

## Political Developments

### *CSE Election Day Concerns*

In light of the pervasive electricity outages through the country, the Supreme Electoral Council (*Consejo Supremo Electoral*, CSE) sent a letter to the Ministry of Governance and the electricity company *Unión Fenosa* requesting that electricity service be guaranteed for the first fifteen days of November to ensure a smooth electoral process. Meanwhile, President Enrique Bolaños proposed that an electricity emergency fund be created to finance an immediate solution to the ongoing power cuts. The President also proposed that a British company, Optimal Integrated Energy Service, be authorized by the Office of the Comptroller General to install an electricity-generating barge in the port of Corinto within the next 60 days, rather than be subject to the three to six months normal waiting period for analyzing contracts.<sup>1</sup> The Comptroller's Office rejected the President's request. On September 19, CSE President Roberto Rivas met with Aminta Granera, head of the National Police, to discuss plans to ensure a smooth-running and secure electoral process.

### *CSE Revised Regulations on Election Challenges*

Following the publication on September 5 by the CSE of regulations establishing procedures for resolving election disputes for the November elections, several Nicaraguan civic organizations and political parties identified ambiguities and other shortcomings in the regulations and called for their revision. The Institute for Democracy and Development (*Instituto para el Desarrollo y la Democracia*, IPADE), which co-organized with NDI a forum on electoral challenges, stated that the CSE regulations failed to specify whether the original vote tally sheet (*acta*) would suffice in cases where the carbon copy has been altered or whether the carbon copy would predominate in cases where the original has been altered as happened in Granada in 2004. At the forum, Roberto Courtney, director of the Nicaraguan domestic observation organization Ethics and Transparency (*Ética y Transparencia*, ET), argued that the regulations should ultimately "preserve, not kill the votes." At this event, NDI's Director of Elections Programs Pat Merloe highlighted the importance of implementing Article 131 of the Electoral Law, which enables electoral councils to recount the votes of a specific polling station if its results have been challenged. A number of parties which do not have representation on the CSE, namely the Liberal Nicaraguan Alliance-Conservative Party (*Alianza Liberal Nicaragüense – Partido Conservador*, ALN-PC) and the Movement for Sandinista Reform (*Movimiento Renovador Sandinista*, MRS), expressed concern that the regulations established conditions for challenging polling stations arbitrarily and in that regard could encourage tampering with *actas* in order to annul votes from a particular polling station, which could alter the outcome in cases of close elections. On September 20, the CSE published revised regulations that addressed some of those concerns, particularly with respect to the implementation of Article 131.<sup>2</sup>

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<sup>1</sup> "Boleo con crisis de energía," *La Prensa*, September 22, 2006; "Ni tarifa, ni barcaza, ni amparo," *El Nuevo Diario*, September 22, 2006.

<sup>2</sup> "Alerta sobre Plan de Fraude," *La Prensa*, September 19, 2006; "MRS y ALN Consideran que el CSE está Contribuyendo con el Plan: 'Es Artífice del fraude,'" Asegura Téllez, " *La Prensa*, September 19, 2006.

### *Election Observation*

The Organizations of American States (OAS), the European Union (EU) and the Carter Center have sent pre-election missions and will have international observer delegations on election day. The seven observers composing the Carter Center mission were deployed on September 21. In September, the EU deployed ten observers, who will be joined in by 26 additional observers in October and 100 more in November. On September 12, FSLN candidate Daniel Ortega again criticized the Organization of American States (OAS), claiming that it is engaging in a campaign to discredit the electoral process in order to de-legitimize his possible victory at the polls.<sup>3</sup> On September 8, domestic observation group ET issued its seventh electoral observation report, evaluating the electoral process underway as “tentatively positive.”<sup>4</sup> ET has requested accreditation from the CSE for 11,000 observers.

### *Political Party Alliances*

In an attempt to unify anti-Sandinista forces, the American Chamber of Commerce of Nicaragua (AMCHAM) offered to facilitate a meeting between the presidential candidates of ALN and the Liberal Constitutional Party (*Partido Liberal Constitucional*, PLC) to discuss a proposal to poll Liberal voters to determine which candidate would lead a unified ticket. On the same day, a new group called Unity for Nicaragua (*Unidad por Nicaragua*) presented its proposal to create an even larger coalition which would include not just the PLC and the ALN, but also the MRS. Leaders of the PLC, ALN and MRS all rejected the unification plan. PLC candidate José Rizo stated that the PLC has sufficient strength to take him to victory, while ALN candidate Eduardo Montealegre stated that “the Nicaraguan people have already made their decision to support the ALN.” MRS candidate Edmundo Jarquín stated that “these proposals have nothing to do with me.”<sup>5</sup>

In a move which sparked considerable controversy, in late September Ortega signed a peace agreement with Salvador Talavera, president of the Nicaraguan Resistance Party (PRN) and legislative candidate for ALN, and five other leaders of the former Contras’ party. The PRN is one of the parties that compose the ALN. The agreement promised that “never again will the Nicaraguan family resort to violent methods to sort out its differences.”<sup>6</sup> The PRN expelled Talavera and ratified its support for Eduardo Montealegre’s campaign. ALN sought to replace Talavera on the candidate list, but the CSE declined to do so, citing the expiration of the deadline for modifying candidate lists. The accords were blessed and signed by Cardinal Miguel Obando y Bravo.

### *Public Opinion Surveys*

Public opinion polls continue to produce substantially different results, although all put FSLN candidate Ortega in the lead. Polls place Ortega a few points shy of the lowest threshold for a first-round victory (35 percent provided the front-runner also has at least a five-point lead over the runner-up).

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<sup>3</sup> “Ortega Ataca a la OEA Otra Vez,” *La Prensa*, September 13, 2006.

<sup>4</sup> “Proceso Electoral Valorado ‘cautelosamente positivo’,” *La Prensa*, September 9, 2006.

<sup>5</sup> “Rechazan propuesta de AMCHAM y Unidad por Nicaragua,” *Confidencial*, September 24-30, 2006.

<sup>6</sup> “Ortega invita a contrincantes firmar acuerdo de paz,” *La Prensa*, September 18, 2006; “Ortega aboga por un acuerdo de paz entre candidatos,” *El Nuevo Diario*, September 18, 2006.

A poll by M&R Consultants, implemented from September 15 to 21, shows FSLN candidate Ortega leading at 30.9 percent, followed by Montealegre at 26.4 percent. A total of 74 percent of the 66 percent who identified themselves as anti-Sandinistas stated that they would be willing to cast a ballot for whichever candidate could defeat Ortega, even if that candidate was not their first choice. This poll also indicates that 62.4 percent of those polled think that the *pacto* is still “alive and in force.”<sup>7</sup>

Another poll by Borge and Associates, conducted in August but released on September 12, also placed Ortega in the lead with 26.8 percent, but noted a downturn in support since its last poll in July, which showed that 31.4 percent of voters would support Ortega. Second-placed ALN candidate Montealegre (23.9 percent) also dropped from July (29.1 percent). Borge also noted an increase for MRS candidate Edmundo Jarquín (19.1 percent, up from 15.2 percent in July) and a slight increase for PLC candidate José Rizo (16.4 percent, up from 15.7 percent).<sup>8</sup>

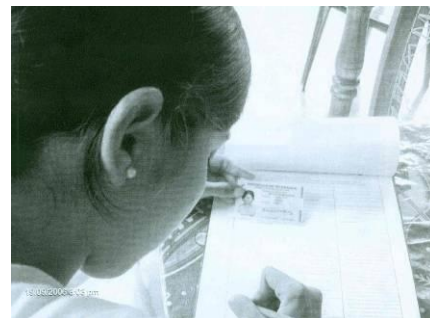
A third poll, conducted by Zogby International and the University of Miami and released on September 14, placed Ortega at 34 percent of voter intention, with Montealegre trailing at 19 percent. This would put Ortega one percentage point away from a first-round victory.

## Program Activities

In partnership with Nicaraguan civil society organizations and with support from the United States Agency for International Development (USAID), the National Endowment for Democracy (NED) and the Royal Embassy of Denmark, NDI is providing technical assistance and support for: a nationwide audit of the electoral registry; efforts to overcome barriers to obtaining national identification cards needed for voting; analysis of irregularities from past elections to prevent problems from reoccurring; and on election day, engagement of over 11,000 Nicaraguan election monitors to conduct a quick count<sup>9</sup> of the presidential race, observe legislative races and monitor the legal challenges process following the voting.

### *Two-Way Voter Registry Audits*

NDI continued to support efforts to ascertain the reliability of the voter registration lists through two-way audits. Due to the extension of the national identification card application period from August 6 to 21, the CSE stated that it would not be able to release the voter registry to political parties for review by the September 5 deadline established by the electoral calendar. Instead, the voter registry was released to parties in late September. For this reason, ET drew a sample from a preliminary voter registry released by the CSE in August, based on criteria provided by



**An ET volunteer fills out a two-way audit form**

<sup>7</sup> “*Rifa es entre Ortega y Montealegre*,” *La Prensa*, September 29, 2006.

<sup>8</sup> “*Baja preferencia por Daniel y ya no gana en primera vuelta, afirma encuestadora Borge & Asociados. También baja Montealegre, y suben Rizo, Jarquín y los indecisos*,” *La Gente: Diario de Radio la Primerísima*, September 12, 2006.

<sup>9</sup> A quick count is a well-tested and reliable methodology for systematically evaluating the quality of the administration of the election processes throughout the country on election day and providing an accurate, timely and independent confirmation of the vote count on election night.

NDI's technical advisors. However, off-street sample results will be compared against the September voters' list to determine the distribution rate of national identification cards. The field work for this final national audit was conducted from September 12 to 26. This third and final test of the voter registration list builds on a baseline audit conducted earlier this year of the national voter registry from the last nationwide municipal elections in 2004.

### *National Identification Card Assessment*

NDI is working with ET and the Central American University (*Universidad Centroamericana, UCA*) to track the applications of a scientifically chosen random sample of citizens who have applied for national identification cards – required to vote – in order to determine the proportion of citizens that will have received these cards or a supplementary voting document<sup>10</sup> by the November 5 elections. The national identification card assessment helped identify and analyze the factors that inhibit citizens from obtaining national identification cards in a timely manner. NDI's local partner ET found that these factors are mostly due to problems in the production and distribution of identity cards, not to a low level of citizen interest, as repeatedly suggested by the electoral authorities. These findings coincide with the results of NDI's 2005 Democracy Survey, which showed that institutional barriers have an overwhelmingly negative effect on voter turnout among youth. The solution to these institutional barriers to voter turnout requires political will. Citizens in the sample applied for the cards in compliance with the 90-day period established by Nicaraguan law for issuance of national identity cards. Only 18 percent of the sample had received their cards within 90-days of submitting their applications. ET plans to release an update in its next electoral observation report in October.

### *Citizen Assistance Centers*

NDI continued supporting the efforts of the advocacy group MpN to improve the national identification card process to enable more citizens to participate in the upcoming election. Since February, youth representatives of MpN have assisted 10,281 citizens through Citizen Assistance Centers (CACs) in obtaining birth certificates and fulfilling other requirements to obtain a national identification card. From June through August, MpN operated CACs in eight departments: Chinandega, Estelí, Granada, León, Managua, Masaya, Matagalpa and Río Blanco. NDI helped MpN develop a database to track the cases of citizens provided with legal advice, the photographs necessary to submit identification card applications or information on applying for birth certificates and national identification cards. On September 27, MpN presented a full report of the number of citizens assisted by MpN who received national identification cards.<sup>11</sup> At the press conference, MpN Board members Dr. María Antonieta Fiallos and Dr. Carlos Tünnerman pointed out that in those departments where local CSE officials demonstrated the political will to help citizens obtain their voting documents, greater progress was made

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<sup>10</sup> Citizens who applied for national identification cards but have not received them may exchange the receipt they received upon submitting their applications for a supplementary voting document, which they may use to cast their ballots on November 5. Following the election, citizens must then exchange this supplementary document for the original receipt in order to be able to obtain their national identification cards.

<sup>11</sup> "El Movimiento por Nicaragua presentó ayer las memorias de la experiencia de los Centros de Atención Ciudadana", *La Prensa*, September 28, 2006.

## *Presidential Quick Count and Electoral Observation*

NDI is providing technical assistance and support to ET to conduct a quick count of the presidential election and observe legislative races, as well as to monitor possible electoral disputes that may arise in the challenge process after voting is completed. To date, ET has submitted to the CSE 11,023 applications for observer credentials and has received 7,763 accreditations. ET is waiting for pending accreditations for Managua and for access to the municipal and departmental councils to observe the legal challenges process.

On September 8 and 9, ET held a training-of-trainers workshop to prepare departmental coordinators to serve as master trainers for election observation at the municipal level. During the training, ET's core election observation team emphasized the role of observers and provided an overview of election-day monitoring activities. Departmental coordinators re-enacted the voting process to explore how observers should act given the various circumstances that may arise and provided feedback on the observer manuals. Cascade training workshops throughout the country will be followed by specialized training on the legal challenges, quick count and legislative seat distribution, as well as an election-day simulation during the month of October.

This month, NDI electoral experts continued to work with ET to integrate forms, software and hardware for the different observation components, as well as to evaluate the status of transmissions, communications, logistics, software and hardware systems.

## *Legal Challenges*

With Nicaraguan civic society partner IPADE, NDI sponsored a September open forum on post-election challenges, including controversial new regulations issued by the CSE. NDI Director for Elections Pat Merloe presented international principles at the conference and together with a multinational NDI delegation consulted with the CSE, political parties and civil society leaders about ways to ensure that legal challenges are not used by parties to undermine the will of the voters. In the 2004 municipal elections, one voting district in Granada was challenged on a technicality and all its votes were set aside, legally, giving a slim advantage to the FSLN candidate, who was subsequently declared the winner. NDI recommended that all of Nicaraguan political parties pledge to lodge challenges only on solid substantive grounds and that the CSE make clear in advance its intention to do a recount of the votes in challenged districts, as provided for under Nicaraguan law.<sup>12</sup>



*Panelists at IPADE's September 12 Forum on Legal Challenges*

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<sup>12</sup> "IND Llama a Votar y Actuar de Buena Fe," *El Nuevo Diario*, September 13, 2006; "Piden por Consenso Ajustar Normativa de Impugnación," *La Prensa*, September 13, 2006; "Inconsistencias en impugnaciones," *El Nuevo Diario*, September 13, 2006.