The final figure of registered candidates was 669.

4. *VOTER REGISTRATION, VERIFICATION, ID CARDS DELIVERING (CIVIL REGISTER)*

Overall, the voter register is not consistent: it is over-inclusive because it contains a number of dead people and emigrants who potentially retain the right to vote. On the other hand, it is also under-inclusive with regard to new, potentially eligible voters who do not have an ID card, either because they have not applied for one, or because their cards have not yet been processed.

As a result of the length, the complexity and lack of reform of the civil registration process, many citizens are deprived of their IDs.²⁹ Thus, in order to permit citizens to vote, voters were allowed to vote with the Documento Supletorio de Votacion (Substitute Voting Document or DSV)³⁰. CEMs in the two regions were also undertaking the delivery of DSV. However, due to the long distances and geographical difficulties of the regions, as a matter of fact, many citizens, particularly from the rural areas, were not in the condition to collect their DSV.

The conditions of the Nicaraguan civil register, particularly in the Caribbean Coast, are actually extremely deficient, and completely lack of any form of modern information technology.³¹ To get an ID card and being subsequently registered often requires costs in terms of time and money that a great majority of the citizens are not able to afford. Thus, civil and therefore voter registration is in numerous cases discriminated by census.

A significant problem stated by many political parties and local leaders on the Caribbean Coast is the high number of voters without ID required to register. In rural areas, the mission could verify that around 20 to 30% of people do not have IDs, a big number of them are youngsters applying for an ID for the first time. At the same time, the voters' list is not very representative of the total population as very often the dead are not erased. Consequently, the

²⁹ According to the civil register system in place in Nicaragua, citizens obtain their ID cards through registration in a 52-steps cumbersome procedure run by the CSE at central level (see Law 152 on Citizens' Identification). Registration in the voters lists are done directly from the civil register, ID is required in order to vote, but in absence of an ID the DSV can be also used.

³⁰ Some 22, 865 voters were delivered a DSV for this process. The rest, 267, 989 were in principle holders of an ID card.

³¹ E.g. in case of change of residence, citizens are required to collect and present all required documentation by themselves, since civil registration offices in the different municipalities are not communicating among them.

current voters' list lacks accuracy and it may not be a reliable source of information regarding the level of abstention in any electoral process.

In certain areas of both RAAN and RAAS, some political parties are dealing with tasks that, according to the law, should be undertaken by the CEM technical staff, such as the collection of ID applications and, later on, the handover of IDs to the applicants. Several persons reported that political parties just rendered these services to their supporters; nonetheless, it has been impossible for the EEM to find proof of this activity³².

Apart from possible logistical constraints due to the elevated costs of this process, it has been perceived among citizens that either the CEM itself, or its technical staff on their own account, could have been playing with the distribution of ID cards in order to prevent all those who might vote against the ruling party from doing so³³.

According to IPADE, since 1996, when the PLC arrived in power, the ruling party has made use of the ID card issuance to its own benefit. *Etica y Transparencia* calculates that in the whole of Nicaragua, still around 15% of the population older than 16 years old remains without ID card.

In both regions, the process of verification of the voters' lists lasted until 6 December 2009. The electorate could check their inclusion in the lists at municipality level. Besides, on 28 and 29 November, the voters' lists were also available for verification in all the voting facilities. During that process, no problems were reported. Nevertheless, only 1/4 of the potential voters verified their presence in the lists, according to the election administration representatives met by the mission dealing with the verification process.

According to the figures obtained from the CERs, there were a total of 178,063 registered voters in RAAN and 112,791 in RAAS. Figures coincide with what has been published by the CSE on its website.

VI. ELECTION CAMPAIGN

1. LEGAL FRAMEWORK FOR ELECTION CAMPAIGNING

The Nicaraguan Political Constitution grants freedom of speech. Nevertheless, the Electoral Law prohibits³⁴ any slandering political propaganda or the promoting of violence or abstention. The use of public funds or premises for propaganda purposes is also prohibited. Some specific regulation was issued by the CSE to tackle this issue. As regards the holding of rallies, political parties have to inform the CEMs in advance.

The Electoral Law³⁵ states that 0,25% of the General State Budget shall be distributed to all political parties that obtained at least 4% of votes in the regional elections. The funds are distributed according to the percentage of votes received. Private donations are possible, from

³² Although it was a general comment among all interlocutors.

³³ A Yatama political affiliate in a community in the Wawa river, south of Puerto Cabezas, told the mission that his party was involved in ID card issuing. In Rosita and Siuna several mission interlocutors stated (including IPADE) that the CEM office did not have any forms to file an application as these had all been taken to the FSLN party house. The mission could not find any evidence but cross-confirmed that information from various different sources. Chapter VII. Chapter IV.

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Nationals or foreigners, as long as no State Institution is involved. The electoral campaign started officially on January 21st and it lasted 42 days.

2. *REGIONAL ELECTION CAMPAIGN*

The electoral campaign officially started on 21 January and lasted until the 3 March. It was marked by the lack of interest of the national parties in the regional elections. The political activities took place in a relatively calm environment, despite the public exchange of accusations among political parties. Candidates could freely present their platforms to the electorate.

The RAAN

There was a very calm electoral campaign going on in the Northern Region. In urban areas, political parties held very few rallies. Their representatives preferred to meet their militants at their headquarters. The candidates were able to freely campaign in a competitive, yet extremely polarised election environment. There were no signs or propaganda in the streets. In rural areas, on the contrary, political parties paid visits to local communities and they distributed food, T-shirts and caps. At the same time, political parties were doing a very intense campaign door by door, which they thought more productive.

There were many accusations from FSLN against YATAMA regarding its use of threatening tactics in their speeches broadcasted by their own radio stations. The CEM in Waspam had to intervene to stop it. Moreover, in certain rural areas³⁶, local leaders reported that YATAMA militants were intimidating people to force them to vote.³⁷

FSLN and YATAMA were accused by other parties of using public resources for their campaigning. FSLN would be using state resources and YATAMA regional ones. Nevertheless, the mission did not find any proof of this mismanagement. YATAMA was also accused of receiving money from drug traffickers. However, no political party made any complaint on this issue and the mission found no proof of big spending by any political party, on the contrary, it seemed that all parties had a very low budget for campaigning.

The RAAS

All RAAS' parties carried out their campaign smoothly and quite low key. No campaign accidents were reported in the region. Campaign activities were generally limited, and consisted mainly of door-to-door gatherings and the presence of few banners and small posters in the street, mostly due to budget constraints, which reflected the limited investment of national branches of the parties for this regional election. According to local interlocutors, in comparison with previous elections, street campaign seemed to be less intense while slightly more intense on local radio stations.

According to many interlocutors met by the mission team, the diminished interest of voters in the regional elections also had to do with the attitude taken during the last four year mandate by the Regional Council, whose indolence and inactivity largely contributed to avert citizens' attention to regional politics.

³⁶ Upper Coco River.

³⁷ Another incident was the attempt of assault of the CEM in Puerto Cabezas by PLC militants who were angry because of their lack of ID cards. The political campaigning continued calm until its end on the 3 March.

Nevertheless, during the last week of the campaign period, parties' and candidates' activities gathered some momentum. The number of advertising in the local electronic media increased significantly. However, unsubstantiated and reiterated allegations of electoral fraud negatively affected the pre-election atmosphere and voters' confidence in the electoral process.

In general, the political debate seemed to be rather limited with regards to regional matters, focusing more on the issue of future alliances for the 2011 elections and in the frauds that allegedly occurred during the 2008 municipality elections. The FSLN and ALN (the latter with the presence of its national leader, Eduardo Montealegre, in Bluefields) organised closing rallies. For the other parties (including PLC), the campaign was mainly conducted by door-to-door canvassing and campaigning through the local media (radio stations and the local Channel 5).

Both CERs, due to budget constraint, were unable to carry out campaigning for voters' education. The same argument was used by the CSE to justify the lack of awareness raising campaigns among the electorate in the regions. This lack of civic education has contributed to the low turnout.

VII. THE MEDIA

1. LEGAL FRAMEWORK

The Constitution of Nicaragua generally provides for freedom of speech and for the press. As a matter of fact, the privately owned print media and the broadcast media openly discuss diverse viewpoints without government interference.

Articles 90 to 94 of the Election Law, with particular reference to article 92 for the elections in the autonomic regions of the Atlantic Coast, very vaguely define rules for the access to media during the election campaign.

2. MEDIA LANDSCAPE IN THE 2010 REGIONAL ELECTIONS

There are almost 10 Managua-based television stations as well as more than 100 radio stations, which serve as the population's main source of news. There are no government restrictions on the internet, which, in 2008, was used by less than 3 percent of the population. Print media are diverse, with several daily papers presenting pro-government and critical perspectives. Though, the media in general, are not only reflecting the profound polarisation that characterises the Nicaraguan political scene, they are becoming active parts of this polarisation.

The media appears to be one of the battlegrounds of the next political phase. The two main newspapers in Nicaragua, the dailies La Prensa and El Nuevo Diario, due to their historical importance and tradition, are the media dictating the media political agenda in the country. TV channels and particularly radio often limit their political comments to elaboration of what the two dailies note.

La Prensa and El Nuevo Diario, during the election campaign, have been often acting as the mouthpiece of the main criticism against the electoral institutions, thus, augmenting the lack of confidence of many voters in the overall process. On the other hand, the electoral institutions have often been haughty with regards to some media outlet up until the exclusion

of the above mentioned newspapers and the TV channel 2 to the press conference for the first announcement of the election results.

The media market on the Pacific Coast is poor and limited. There is no local newspaper and the two main national dailies, La Prensa and El Nuevo Diario, although both have local reporters on the Coast, are covering regional issues very rarely, the same applied for the regional campaign, with the exception of the ten days around Election Day.

Private national TV channels 4 and 10 are covering the RAAN. Channel 4 is generally perceived as being close to FSLN, while channel 10 is seen as more independent. In the region, the local Canal Puerto Vision, a private TV channel with no clear political affiliation, is also broadcasting. Many small radio stations that either belong to the private sector (Youth radio and radio Caribe), the churches (radio Beca to the Moravian church and radio San Pedro to the Catholic), or to political organizations (radio Yatama) are broadcasting from both Puerto Cabezas and Waspan. Radio is the most important media in a generally poor and geographically vast area.

Radio Caribe has been operational for the past 18 years and only broadcasts in the RAAN region. It has not broadcast any voter education programme from the election administration for this election. Traditionally, it promotes debates between candidates and has also paid propaganda mainly from PLC, UDC and MUC. Contrary to previous elections, FSLN has not contracted any paid propaganda with radio Caribe for this election.

In the RAAS, there is only one locally based TV channel (the cable Channel 5) which is renting his prime time evening space to independent journalists, thus, broadcasting five different news bulletins daily (one is in English and the rest in Spanish). News bulletins are independently produced by the journalists. National channels 2 (known for its critic position toward the running government), 4 and 10, broadcasting from Managua, are the only three TV channels covering this part of the region. Cable TV has a reasonable diffusion in Bluefields' urban area.

Local radio stations remain the main source of information in the region and played quite a relevant role in the campaign. Radio Stations are relatively numerous (a dozen only in Bluefields), representing different political, civil society and religious positions. Radio Bluefield Stereo, which is based in the regional government building and belongs to the same government (it is therefore the only public regional medium), is deemed to be close to PLC positions. As a matter of fact, its director has been openly active in the campaign in favour of PLC. The use of the radio for the promotion of the interests of only one party represents a case of abuse of public resources.

Candidates have been quite active in the media for their campaigning, reportedly more than in previous campaigns. Particularly in the last week of campaign, candidates have been more active with regards to paid advertising in the local electronic media. Some of the radio stations organised a number of debates and presented different candidates, while candidates bought a relevant amount of space for their propaganda in the main stations.

Voter education and “Go and vote” messages have been quite limited.

Journalists report not to have constraints to their freedom of expression from local institutions nor from political parties or other actors of socio-political life, the only exception being investigations on drug dealers' activities.

On Election Day, the significant presence of a considerable number of journalists and media represented an added value in terms of transparency of the overall process, and granted citizens all over the country up-to-date information on the developments of the day.

The EEM could observe that, due to their critical editorial lines, the newspapers La Prensa and Nuevo Diario and the TV channel Canal 2 were discriminated by the CSE and their access to the CSE press conferences vetoed. This attitude clearly violates the freedoms of speech and expression constitutionally established. Asked about the marginalisation of those particular media, the CSE leadership showed an arrogant attitude.

VIII. ELECTION OBSERVATION

1. *LEGAL FRAMEWORK*

In accordance with article 10.8 of the Electoral Law, the CSE issued³⁸ specific regulations on national observation and international guests for the regional elections. The main principles on which these regulations are based are: the respect for the national sovereignty of Nicaragua; non interference in internal affairs; observers must work impartially and neutrally and their judgements on the electoral process are to be made in accordance with the principles of justice, equity and transparency.

These regulations follow the international practice on electoral observation. However, in its article 5.3, the CSE regulation stipulates that those organisations or persons, who have stated partiality or judgements against the electoral authorities or the electoral process, or preference for a political organisation or against it, shall not be accredited. As these regulations do not contain a procedure having all the guarantees to prevent its political manipulation, the application of this rule might be used to hamper or intimidate national observation. For this reason, the application of these regulations might be contrary to the freedom of expression and the freedom of political participation.³⁹

Nevertheless, the regulation presents another problem: the CSE has no deadlines to grant the requested accreditations, which can be used to hinder the organisations logistical preparations. Besides, observers cannot vote in the polling station they are observing and they have to follow a capacity training imparted by the CSE, a decision which lacks logic in the case of a late accreditation.

2. *NATIONAL ELECTION OBSERVATION*

In terms of transparency, the National Election Observation represented one of the main shortcomings in this electoral process. As in 2008, the main organisations engaged in nationwide coverage and domestic observation of elections in Nicaragua, *Ética y Transparencia* (Etica y Transparencia)⁴⁰ and the Instituto para la Promoción de la Democracia (IPADE)⁴¹, were prevented from observing the regional elections.

Moreover, instead of officially refusing the accreditation of these institutions, the CSE ignored their request while criticising them in the media. This lack of decision had an impact on the transparency of the electoral process, which seriously undermined its credibility and

³⁸ On January 19th 2010.

³⁹ UN HRC General Comment No. 25 paragraph 8 and 20.

⁴⁰ www.Etica y Transparencia.org.ni

⁴¹ www.ipade.org.ni

legitimacy. The decision clearly contravened the right to freedom of expression and seemed to be politically motivated.⁴²

Despite their lack of official accreditation, both IPADE and Etica y Transparencia observers were present in a large number of the visited polling centres, but outside the polling stations. IPADE showed a well-developed observation methodology. Paradoxically, the president of the CSE in public declarations during Election Day stated that the presence of both organisations outside the polling stations was welcome. IPADE deployed observers in 488 polling stations, 52% of the total number of PS. Etica y Transparencia had presences in 13 municipalities, both regions counting 290 observers.

The only accredited regional observer organization was the Centro de Derechos Humanos, Ciudadanos y Autonómicos CEDEHCA⁴³, perceived as being close to the FSLN. CEDEHCA observers were present in almost all the visited polling stations in the urban areas. Moravian church observers were finally integrated in this organisation and not accredited separately, as reported by the CSE during the first meeting with the EEM.

Other minor observation groups, as FORFUNIC⁴⁴, an organisation linked to a group of students from the Nicaraguan University, deployed some observers in a few polling centres. OAS and CEELA “observers” arrived on the eve of the elections and have been touring the two regions together with high representatives of the CSE.⁴⁵

Among the local civil society, because of the background of their leaders, there is the perception that CEDHADE is close to FSLN, IPADE close to MRS and Etica y Transparencia to ALN. This was also mentioned in some conversations with representatives of the diplomatic community.

3. *INTERNATIONAL ELECTION OBSERVATION*

The EU was the only International Organization invited to observe the regional elections.

The other main observation institution in the region, the OAS, was allegedly not invited because the Nicaraguan Government accused the United States of interferences with the electoral process. Nevertheless, approaching Election Day, a last minute invitation was sent to the American Organization, which dispatched a small delegation to the country. The Delegation, headed by an OAS representative⁴⁶ visited RAAS accompanied by CSE members. They also accompanied the CSE authorities during Election Day.

⁴² There is a absolute deadlock concerning the relations between the CSE and the aforementioned CSOs. A declaration from the President of the CES appeared in an article in La Prensa in October 2008: “What we all should do is to move on the same path, but if IPADE and Ética y Transparencia start by saying that they will observe whether the CSE will give them the accreditation or not, I don’t see that the CSE members will have the motivation to approve an organization which has already taken a position, is confronting the CSE and questioning and provoking the CSE itself”.

⁴³ www.cedehcanicaragua.com

⁴⁴ <http://legislacion.asamblea.gob.ni/SILEG/Iniciativas.nsf/0/825ba959a2779adb06257280005ba49e?OpenDocument&ExpandSection=1>

⁴⁵ According to a public statement by the President of the CSE, the accreditation of an OAS technical commission for the regional elections is a first step to the deployment of a fully-fledged election observation mission for the 2011 presidential and general elections.

⁴⁶ Dante Caputo.

The CEELA “observers” arrived on the eve of the elections and were touring the two regions together with the CSE magistrates. According to a public statement by the President of the CSE, the accreditation of an OAS technical commission for the regional elections is a first step to the deployment of a fully-fledged election observation mission for the 2011 presidential and general elections.

IX. ELECTION DAY

1. LEGAL FRAMEWORK, QUALITY OF POLLING PROCEDURES

The legal framework for polling is contained in Electoral Law and in a few procedures approved by the CSE for these elections (like the Step-by-Step Manual for Polling⁴⁷). In general, voting procedures were clear and easy to follow by party agents and observers. As a main principle, the Law established that only registered voters included in the voter register are allowed to cast their ballot on Election Day. For the regional election, out of country voting is not foreseen for the time being.

Presentation of ID cards or the DSV is mandatory with the only exception made to the those voters which do not appear on the voter register of their area of residence but still can submit a valid ID card or DSV⁴⁸. This exception made in the Law could eventually open the door to double voting if voters had several different ID cards and if, in addition, indelible was not applied. The EEM observed that the number of voters using this exceptional measure was extremely low – generally only 1 or 2 cases per JRV – and did not pose a problem to political parties. Despite its insignificant number, these exceptional cases should be verified against the central civil registry as a post electoral audit⁴⁹.

The quality of polling procedures was in accordance with international standards as several safeguards to avoid fraud were implemented. Double voting and impersonation could be identified if the ink was applied properly and the ID picture was checked against the photographic voter register. Furthermore, all issued ballots were signed by two members of the JRV and a security number was added on the back of each ballot to avoid ballot stuffing. The EET observed the implementation of all these safeguards as well as the inking of finger of those who had cast their ballot. Political party agents were present in the vast majority of JRV and followed procedures closely.

2. ELECTION DAY OBSERVATIONS

The atmosphere during Election Day in the regions was overall peaceful, despite the reiterated allegations of electoral fraud by two of the main parties (PLC and ALN). The PLC called a press conference on Sunday evening to denounce cheating by the CSE, without presenting any clear evidence of it. Also some electronic media (few local radio stations and national TV channels) contributed to alarm the citizens about the possibility of potential fraud at polling stations level (as multiple voting, military voting etc.) thus augmenting the lack of confidence towards the process in the electorate.

⁴⁷ <http://www.cse.gob.ni/index.php?s=73>

⁴⁸ In this case the EL, in its art. 41 and 116, allows this person to cast a ballot and requires the name to be noted down.

⁴⁹ The EEM could not witness this control check.

On the other hand, polling station staff was observed to be mostly experienced and adequately trained and generally conducted the entire process in compliance with the Law. The presence, both in the polling centres and in the streets of a considerable number of police troops (including special anti-riot troops) contributed to the overall smoothness of the polling without representing in anyway an obstacle to the expression of the right to vote.

The noticeable presence of representatives of the main parties in the polling stations, together with the presence of a high number technical personnel of electoral institutions, contributed to enhance the voters' and parties' confidence in the process. As voters' participation was reduced, it was possible to observe voters queuing in order to cast their ballots. Thus, voting procedures have always been observed being fluid, if not completely stagnant due to the said lack of voters.

The indelible ink was proved (and tested by EEM) to be of poor quality. Moreover, in the observed polling stations the ink, although always applied after voting, was rarely checked before voting. These facts yet again raised protest by PLC representatives on the possibility offered to multiple voting, once again without presenting any clear evidence. As a matter of fact, the presence of a very limited number of voters added to the voters' lists⁵⁰ in all the visited polling stations would contradict this theory.

Police and army agents were reportedly voting in some polling stations, yet in accordance with article 191 of the election law. Nevertheless, they were very limited in number and scattered in several polling stations. There were no problems reported around this issue.

A group of some 20 jailors (all resident in Bluefields) was observed to be voting in the same polling station, also in accordance with article 191 of the election law. Reportedly, the same occurred with some other 30 jailors in two different polling stations. Some PLC representatives and observers complained to the EEM stating that the FSLN was allegedly trying to have all the jailors voting in constituency number four for strategic reasons.

3. ANNOUNCEMENT OF RESULTS

The EEM observed that result forms for each JRV were posted outside once the counting finished for public information, as per the Law. Although the signature of party agents present at the counting is required, the lack of it does not affect the validity of the result form. Party agents receive and sign (if they wish), a copy of the results protocol for each JRV observed. This swift public displaying of the election results is generally recognized as an enhancement of the transparency of the process.

There is a difference concerning the Municipal and Regional tabulation protocols. While municipal results protocols are also posted at CEMs, party agents can just observe the process but do not receive a copy nor are they requested to sign the protocols. The transparency of the process would be enhanced if in future elections party agents could receive a copy of both municipal and regional tabulation protocols. As this procedure does not require a change to the Electoral Law, it could easily be implemented.

⁵⁰ In accordance with art. 41 of the Electoral Law.

4. ACTIVITY OF THE CEM, CER, CSE

After polling and counting at polling stations⁵¹, all materials (sensitive and no-sensitive) were transported to the municipal tabulation centres. Protocols with JRV results were transmitted by fax or internet to the CSE and were used to announce provisional results. A private company (CLARO) was hired to process the transmission of results. Around 96% of all results protocols were successfully sent. The remaining protocols could not be processed by the CSE either because of technical problems or because of the bad quality of the documents when received.

Tabulation at municipal level was a long process and at times seemed unorganized and inefficient. JRV membership had to queue outside for long hours to deliver their materials. In most CEM, this procedure went on through the night and finished the following day or the day after, mainly because of long distances.

The political party agents could freely observe the entire process and had their accredited agents at each of the different tabulation sections. The results protocols were verified for arithmetic inconsistencies and, if necessary, corrected by the CEM members. In those cases, a corrected protocol was issued. The CEMs produced municipal tabulation protocols that did not include the challenged protocols. Challenged protocols were separated to be revised or decided upon by the CER. Clean and unchallenged protocols were processed one by one.

After the CEMs concluded the process of results per constituency, a tabulation protocol was posted outside the centre and the materials, together with the municipal tabulation protocol, were sent to the CER in each region⁵². Here as well, political party agents were present all the time and could follow their challenged JRV protocols and all other administrative steps. Unfortunately, the beginning of the work was again unjustifiably delayed and the EEM could not complete the observation of the CERs' activities.

X. COMPLAINTS AND APPEALS

1. LEGAL FRAMEWORK, GENERAL PROCEDURES

The legal system of complaints and appeals is mainly regulated in articles 10, 19, 131 and 162 of the Electoral Law. Basically, the political party agents can lodge challenges to the election results at polling station level. The legal challenge will be recorded in the counting form (Acta de Escrutinio) of the polling station and will be adjudicated upon by the Electoral Departmental Council, which shall resolve them within two days from the date it was lodged.⁵³

⁵¹ Art. 123 to 132 outline tabulation procedures at municipal, regional and national level once polling is finished. The CSE Election Directorate issued two Manuals to be followed at municipal and regional centres.

⁵² The CEM from Waspmam travelled by army helicopter together with party agents to Puerto Cabezas. Once it arrived at the CER tabulation centre, CEM proceeded to re-pack their election materials as packing had been done in hurry and CER did not accept their election packages in that fashion. The tabulation centre in Siuna municipality worked well and delivered election materials and protocols at CER in an organized way. The grounds established by the law for the annulment of a polling station results are the following:

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1. When the voting has taken place in a different place than that established by the electoral authorities.
2. When there are evident signs of alteration or missing information on electoral documents.
3. When the results have been delivered after the legally established deadline.
4. When the voting was conducted with an illegally established polling station committee.

From a legal point of view, the Electoral Law stipulates, in its article 162.2, as a legal cause to annul the polling in a JRV when the polling has taken place in a different place from the one established by the electoral administration. However, a party might use this cause in bad faith to obtain electoral benefits by making JRV move out from their places through violence and later asking for their annulment. The same could be said when a polling record is intentionally altered so that it can be annulled according to art. 162.4 of the Electoral Law.

The Electoral Law establishes that a recount of the votes of a polling station can only be conducted upon a formal challenge lodged by a political party. However, the law does not establish the grounds on which a recount can be requested. Only that it should be filed to the CEM or to the CER. The respective electoral authority must resolve the challenge within two days from the date it was lodged. However, the electoral bodies traditionally refuse to use this legal possibility to resolve complaints and, therefore, a general feeling of mistrust remains.

Moreover, the legal system to resolve complaints and appeals⁵⁴ at CEM, CER and CSE levels is quite obscure and confused. Legal arguments to lodge complaints and appeals are not strictly defined, giving room to different interpretations. Although complaints should be raised at JRV level, in this process, the majority of the complaints were raised at municipal and regional levels, mainly due to minor deficiencies occurring during the counting revision procedures. Therefore, the tabulation and counting process became the most important issue of controversy of the regional elections.

Regional level

In RAAS, the Bluefields CEM received a total of 5 protocols protested at JRV level (out of a total of 129 JRVs). In addition, there were complaints on other 11 protocols at tabulation level due to minor inaccuracies. Those were adjudicated, except two of them that were conveyed to CER and resolved⁵⁵. The adjudication of the third councillor was surprisingly conditioned following these two protocols.

The EEM was informed by the CSE that the CER in the RAAS had resolved all complaints at regional level (including a number coming from other CEMs). But, in practice, 19 additional complaints which emerged at the CEMs level were conveyed up to the CSE. The complaints were: two from constituency 1 (annulations of both polling stations), two from constituency 2 (arithmetic revision), one from constituency 6 (annulment of polling station), two from constituency 7 (arithmetic revision), one from the constituency 8 (annul of polling station), nine corresponding to the constituency 12 (problems in the transmission) and the last two from constituency 13 (arithmetic revision). Finally, at the CSE Level, political parties introduced five appeals about the RAAS provisional results, as a consequence of some of these 19 regional complaints.

In RAAN, there were complaints against 9 JRV polling records which aimed at annulling their results (5 in Puerto Cabezas, 2 in Siuna and 2 in Waspam) and, as well, there were 41 JRV polling records found to having arithmetical mistakes (22 in Puerto Cabezas, 8 in Mulukuku, 1 in Siuna, 5 in Bonanza, 1 in Waspam and 4 in Rosita). However, once in Puerte Cabezas, at the Counting Center, the complaints were reduced to 6.

⁵⁴ Election Law, Chapter 12, articles from 162 to 170.

⁵⁵ Constituency number 1.

The PLC filed 3 complaints: 1 referred to Bonanza, where the municipal polling record would have changed the results by giving PLC fewer votes. Nevertheless, at the CSE webpage, these results had been counted correctly. The other 2 referred to Puerto Cabezas, where again, the municipal polling record would have reduced the votes cast to PLC in two constituencies. The results from Bonanza were not changed in a satisfactory way for PLC and they appealed them to the CSE. In the other cases, the CER stated that it was not competent and PLC also appealed.

The FSLN also filed 3 complaints, 2 in Waspam and 1 in Puerto Cabezas, all of them involved YATAMA militants. In Dikwatara, the community had decided to prevent the JRV from opening because the YATAMA agent was not allowed to enter as she did not have the relevant accreditation. In Nemaske, according to FSLN, some armed YATAMA militants threatened the JRV members who then had to be helped by the army, who took them to another community, San Esquipulas. In Benisa, again, some YATAMA militants threatened the JRV members and they needed to move to another place. Finally, they were withdrawn.

The YATAMA party withdrew its complaints, but it closely followed FSLN complaints which, according to them, would aim at reducing the number of YATAMA votes in the urban area of Puerto Cabezas and in Upper Coco River to obtain some extra councillor.

Central level

Five days after the polling, the CSE received the consolidated results from the regions. The CSE President informed the mission that both CERs had delivered the complete results in the 30 constituencies including the pending appeals at CEMs and CERs levels⁵⁶ which should be handled by the CSE.

The article 166 of the Electoral Law establishes a new period for the political parties to appeal at CSE level the CER decisions: three days from the provisional results official publication. Political parties were able to elaborate new appeals during this period⁵⁷.

The preliminary results were published on the official CSE Website from 8 to 15 March. The CSE did not publish 100% of the preliminary results (only 97%). The reason mentioned was that some 30 polling stations encountered problems during the transmission process. Most of them came from the constituency 12 in RAAS. Protocols were directly conveyed to the CSE instead⁵⁸.

Although received a few days before, the CSE did not publish the CERS aggregated results until March 16, four days after⁵⁹. The reason for waiting four days for publishing the same results that CERs delivered, is still not clear.

The PLC submitted five appeals at CSE level on 15 March, regarding 4 out of the 30 constituencies. This happened one day before publication on the website, which meant that the appeals were not admitted due to the legal deadline established in the law: a period of

⁵⁶ 19 in RAAS and 6 in RAAN.

⁵⁷ The preliminary results are considered the results transmitted from each CEM at the end of the electoral day by scan. The provisional results are considered the results from the compendium done by CERs. The final results are considered the results published by CSE with the list of councillor elected. The CSE transmitted itself the protocols from its own facilities in the capital (in a kind of “self-transmission”), in order to solve the problem. The Electoral Law do not establish (article 160) a legal period to publish provisional results.

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three days from the publication of provisional results⁶⁰. Consequently, the appeals were filed again, in due time, by the PLC. YATAMA filed another appeal claiming the recount of protocols in the RAAN, constituency 7. The rest of political parties did not appeal the Provisional Results.

The contentious appeals, which could have changed the balance of councillors if upheld, were the following⁶¹:

- Constituency 1 (RAAS). PLC asks for the reviews of its 11 polling stations. The PLC considered that according to its figures (corresponding to the ones officially published at JRV level), in two polling stations (0040 and 0060) there should be a total of 40 more ballots that does not appear in the provisional results. With this amount, they would win the third councillor in this constituency. It is worth mentioning that the total of valid ballots according to the CSE Provisional Results, do not match the total number of ballots granted to the different political parties, which is, indeed, an important inconsistency, casting some doubts about the validity of the CSE tabulation of results.
- Constituency 7 (RAAS). PLC considered that the cancellation of the 8090 polling station has to be reviewed. The CER annulled it according to the article 162.1 of the Electoral Law (the polling station was constituted out of the appropriate place). This polling station was complained about by the FSLN and the CCN during Election Day. According to PLC, they had presented the documentation to prove the legal constitution of this polling station. It is worth stressing that with the addition of the ballots of this polling station (not considered in the final sum) in this constituency the third seat it would go to the PLC.
- Constituency 11 (RAAS). The PLC asked for the reviews of the total aggregation of its 9 polling stations. The party estimated that adding the 9 polling stations, the total results for YATAMA is as of 145 ballots less. Therefore, they would win the third councillor in this constituency. According to the final results, this councillor was won by YATAMA. It is worth mentioning that the total valid ballots according to the CSE Provisional Results, do not match with the votes granted to the political parties (some 50 ballots of difference in total), which is, again, an important inconsistency casting some doubts about the accuracy of the CSE tabulation.
- Constituency 12 (RAAS). The PLC asked for the review of two polling stations (8110 and 8124) which allegedly had not been added without any apparent reason. The party considered that adding the votes won by them in both polling stations, they should have 134 ballots more and they would win the third councillor in this constituency instead of FSLN. It is worth mentioning that the total valid ballots according to the CSE Provisional Results, do not match with the votes granted to the political parties (some 50 ballots of difference in total), which is an important inconsistency.
- Constituency 7 (RAAN). YATAMA requested the recount of the protocols as they were considered to have 48 ballots more. With these ballots the third councillors would be for

^{60 61} Art. 166 of the Electoral Law.

According to the Electoral Law (art. 167), CSE had a legal period of three days in order to send the appeals to the rest of the political parties and to know whether they have something to contribute about the appeals. It was not the case.

YATAMA instead of PLC. YATAMA argued that in one polling station the protocol had been damaged but they did not submit proper evidence.

In the middle of the appeals process, *IPADE* called a press conference to announce the conclusions of its audit to the protocols submitted to them by the PLC regarding the RAAS. In the four constituencies appealed, PLC could not provide the entirety of the protocols. Therefore, the analysis could not be completed appropriately.

A few days later, *Ética y Transparencia* publicly informed about its audit in relation to the PLC appeals. Reviewing the protocols of each polling station, they found serious inconsistencies in the Provisional Results released by the CSE. All in all, after reviewing the Provisional Results published by the CSE, the total of valid ballots was 1.573, whereas the number of ballots granted to the political parties was 1619. There is no explanation for the 46 ballots difference in the official tabulation.

During the appeal period, the *Secretaría de Actuaciones* of CSE is the body in charge to elaborate the technical reports and it is up to the CSE Board of Magistrates to adjudicate on that basis. Shortly before the announcement of the results, the *Secretaría de Actuaciones* announced that the final results and the proclamation of candidates would, on this occasion, be handled within the same administrative procedure. On 26 March, 19 days after the Election Day, final results were announced and the winning candidates proclaimed in both regions' 30 constituencies. Provisional results remained unchanged.

2. CONCLUSIONS

On the handling of the appeals

Although the EEM consider the PLC appeals as being technically justified, the CSE resolutions have not been properly substantiated.

While it was feasible (and justified), the CSE failed to rectify the evident inconsistencies between the total number of valid ballots and the total number of votes by political party. The EEM did not receive a valid explanation about this major irregularity.

The final CSE resolution confirms the cancellation of the polling station 8090⁶² but there is no explanation on the legal reasoning leading to the cancellation. The resolution mentions that the annulment is possible under the Law's art. 19.9 (attributions of CSE) and the art. 131 (complaints at polling station level), which in opinion of the EEM is not a sufficient motivation and is not substantiated by any evidence.

It also considers all the appeals submitted after the legal deadline, but the PLC affirmed that the party did it according to the Law⁶³. On the other hand, CSE resolution considers that the appeals were focusing in the provisional preliminary results (not binding) but the appeals clearly target the official provisional results.

⁶² Constituency 7 of the RAAS.

⁶³ The PLC argued they can prove the party lodged all its appeals in due time and that the CSE accused receipt of the them, as per the register entry stamp on the documents.

On the outcome

Politically, the final CSE decision is very controversial: The PLC will have 20 councillors in the RAAN; the FSLN, 19; YATAMA, 3; ALN, 2 and APRE 1 councillor. At the same time, the resolution mentions the two National Assembly Deputies in the region to be accredited as regional councillors, as per the Electoral Law⁶⁴.

Out of 47 seats, 24 constitute the majority needed to rule and to appoint the Governor. The PLC could theoretically get 22 councillors (20+1+1 from National Deputies PLC and ALN); the FSLN could get 23 (19+3+1 with their allies YATAMA and APRE). Therefore, the two ALN elected councillors will be the political key to establish the Council majority. These two councillors happen to belong to ALN as members of the movement “*Vamos con Eduardo*”, so in the end, one could envisage a potential alliance between them and FSLN⁶⁵.

In the Northern Region, the political situation is clearer: FSLN will have 22 councillors, YATAMA (in alliance with FSLN) 13 councillors and PLC 10 councillors. The three National Assembly Deputies belongs to FSLN (2) and PLC (1). So over 48 seats the ruling majority belongs to 25 councillors. The FSLN and YATAMA (22+2+13) will receive a large majority to govern the region.

XI. RECOMMENDATIONS

I. LEGAL REFORM

In the following, an extract by the EU EOM on the presidential and general elections in 2006: “Firstly, a thorough reform of the Electoral Law would contribute significantly to furthering the democratic development of the country. The current Electoral Law contains a number of gaps, inconsistencies with the Constitution and ambiguous wording which leave many crucial aspects of the electoral process unregulated, or subject to excessively restrictive or arbitrary interpretations. On the whole, the Electoral Law is designed for a bipartisan political system, which makes it difficult for the creation and emergence of other political parties, and no longer responds to the current political situation in the country. In addition, a consolidated code of all regulations and procedures governing the entire election process could help establish a more level playing field and more certainty as to the rules of the game among the contestants.”

In order to have a legal framework of quality, conducive to transparent, credible electoral processes following the main international standards and codes of best practices, the reform of the Electoral Law is paramount. The Law should be comprehensive, not the result of periodic ad hoc regulations. Constant and late changes to the rules do not contribute to enhancing confidence in the process.

⁶⁴ One deputy belongs to PLC and the other one to ALN.

⁶⁵ The internal division in ALN during 2008-2009, had as a consequence, the appearance of the movement “*Vamos con Eduardo*”. At the time of the writing, it is likely that the two counsellors do not respond to the Eduardo Montealegre initiatives, so the RAAS electoral final results will be a test in terms of studying the behaviour of ALN and the future liberal forces alliance in view of the Presidential Elections 2011. Some sources express the opinion that FSLN has the support of these two ALN counsellors; so the FSLN strategy (with the control about CSE and the final results) has been to continue looking for the separation to the liberal political parties.

The Nicaraguan Constitution defines four State powers: legislative, executive, judicial and electoral. The Electoral Power still does not have a legal compendium which could be considered as an Electoral Code. The Electoral Code should contain the Political Parties Law (inscription, organization and financing), the Citizen Identity Law inscription, certification, attestation) and The Electoral Law (procedures, calendar, census) and the regulations to implement each Law.

If this is too broad an endeavour, the reform of the current Electoral Law should take the following aspects into consideration inter alia:

- The participation of political parties in the electoral bodies should be subject to their results in the latest election of the same type, local, regional, legislative or presidential.
- All results records, either at JRV, municipal or regional level should be signed by party agents in order to prevent alterations at the tabulation stage and to facilitate the complaints adjudication.
- The possibility to recount the polling of a JRV as the main solution to resolve allegations of fraud, especially by alleged altering of polling documents.
- That all guarantees should be established in the law that no national observation organization may be discretionally rejected. Domestic and international observers should be given unrestricted access to all the stages of the electoral process, including the tabulation procedures at all levels.
- The rule that prevents regional parties, (which tend to represent the ethnic minorities of the Atlantic Coast regions) from competing for any seats in the national elections, except in alliance, should be reconsidered, specifically for regional deputy seats in the national elections.
- To regulate financial limits to contributions to political parties and establish ceilings on campaign spending. It is advisable such limitations are set to promote equal opportunities for all parties (CSR Regulation, dated 19.01.2010, on campaign spending sets no limit).
- The change of procedures to elect CSE magistrates in order to prevent that a political agreement among certain political parties might endanger the impartiality of the electoral administration. An appeal to the Judiciary should be the last resort to redress irregularities.
- That all freedoms are respected during the electoral process, namely the freedom of expression by citizens, organizations and the media.

2. VOTER REGISTRATION

- The procedures for civil registration should be updated, simplified and standardised in all municipalities. The system of civil registration should be centralized and computerised from the outset in all municipalities and placed effectively under the control either of a specialised division of the CSE, or of a different governmental agency.

- Before 2011, the CSE should have efficient mechanisms in place to verify and eliminate double entries in the civil and voter registers. Means to communicate changes of status and deaths should be put in place, with the CSE needing to take the lead on this to convert the registration process into a passive one. At the same time, the new electoral register would replace the supplementary voting document (*Documento Supletorio*). This additional form of ID is expensive and does not serve another purpose besides its use on the election day.
- The implementation of “Out of Country Voters System” should be a priority for the electoral authorities in future elections, taking into account that the number of emigrants living outside Nicaragua is, according to some sources, as high as up to one million citizens.

In that sense, two AIDCO initiatives "Supporting the modernisation of civil registration and citizens' *Basic ID systems*" and "*Good Governance for Nicaragua*" will be able to support the reform and modernization of all ID-related aspects and will be very useful to contribute to the reform of the electoral structures.

3. *ELECTION ADMINISTRATION*

The EEM endorses the proposal of the Group for Electoral Reforms and its “Civil Society Proposal to restore confidence in the Electoral System” manifesto which proposes a change in the composition of the CSE based on a new public process of selection of its membership, outside the control of the political parties. The full text of the proposal can be found under: http://www.ccer.org.ni/files/noticia/1243552115_Acuerdo_Nacional270509.pdf

The EU should help the CSE to increase and improve its logistical capacity to fulfil its duties with professionalism and transparency, both in electoral matters and regarding the ID system. Human and material resources at CER and CEMs need to be improved to allow for acceptable basic working conditions and transparency.

Concerning the structure of the lower layers of the election administration:

- The appointment of the electoral administration members should be performed in a manner that guarantees their independence and neutrality from political parties. If there is no possibility to change the nomination criteria for their membership, the appointment of CER, CEM and JRV should reflect the political parties' results in the area (i.e. CER appointment based on last regional election results; CEM and JRV appointment based on previous municipal election results). In this way, the election administrative structures could, in fact, reflect the local political reality as it is intended⁶⁶.
- Civil Registry Offices at municipality level should open all year round as required by the law in order to prevent political parties' interferences. Registration of voters is a civic right. CSE needs to reinforce the budget to fulfil its legal obligations.
- The CSE has to engage in developing voter education programs on the right to vote and voting procedures and allocate adequate budget lines for that.

⁶⁶ This requires changing art. 16 of the Electoral Law.

4. *ELECTORAL PROCEDURES*

Following the electoral reform regarding the polling procedures, the following changes should be taken into consideration:

- Art.41, which allows the holder of an ID card to cast a ballot if not on the voter register, should be removed. Furthermore, CSE should conduct an internal study following these regional elections to assess how many voters used this mechanism and what was the reason did they not appear on the voters roll.
- To introduce clear procedures at the polling station: checking of finger before voting. Common sense procedures to fight off double voting and impersonation. Improving the quality of the ink is absolutely necessary and it does not require changes to the law.
- At municipal and regional tabulation centres, political party agents should receive a copy of the summary protocol forms. This is a simple procedure which could enhance transparency and confidence in the tabulation.
- The CEM and CER Counting Centres of each municipality and region level present the same structure comprising five areas: Reception, Archive, Arithmetic revision, Data Processing and Appeals. More rational procedures can easily improve efficiency in the tabulation process and, thus, the overall transparency of this crucial step of the process⁶⁷.

The Electoral Law, art. 41, allows a citizen to vote whether he/she appears in the local voter register or not. It states that an ID card is proof enough of his/her place of legal residence. This article permits to add citizens to the voter register on the Election Day itself and opens the door to double voting.

- The reformed Electoral Law should do away with this article when it is supported by an enhanced civil and voter register.

5. *PUBLICATION OF RESULTS*

The publication of results is one of the activities that causes most of the controversies and lack of confidence in the Nicaraguan elections. To improve the situation:

- The announcement of the preliminary and final results should be timely and should include a breakdown by the polling station. Voter turnout, the number of polling stations challenged and annulled should also be made public in the publication of preliminary results.
- The announcement of Final Results must be done according to Electoral Law but in the Regional Elections, due to the limited number of polling stations and ballots, an adjusted timing could be considered.

⁶⁷ The Data Center in RAAS needed five days to revise and process 349 protocols (*Actas*).

6. COMPLAINTS AND APPEALS

- To establish an Appeal System with more precise rules and regulations adhering to the Electoral Law in order to give a clear legal framework regarding the post-electoral phase.
- The Difference between *appeal* and *arithmetic revision* must be clarified. The Electoral Law establishes both possibilities but the difference is not clear with regards to their specificities, deadlines, places and requisites to lodge them.

According to article 162.4, polling station results can be annulled “*when electoral documentation is altered or incomplete, as established by regulatory criteria*”. This text is so vague that it permits discretionary annulling of polling stations in a big number of occasions. Instead of annulling, the goal should be to determine the will of the voters at a given polling station.

- There is a contradiction between this article and the article 131 of Electoral Law, which guarantees the will of voters by allowing electoral authorities to open electoral bags and recount the ballots. The CSE should resolve this contradiction. The most appropriate measure would be to omit point 4 of art. 162.
- The electoral administration’s decisions on challenges and appeals at regional and central level should be more transparent and public as well as contain detailed and clear reasoning for every single decision.
- The CSE should have the obligation of reviewing the protocols received by CER (as per art 168 of the Electoral Law) and correct them where errors are evident⁶⁸. In line with this, art 131 of the Electoral Law, the most appropriate measure would be that when there are allegations of alteration or manipulation of the results stated in the protocols, the ballot box should be reopened and the ballot papers recounted.
- The CSE resolutions on appeals and arithmetic revisions should be backed up by a written rationale. Resolutions like “petition denied”, “introduced after deadline” or “does not apply against preliminary results” without further argumentation are not in accordance with good electoral practices.

7. MEDIA

- A more comprehensive and detailed provision in the Electoral Law regarding access to Media during the campaign should be foreseen in order to provide clear indications for a balanced access to parties and candidates, particularly to all electronic media with regards to special campaign programs, but also to News editions and informative programs.
- A new Electoral Code providing the above mentioned rules would also imply a subsequent strengthening of the CSE means to conduct an effective monitoring of the media in order to have prompt reactions in case of infringements of the Code.

⁶⁸ This has been the case in seven out of fifteen constituencies in the South Region where the total number valid ballots did not coincide with the total number of ballots allocated to the political parties. The CSE did not do anything to solve those errors.

8. *FINAL RECOMMENDATION*

As the invitation has already been launched, the EU should consider the possibility of sending a fully fledged standard Electoral Observation Mission for the Presidential and Legislative elections scheduled for 2011.

XII. ANNEXES

I. ANNEXA: RESULTS



Certificación

El suscrito Secretario de Actuaciones del Consejo Supremo Electoral, certifica la resolución que el Consejo Supremo Electoral dictó con fecha veinticuatro de marzo del año dos mil diez, que en sus partes conducentes dice:

Consejo Supremo Electoral, Managua, veinticuatro de Marzo del año dos mil diez. Las doce y treinta minutos de la tarde.

Por Tanto

El Consejo Supremo Electoral, en uso de las facultades que le confiere el artículo 10 de la Ley Electoral y con fundamento en el artículo 171 del mismo cuerpo normativo, **Resuelve:**parte inconducente..... **Tercero:** De conformidad al artículo 171 L.E. declárese electos en los cargos a miembros de Consejos Regionales de las Regiones Autónomas del Atlántico Norte y Sur, en las elecciones realizadas el siete de marzo del año dos mil diez; para que ejerzan sus cargos, de acuerdo a lo establecido en la Constitución Política de la República, Ley electoral y Estatuto de Autonomía de las Regiones de la costa Atlántica de Nicaragua, de conformidad al listado siguiente:

Región Autónoma del Atlántico Norte - RAAN

Circunscripción	01	Río Coco Arriba.		
LINO		INGRAM	ALFARO	FSLN
SERGIO	JOSE	NORORI	HENDY	YATAMA
JUANA		EMUS	VALENZUELA	YATAMA
Circunscripción	02	Río Coco Abajo.		
LAURA		HAMMER	ISMAEL	FSLN
MARA		RIVAS	WILLIAM	YATAMA
JUAN		LAMPSON	INGRAM	YATAMA
Circunscripción	03	Río Coco Llano.		
WENDEL		CHOW	TUCKER	FSLN
CORNELIO	ALFONSO	TEBAS	REYMUNDO	YATAMA
MIURIEL	VERONICA	WATSON	WARMAN	YATAMA
Circunscripción	04	Yulu, Tasba Pri, Kukulaya		
JOSE	ERNESTO	RIVERA	NAVAS	FSLN
LETICIA		BELL	WILSON	FSLN



DERICK	BASHAM	LAM	MAYKELL	YATAMA
Circunscripción	05 Litorales Norte y Sur.			
ERCITO		ALBERTO	BROOKS	YATAMA
EKLAN		JAMES	MOLINA	YATAMA
ROBERTO		WILSON	WATSON	YATAMA
Circunscripción	06 Puerto Cabezas casco urbano, sector uno.			
JIMMY		WALDAN	MILLER	PLC
SERGIO	DEL ROSARIO	TORRES	TORRES	FSLN
REYNALDO		FRANCIS	WATSON	YATAMA
Circunscripción	07 Puerto Cabezas casco urbano, sector dos Llano Norte.			
FELIPE		MITCHELL	NICHO	PLC
CYNTHIA	MARIE	MIGUEL	DOWNS	FSLN
AL	CLARENCE	CAMPBELL	GAMMIE	YATAMA
Circunscripción	08 Puerto Cabezas casco urbano, sector tres.			
CARLOS	JOSE	ALEMAN	CUNNINGHAM	FSLN
LUZ	MARINA	LOPEZ	ESCOBAR	FSLN
GALVIS		NICHO	NIHIMAYA	YATAMA
Circunscripción	09 Siuna, sector uno.			
JIMMY	OMAR	MENDOZA	BORGE	PLC
NORA	DEL SOCORRO	BLANDON	CASTELLON	FSLN
ISIDRO	INDALECIO	BRACAMONTE	VALLE	FSLN
Circunscripción	10 Siuna, sector dos.			
ERNESTO		CANO	OBANDO	PLC
ANTONIO		MENDOZA	VALLE	PLC
MARTHA	MARIA	BLANDON	LUQUEZ	FSLN
Circunscripción	11 Siuna, sector tres.			
ENRIQUE		AGUINAGA	CASTRILLO	PLC
GILBERTO		ARAUZ	MENDOZA	FSLN
JOSE	ANTONIO	LUNA		FSLN
Circunscripción	12 Siuna, sector cuatro.			
JUSTINIANO		TREMINIO	JARQUIN	PLC
JOSE	ESTEBAN	MARTINEZ	ZAMORA	FSLN
MIGDONIO		MARTINEZ	HERNANDEZ	FSLN
Circunscripción	13 Rosita urbano.			
NICOLAS		ALFARO	MONTIEL	PLC
ELOY		FRANK	GOMEZ	FSLN



FIDELIA FRANCISCA GOMEZ BLANDON FSLN

Circunscripción 14 Rosita Rural, Prinzapolka y carretera El Empalme.

JUAN ANTONIO URBINA SUAREZ PLC
 EDUARDO CONCEPCION ROMERO OLIVERO FSLN
 ALBA LUZ GREEN MORALES FSLN

Circunscripción 15 Bonanza.

PEDRO LUCIO TORREZ GARZON PLC
 MILAGRO DE JESUS SOLORZANO MONTERREY FSLN
 RAFAEL RATUEL LINO SIMEON FSLN

Región Autónoma del Atlántico Sur - RAAS

Circunscripción 01 Barrios Beholden, Pointeen y Old Bank.

RAYFIELD WAYNE HODGSON BABB PLC
 RUBIAR WINFRED MURRAY CASANOVA FSLN
 ANITA MARIA JOHNSON FSLN

Circunscripción 02 Barrios Pancasán, 19 de Julio, Ricardo Morales y Tres Cruces.

ESTELA FAJARDO SANCHEZ PLC
 JOSE LOPEZ SEQUEIRA FSLN
 BENJAMIN INES MORENO GARCIA FSLN

Circunscripción 03 Barrios Santa Rosa y Fátima.

OLGA VICTORIA SMITH VILLACHICA PLC
 GUILLERMO ANTONIO RODRIGUEZ ZAMBRANA FSLN
 PEDRO ERICO VARGAS FSLN

Circunscripción 04 Barrios Punta Fría, El Canal y Central.

YADIRA ESPERANZA FLORES PLC
 JAIRO FRANCISCO GARCIA SANDOVAL FSLN
 ALFREDO LEROY WILSON HODGSON APRE

Circunscripción 05 Barrios Nueva York, San Mateo, San Pedro y Teodoro Martínez.

RENE MARGARITO BELLO ROMERO PLC
 LORENZO QUINTO GOMEZ FSLN
 MARLON ALBERTO DUBLON ALFARO FSLN

Circunscripción 06 Zona de Paiwas.

JOSE DANIEL AVILES GONZALEZ PLC
 DENIS GONZALEZ AMADOR PLC



EDUARDO JULIO RUIZ HERNANDEZ ALN

Circunscripción 07 Zona de Kukra Hill y Río Kama.

DOMINGO JOSE TRUESDALE HODGSON FSLN
 MARTHA ISABEL SEQUEIRA FSLN
 MARCIAL VELAZQUEZ LOAISIGA FSLN

Circunscripción 08 La zona que comprende Haulover, Ricky Point, Laguna de Perlas, Raitipura, Kakabila, Set Net y Tasbapauni.

ROY ANTHONY PATTERSON HEBBERT PLC
 KENNY CALMORE WOODS DOWNS FSLN
 XIOMARA MARIA CRISANTO HOWARD FSLN

Circunscripción 09 Islas de Corn Island y Little Island.

ORLANDO DAVID SOMARRIBA WATTS PLC
 MARIO DACOSTA HOLMES BODDEN FSLN
 LEONARDO WILLIAMS CHOW YATAMA

Circunscripción 10 La zona de la Desembocadura de Río Grande.

GLENFORD ABRAHAM ELICK PLC
 ROGER MARLON CHOW MARTINEZ FSLN
 SOLIZ NELSON INGLISH DAVIS YATAMA

Circunscripción 11 La zona de los Garifonos que comprende: Brown Bank, La Fe, San Vicente, Orinoco, Marchall Point y Wawaschang.

ALBERTO GREGORIO FLORES PLC
 MARCELINO AGUSTO SAMBOLA TAYLOR FSLN
 VERNADINE LORNA LOPEZ STEPHEN YATAMA

Circunscripción 12 La zona de los Rama que comprende: Ramacay, Turwani, Dukunu, Cane Creek, Punta Aguila, Monkey Point, Wiring Cay y Punta Gorda.

EDLI LIMBOR MC REA THOMAS PLC
 SEBASTIAN GUTIERREZ FSLN
 ANTHONY OSCAR OMIER SMIKLEY ALN

Circunscripción 13 La zona de la Cruz de Río Grande.

JULIO MANUEL PEREZ GUATEMALA PLC
 CECILIO SEQUEIRA LOPEZ PLC
 SANTOS EPIFANIO ZAMORAN MARIN PLC

Circunscripción 14 La zona de El Tortuguero.

ORLANDO SABALLO MEDINA PLC



TOMAS	ELEODORO	RIVAS	CENTENO	PLC
VILMA	ROSA	OCÓN	LEIVA	PLC

Circunscripción 15 La zona de Kukra River y El Bluff.

DANIEL	SANTOS	CASTILLO	DIAZ	PLC
ETHEL	SUSIE	CHRISTIAN	BAPTIST	PLC
DANIEL	ALEJANDRO	OCAMPO	MEZA	FSLN



Cuarto: Extender credencial de Miembro de Consejo Regional de conformidad con el artículo 20 del Estatuto de Autonomía de las Regiones de la Costa Atlántica de Nicaragua, Ley No. 28 publicada en la Gaceta No. 238 del viernes treinta de octubre de mil novecientos ochenta y siete, a los diputados ante la Asamblea Nacional por las Regiones Autónomas del Atlántico Norte y Sur, respectivamente, según declaración de electos dictada por el Consejo Supremo Electoral, a las once de la mañana del día veintidós de noviembre del año dos mil seis y publicada en la Gaceta, Diario Oficial, número 228 del veintitrés de noviembre del mismo año. Siendo los diputados de la Región Autónoma del Atlántico Norte, los siguientes:

Alianza FSLN

Propietario : José Escobar Thompson
Suplente : Hurtado García Beker
Propietario : Loria Raquel Dixon Brautigam
Suplente : Alejandra Centeno Ramírez

Alianza PLC

Propietario : Victor Manuel Duarte Arostegui
Suplente : Alba socorro Rivera

Y en la Región autónoma del Atlántico Sur:

Alianza PLC

Propietario : Francisco José Sacasa Urcuyo
Suplente : Heriberto Torrez Rojas

Alianza ALN

Propietario : Francisco Javier Jarquin Urbina
Suplente : José Modesto Polanco Delgadillo

Quinto: Convocar a los aquí proclamados electos a través de los partidos y alianzas de partidos políticos para la entrega de credencial, toma de promesa de ley y posesión del cargo, para el día cuatro de mayo del corriente año, en el

2. ANNEX B: LIST OF CONTACTS

Central level

ALN- Eliseo Núñez, Vicepresidente (Cel. 8380.9466)
IPADE – Mauricio Zúñiga, Tel. 2276.0217 Carret A Masaya Km 9 1/2
Embajada de España - Antonio Pérez- Hernández, Embajador
Rosario Bernal, Consejera Política Embajada de España. Tel. 2276.0967, Cel. 8810.2651
Ética y Transparencia - Roberto Courtney, Tel. 2268.1036 / 1037
Oficentro vieja Managua 1er piso. Las Palmas costado sur Iglesia
Mormona
FSLN – Diputado Edwin Castro, Jefe de Bancada, Tel. 2276.8471 y 2276.8447
PLC – Diputado Wilfredo Navarro, Cel. 888 23613 Tel. 2276. 84.49-50
Coordinadora Civil- Luisa Molina, Vocería, Tel. 2278.1038-2278.5459 Celular: 888.57.660
CSE –Roberto Rivas, Magistrado Presidente Del CSE
Rodrigo Barreto, Jefe de Gabinete del CSE. Tel. 2268.9004-7 Fax. 2250.4727
Wilhelm Schmidt, Jefe servicios informáticos del CSE. Tel. 88503731.
Adonai Jiménez, Director General Asuntos Electorales del CSE. Tel: 2503686
Alicia Louro, Agregada Asuntos Cooperación, Delegación. Tel: 89624525.
Carlo Pettinato. Consejero Delegación. Tel: 2704499.
Emilio Canda Moreno, Primer Consejero Delegación. Tel: 22809963.
Erik W. Black, Segundo Secretario Embajada de los Estados Unidos. Tel.: 22527100.
Chris Robinson, Consejero Político Embajada de los Estados Unidos. Tel: 22527100.
Michael García. Oficina de Asuntos Políticos. Embajada de los Estados Unidos. Tel: 22527100.
Pedro Vuskovic Céspedes, Representante de la OEA en Nicaragua. Tel: 88562426.
Carlos F. Chamorro. Director “Esta Semana”. Tel: 88867125.
Monseñor Juan Abelardo Mata Guevara.
Fiscal Nacional PLC - Alejandro Samaniego, Tel. 2270.9552 Cel. 8921.5380 y 8887.5232
REVISTA ENVIO –María López Vigil, Jefa de Redacción. Tel. 2278.2557 y 2278.1402

RAAS

Place	Persons	Status	Institution/Organisation
Bluefields	1. Juan Carlos Gaetan Leon 2. Jorge Solorzano Jimenez 3. Fernando Hogdson 4. Noel Escobar 5. Carlos Ortiz	1. CER chairman 2. 1 st member 3. 2 nd member 4. Consultant from CSE 5. Technical Consultant from CSE	CER (Regional Electoral Council)

Place	Persons	Status	Institution/Organisation
Bluefields	1. Lourdes Aguilar 2. Obet Celedón 3. Kendom Martinez 4. Miselma Klark 5. Cesar Quinto 6. Auxiliari Gonzalez 7. Porfirio Alonso 8. Alejandro Neja 9. Paul Gonnzalez	1. Chairwoman 2. Councillor PLC 3. Councillor YATAMA 4. Councillor ALN 5. Councillor FSLN 6. Councillor FSLN 7. Councillor PLC 8. Councillor PLC 9. Councillor YATAMA	RAAS Regional Assembly
Bluefields	1. Efrain Luis Angulo 2. Emilio Mesa Hurtado	1. Legal Representative 2. Head of Campaign	PLC party
Bluefields	1. Oswalda Chavez 2. Abril Perez	1. Regional coordinator 2. Long-term observer	NGO “Etica y Transparencia”
Bluefields	1. Orlando Sandoval 2. Walquiria Torres 3. Elvin Benavidaes	1. CER chairman 2. 1 st member 3. 2 nd member	CEM (Municipal Electoral Council)
Bluefields	Yosmar Acevedo	Municipal manager	Municipal civil register
Bluefields	Denis Hodgson	Director	CEDEHCA (Center for Human, Citizens’ and Autonomous Rights)
Bluefields	Ernesto Hernandez	Chief of campaign	ALN
Bluefields	Luis Antonio Gaetán	Legal representative	
Bluefields	Arturo Valdez Robleto	Director	Radio Zinica
Bluefields	1. Brigitte Hodgson 2. Karla Martin	1. Member PARLACEN 2. Legal representative	of FSLN
Bluefields	1. Juan Carlos Gaetan Leon 2. Jorge Solorzano Jimenez 3. Fernando Hogdson 4. Noel Escobar 5. Carlos Ortiz	1. CER chairman 2. 1 st member 3. 2 nd member 4. Consultant from CSE 5. Technical Consultant from CSE	CER (Regional Electoral Council)
Bluefields	1. Luis Garrucha 2. Eduardo Ruiz	1. Director 2. Editor-in-chief	Radio Bluefields Stereo
Bluefields	David Johnson	TV director	Local TV Channel 5
Kukra Hill	1. Carlos Agustin Laríos 2. Ernesto Jensky	1. Mayor 2. CPC responsible	Kukra Hill Municipality
Kukra Hill	1. Maribel Valle 2. Mibeth García 3. Johana García	1. CER chairman 2. 1 st member 3. 2 nd member	CEM (Municipal Electoral Council)

Place	Persons	Status	Institution/Organisation
Bluefields		Six of the CSE magistrates The three members of the two involved CEMs	CSE, CEM of Bluefields and of Laguna de Perlas
Kukra Hill		Six of the CSE magistrates the three members of the local CEM	CSE and local CEM
Corn Island		Six of the CSE magistrates the three members of the local CEM Mayor of Corn Island	CSE and local CEM
Bluefields	1. Juan Carlos Gaetan Leon 2. Jorge Solorzano Jimenez 3. Fernando Hogdson	1. CER chairman 2. 1 st member 3. 2 nd member	CER
Bluefields	Jonathan Palmerson	Principal Reverend	Moravian church
Bluefields	Isabel Alvarez Hurtati	Regional coordinator	IPADE, observer organisation
Laguna de Perlas	1. Roberto Cuthbert	1. Mayor	Laguna de Perlas Municipality
Laguna de Perlas	1. 2. 3. 4. Dean Downs Pondler	1. CER chairman 2. 1 st member 3. 2 nd member 4. PLC Legal Representative to the CEM	Local CEM (Municipal Electoral Council)
Bluefields	Elvin Benavides	2 nd member	Local CEM (Municipal Electoral Council)
Bluefields	1. Juan Carlos Gaetan Leon 2. Jorge Solorzano Jimenez 3. Fernando Hogdson 4. Noel Escobar 5. Carlos Ortiz	1. CER chairman 2. 1 st member 3. 2 nd member 4. Consultant from CSE 5. Technical Consultant from CSE	CER
Bluefields	Luis Antonio Gaetán and many others.	Legal representative	ALN
Bluefields	Isabel Alvarez Hurtati	Regional coordinator	IPADE, observer organisation

Place	Persons	Status	Institution/Organisation
Managua	1. Roberto Evertz	Secretario de Actuaciones	CSE
	2. Nicolas Bultè	Delegation National representative	EC
	3. Alejandro Samaniego		PLC
Managua	1. Rodrigo Barreto	Technical	CSE
	2. Adonais Jimenez	Director of electoral issues	CSE
Managua	1. Miguel Gutierrez	Reginal representative	PLC
	2. Nicolas Bulté	Delegation advaisor Vicesecretario de	EC
		Coordinator Director	
Managua	1. Jairo Luna		
	2. Roberto Courtney		
	3. Luis Luna	actuaciones	CSE IPADE Ética y Transparencia
Managua	1. Luis Luna	Vicesecretario de	CSE
	2. Rodrigo Barreto	actuaciones	CSE
Managua	1. Roberto Evertz	Technical Secretario de Actuaciones	CSE
Managua	1. Alicia Louro Pena	Technical	EC
	2. Nicolas Bulté	Delegation advisor	EC
	3. Rodrigo Barreto	Technical	CSE
	1. Roberto Coutney		
	2. Arlen Cerda		
	3. Oscar Matín		
		Director Journalist Technical-Journalist	
Managua	1. Alejandro Samaniego	National representative	PLC
	2. Adonais Jimenez	Director of electoral issues	CSE
Managua			Ética y Transparencia “La prensa” EC

Managua	1. Rodrigo Barreto	Technical		CSE
	2. Luis Luna	Vicesecretario	de	CSE
		Actuaciones		
	3. Nicolas Bulté	Delegation Advisor		EC
	4. Marco	Technical		EC
	5. Marc Litvine	Operation Chief		EC
	6. Mendel Goldstein	Ambassador	EC	EC

RAAN

Governor of the Region North, Reinaldo Francisco (YATAMA) T. 88547229

CER - President, Nery Gonzalez (FSLN) T. 27922280

CEM Puerto Cabezas, President, Roger Chow (PRI /ALN) T. 84403785

1 st Member, Wendy Mitchel (FSLN) T. 88421331

2nd Member, Rigoberto la Calle (MUC) CEM Siuna, President, F.Canales (FSLN).	T 86670032
CEM Rosita, President, Rosa Maria Reyes (FSLN), 1st Member, Maria Auxiliadora Rodas Lopez (ALN),	T.86599932 T. 87347333
CEM Waspam, President: Jorge Emir (FSLN)	T. 84970238
PLC	
Rufina Centeno, Legal representative in Puerto Cabezas	T. 86993669
Constantino Teles, Legal representative in Waspam	T. 86405925
Eva Montenegro, Legal representative in Siuna	T. 86000805
FSLN	
Casilda Lopez, Secretary of FSLN	T. 88368359
Juan Gonzalez – MEP and Party Agent to CEM in Waspam	
Moisés Rodrigues, Legal representative in Rosita	T. 88262056
Alejandra Centero, Political Secretary	T. 27942242
YATAMA	
Brocklin Rivera, Leader of YATAMA Mário	
Lehman, Legal representative Waspam	T. 89355819
Elisabeth Enrique, Legal representative at CER	T. 88377346
Marisol Carlson , campaign director	T. 89202282
ALN	
Augusto Valle, Member of National Assembly	T. 84525309
MUC	
Mónica Antonina, Legal Representative in Puerto Cabezas Daria Gomez, candidate constituency 07	
UDC	
Donald Taylor Alvarado, Legal representative in Rosita	T. 89082222
CEDUDHCAN	
Loti Cunningham	T. 88347072
CEDECHA	
Debbie Hodgson	T. 86458624
IPADE	
José Sumarriba - Managua	T. 86209539
Isidoro Escobar Puerto Cabezas Regional Coordinator	T. 86482156
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Celina Burgulin in Siuna

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Army

T. 84341190

Fernando Sanchez – Siuna area

Paul Silva – Siuna área

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T. 84451632

Radios

Rádio Caribe in Puerto Cabezas- Kenny

T: 88417272

3. ACRONYMS

ALN	Nicaraguan Liberal Alliance	Alianza Liberal Nicaragüense
APRE	Alliance for the Republic	Alianza Por la Republica
CED	Departmental Electoral Council	Consejo Electoral Departamental
CEDEHCA	Center for Human, Citizens' and Autonomous Rights	Centro de Derechos Humanos, Ciudadanos y Autonómicos
CEM	Municipal Electoral Council	Consejo Electoral Municipal
CER	Regional Electoral Council	Consejo Electoral Regional
CSE	Supreme Electoral Council	Consejo Supremo Electoral
CSJ	Supreme Court of Justice	Corte Suprema de Justicia
DSV	Substitute Voting Document	Documento Supletorio de Votación
EC	European Commission	Comisión Europea
ECD	European Commission Delegation	Delegación de la Comisión Europa
EU	European Union	Unión Europea
EUEOM	European Union Election Observation Mission	Misión de Observación Electoral de la Unión Europea
EUEEM	European Union Election Expert Mission	Misión de Expertos de la Unión Europea
FSLN	Sandinista Front for the National Liberation	Frente Sandinista de Liberación Nacional
IPADE	Institute for the Development of Democracy	Instituto para el Desarrollo de la Democracia
JRV	Polling Station	Junta Receptora de Votos
MRS	Movement of Sandinista Renovation	Movimiento de Renovación Sandinista
NGOs	Non Governmental Organisations	Organizaciones n gubernamentales
OAS	Organisation of American States	Organización de Estados Americanos
PLC	Constitutionalist Liberal Party	Partido Liberal Constitucionalista
RAAN	Autonomous Region of the North Atlantic	Región Autónoma del Atlántico Norte
RAAS	Autonomous Region of the South Atlantic	Región Autónoma del Atlántico Sur
ToRs	Terms of Reference	Terminos de referencia
UDC	Christian Unity Party	Unidad Demócrata Cristiana
VCE	We Go With Eduardo (Montealegre)	Vamos Con Eduardo (Montealegre)
YATAMA	Organisation of the Children of the Mother Earth	Yapti Tasba Masraka Nanih Aslatakanka