

# PANORAMA ELECTORAL CONSORTIUM

## PRELIMINARY REPORT ON 2016 ELECTIONS

7 November 2016

Panorama Electoral is a consortium of organizations that has come together to observe the 2016 national elections in Nicaragua. Using internationally-accepted methodologies, Panorama Electoral consists of a team of 152 long-term observers in as many municipalities in the country, plus 6 district coordinators in Managua, who have systematically monitored the pre-electoral phase for a period of three months. On election day, Panorama Electoral deployed an additional 492 short-term observers to all municipalities in a proportional manner, for a total of 650 observers.

Past credible international and national observation efforts since the 2008 municipal elections have assessed and documented the increasing deterioration of equity, fair arbitration and guarantees of respect for the popular vote. This report shows how these aspects, backed by facts and statistics, reflect a serious failure to comply with fundamental articles of the Electoral Law and electoral norms during the different stages of these elections.

In sum, our conclusion is that **the 2016 elections have failed to meet basic standards of electoral integrity and have represented an even further step back from three previous elections that were not credible.** Transparency was further eroded and nearly all remaining checks and balances that could promote confidence were eliminated. It is important to highlight the peaceful participation of the Nicaraguan people, even though it was tarnished by critical incidents on election day.

Election day was characterized by a lack of transparency and lack of mechanisms to provide a check on the conduct of electoral authorities. Despite severe restrictions on the ability to monitor key election day processes, including set-up of polling stations (JRVs), closing, counting and tabulation, Panorama Electoral observers reported 211 confirmed incidents, 82% of which were witnessed by the observers. The most frequent incidents were intimidation and threats committed primarily by sympathizers of FSLN against voters and civil society representatives. Several cases of physical violence were also reported. At the time of this report, the most significant violent incident took place on election day in the community of Magdalena, in Ciudad Antigua municipality, Nueva Segovia department, where three persons died in a confrontation with military authorities. This led to the suspension of voting in some JRVs and an alteration of the normal flow of traffic due to the militarization of the aforementioned area.

Because no independent monitors were permitted to observe counting and tabulation, combined with lack of transparency in the electoral authorities' provision of preliminary results, it is not possible for citizens to know whether counting and tabulation was conducted accurately and honestly. Similar doubts remain regarding its estimates of participation and abstention.

## **GENUINE COMPETITION WEAKENED**

**Irregularities in the issuance of identification cards:** A crucial aspect of the fundamental right to elect and be elected is to have an identification card. Our observation reflects that irregular practices persist regarding the issuance and delivery of identification (ID) cards, as these take place through offices of the governing party and institutions that are legally designated to do so.

**Elimination of main opposition party leaders from the race:** In June 2016, through a premeditated act, the Supreme Court of Justice wrested control from the leadership of the Independent Liberal Party (PLI), the main opposition party in parliament. The PLI had participated in the 2011 elections and three other elections and was accredited by the Supreme Electoral Council (CSE). A few days later, another Supreme Court of Justice decision made it impossible for these PLI leaders to join the only other party with whom they might have formed a coalition, thus ensuring that the second most powerful party in the country would not be allowed to participate.

**Legal reform:** The constitutional reform to article 131 of January 2014 made it so that political parties own the seats in parliament and may therefore change representatives upon request from party leaders.<sup>1</sup> This in effect allows seats in parliament to be assigned to political parties and not to the persons elected to the post by the citizens.

**Opposition campaigns lacked access to financing:** Opposition political parties expressed that they had difficulties obtaining bank loans for their campaigns and to protect the vote.

**Abuse of state assets and human resources:** Observers reported numerous cases in which government buildings and public schools were used to display election campaign posters of the FSLN, a clear violation of the Electoral Law.

## **LACK OF CREDIBILITY AND TRANSPARENCY**

**Dubious credibility of the electoral arbitrator:** The election of magistrates to the Supreme Electoral Council, who were proposed by only the governing party and elected only by its representatives and those of its alliance, displays a lack of respect for the Electoral Law. Further, electoral administration in the municipalities, provinces and regions is unbalanced, thus running counter to that which is set forth in the Electoral Law.

**Lack of transparency:** During the electoral process, citizens were unable to verify whether they could trust the process. Previous measures that offered guarantees of transparency were removed. There were no genuine political party pollwatchers, nor were invitations or accreditations issued to national or international observers.

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<sup>1</sup> The current legislative session is about to conclude an irregular manner, with 12 of the 92 seats being occupied by persons designated by a party to substitute for those who were duly elected. In addition, 19 representatives were replaced by their alternates.

## RECOMMENDATIONS

It is imperative to hear the just, dignified and peaceful claim of the sovereign people, who wish to see their basic universal right to hold free, genuine and honest elections restored.

The dialogue currently underway with the Organization of American States (OAS) is an important opportunity to advance in a swift and credible manner in the search for democratic solutions. In this regard, it is essential that a road map be prepared based on the recommendations we present in this document. This agenda must include significant reform goals that ensure the internal democracy of political parties, regulate campaign finance, and ensure electoral authorities are independent.

It is important to declare unacceptable the procedure used by the CSE to clean up the voters list. The mechanism currently in place endangers the right to vote for significant portion of the electorate that live abroad or who for other reasons have not voted in two consecutive elections.

## II. BACKGROUND

### A. Previous Elections

To evaluate the 2016 electoral process in an objective manner, it is necessary to take into account the final assessments of recent elections made by national and international experts, given that the setbacks to the Nicaraguan electoral system that have inflicted systematic damage. For example, there has been a continuous erosion of transparency and oversight of the vote-counting since the 2008 municipal elections, in which the fraud that took place in 40 municipalities has the most convincing documentation possible, namely the data and publications of the CSE itself. These showed that at hundreds of JRVs and in entire municipalities there were more votes counted than the number of voters on the voting lists, as well as official tally sheets that contradict the numbers published by the CSE, among other serious irregularities based on official data.<sup>2</sup>

During the 2011 presidential election there were similar falsifications of results from JRVs and municipal vote tallies. To this must be added that several mechanisms<sup>3</sup> were employed to make it impossible for opposition parties to effectively supervise the process, not to mention the elimination of mechanisms to ensure the transparency and auditing of the results.<sup>4</sup> Further (and in this section the list is not exhaustive), the president was authorized to run for reelection, although this was prohibited in the Constitution,<sup>5</sup> and the handling and issuance of ID cards (in other words, enfranchisement of new voters) was done

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<sup>2</sup> See, for instance, the *Ética y Transparencia* Final Report on the 2008 elections, as well as later investigations carried out by the organization and IPADE, among others.

<sup>3</sup> Many party poll watchers were not accredited, were expelled from the polling station or were not given copies of the vote tally sheets.

<sup>4</sup> Results were not published JRV by JRV, nor were copies of vote tally sheets made available. Only non-auditable overall results were published.

<sup>5</sup> A Supreme Court of Justice, whose judges' period in office had expired and were operating on a day-to-day basis through an illegal presidential decree, lifted the prohibition, thus declaring the Constitution unconstitutional (!) and allowing President Ortega to run again.

by the ruling party, while the competent authority closed its offices for this and other purposes it is legally competent to carry out. As a result of this form of voter fraud, at least 10 representatives were elected, which ensured the FSLN would have a constitutional majority in the National Assembly.<sup>6</sup> To achieve some degree of acceptance of the results by the party that came in second, it was openly threatened.<sup>7</sup> Abstention increased to 42%.

## **B. Conclusions of the Observation Missions of Recent Elections**

The Carter Center's election observation mission of the 2011 elections wrote that "the fraud perpetrated in the 2008 municipal elections, a questionable decision by the Supreme Court that allowed the current president, Daniel Ortega, to run again, as well as the presidential decree that prolonged the terms of the court's magistrates once their terms had expired, created a context for a deeply flawed electoral process ... The preparation of the elections was biased in favor of the governing party, followed by an Election Day lacking in transparency ... numerous anomalies raise doubts as to the quality of the process and the honesty of the vote count."

For its part, the main conclusions of the mission sent by the European Union stated that "[the electoral process] was guided by an Electoral Council which was hardly independent and impartial, and therefore failed to comply with its duty to be transparent ... the difficulties faced by the opposition to accredit its poll watchers or the absolute control at the polling stations of persons filling positions not found in the law and not subject to oversight by the political parties are serious limitations to transparency and reduce the capacity to verify the fundamental stages of the process, including the adding up of results at the vote computing centers.

The CSE exhibited ... repeated instances of bias and a scarce degree of independence. This was particularly visible in the monochromatic makeup of the electoral councils and JRVs ... and in the opacity of many of the decisions taken. The mission notes there is an extended problem regarding the issuance of identity cards, the distribution of which was in many cases left in the hands of FSLN cadre."

With greater precision, the civic group *Ética y Transparencia* declared the following:

"... [we] confirm our preliminary assessment that the 2011 electoral process was neither fair nor honest. Based on the foregoing, this organization cannot certify the results of the elections. However, it declares that the difficulties that hinder this certification are not accidental, but are rather the outcome of the express

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<sup>6</sup> Both *Ética y Transparencia* and the European Union, through the vote count undertaken by its observation mission, determined that, without prejudice to the flaws caused by the aforementioned irregularities as well as those found on Election Day, Daniel Ortega received more votes than his opponents, in a process deliberately flawed by the State.

<sup>7</sup> Some elements of this blackmail were to threaten not to disburse the pending public financing of the campaign, which would have burdened its leaders with an unpayable debt of 3 million córdobas, which they would be made to cancel by using their assets; the annulment of the seats received in the National Assembly; the handing over of the party other politicians; and being taken to criminal court.

political will of the CSE to generate a process without minimal guarantees or impartiality. Violations [of the electoral law] were systematic, as were violations of 17 of the 18 minimum international requirements for holding elections.”

Still remembered is the laconic remark made by the head of the OAS mission upon the expulsion of 20% of his observers from JRVs: “We are navigating without a radar ... not because it broke down, but because the view was blocked.”

## **C. Events Between Elections and the 2016 Pre-electoral Period**

**1. Removal of the constitutional prohibition on consecutive reelections.** By virtue of the majority “achieved” in the 2011 election, President Ortega in 2013 ordered a constitutional reform (with no debate in the legislature) that allowed him to run an unlimited number of times. This gives him the possibility of becoming the president with the most years in power of any politician in the history of Nicaragua.

**2. Removal of the leadership of the main opposition party (June 2016).** The Supreme Court of Justice wrested control of the PLI, the main opposition party in the National Assembly, from the political group that had been running it since 2011 and for three electoral processes, as per what had been decided previously and presumably definitively by the CSE. A few days later another Supreme Court decision disallowed these leaders to join another party and run in their slot. Thus, in practical terms, the second most powerful political party in the country (based on its number of representatives in parliament) was not permitted to run in the 2016 election. This decision meant that bipartisan control of electoral bodies, as mandated by the electoral law, gave way to absolute or majority control by the FSLN at all administrative-jurisdictional levels of the electoral apparatus.<sup>8</sup> Of the parties that remained in the race with FSLN, the Liberal Constitutionalist Party (PLC), with 6% of the vote, had the third-best result in the past elections. None of the remaining four parties reached 1% of the vote in a presidential election this century.<sup>9</sup>

**3. Removal of the opposition bench in the National Assembly.** Upon request from the new leadership of the PLI, the CSE on July 29, 2016 removed 28 representatives and their alternates. The popular mandate extended to these legislators was due to expire on 9 January 2017.<sup>10</sup>

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<sup>8</sup> In June of this year, and more than 1,700 days after the appeals for constitutional protection were introduced to the Supreme Court by different party factions involved in an internal dispute within the PLI, the Court ruled in favor of the litigant Pedro Reyes, thus granting him formal control of the party (Sentence 299). Article 51 of the Constitutional Protection Act establishes a maximum period of 45 days upon introduction of an appeal before issuing this type of sentence. The new president of the PLI declared publicly on a television talk show (*Jaime Arellano en la Nación*), aired on 29 June, that the quid pro quo with the FSLN to win the case (there were other litigants as well) was that the party would renounce the privilege gained by its second-place finish in the 2011 election, namely having representation at all levels of the electoral structure, and that it was for this reason that he decided to forego this balance, which is mandated by law. The CSE has not made clear how these spaces were filled, but the other parties (the PLC, for example, with its third-place finish) have indicated these positions were not assigned to them.

<sup>9</sup> The exception is the ALN, which obtained 30% of the vote in 2006, when it was headed by the same political group which was removed from the PLI this year. This goes to show this opposition group has represented the anti-government vote for over ten years, and that this is not the first time it has been dispossessed of its party credentials. In 2001 the Conservative Party got 2% of the vote.

<sup>10</sup> On 16 August the representatives introduced an appeal for protection to the Supreme Court, arguing there had been a lack of due process, that the CSE lacked jurisdiction (the removal of members of parliament may

**4. De facto control by the 2011 Supreme Electoral Council gives way to absolute and legal control.** In April of 2014, with sixty votes from the government bench and that of two of its allies, all members of the CSE were elected or reelected. This involution must be seen in the light of the already existing bias shown by the institution in earlier elections.<sup>11</sup> As a consequence, the CSE is now made up exclusively by members whose candidacy was proposed by the ruling party.

**5. Legal reforms so seats in parliament belong to political parties, not to the individual person elected by the citizens.** A reform to article 131 of the Constitution took place in January of 2014 and made it so political parties own the seats in parliament, meaning that the representatives as individual persons can be substituted for upon request from the party leadership.<sup>12</sup>

**6. Total elimination of expert, neutral and independent election observation.** Already in 2011, national election observers were been denied the accreditation mandated by article 10, clause 8, of the Electoral Law. In a public speech held on May 5, 2016, President Ortega made it clear that international observers (whom he described as “shameless”) would not be invited to the November elections. The CSE proceeded to follow the order. These are the first elections since 1990 with no electoral observation, although the observer groups now banned had accepted all elections up until 2008, including several processes won by the FSLN. On this occasion, a national group headed by a presidential advisor, will function as the only accredited “companion”. The removal of this important transparency mechanism violates Nicaragua’s international obligations in articles 8, 13, 19, 20 and 21 of the UN Declaration of Human Rights, as well as article 25 of the International and Political Covenant on Civil and Political Rights, among other treaties of obligatory compliance.

**7. Opposition campaign lacks funds and abuses of state assets and human resources during the campaign. Unanswered questions regarding campaign financing by the state.** All parties in the race have complained that it is impossible for them to obtain bank loans their campaign and vote protection work. On the other hand, observers reported there were many buildings and public schools in the country with FSLN election propaganda on them. This runs counter to the electoral law, which establishes sentences of up to two years imprisonment and the suspension of candidacies for this crime, which is being ignored by the authorities.<sup>13</sup> According to the law, approximately US\$20 million are to be distributed among the political parties to cover their campaign costs. Given an apparent collective expenditure far below that sum, it is not known if that amount will in reality be inferior. Electoral income and expenditures are

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only be done by other members), as well as violations of the right to defense and constitutional principles related to the right to be elected (article 51) and political pluralism. The Court dismissed the appeals.

<sup>11</sup> The parliamentary opposition did not participate in the voting, arguing that the *sui generis* manner of voting for or against all candidates on a single party list would obligate them to support candidates accused by their alliance and other sectors of having committed fraud in earlier elections.

<sup>12</sup> As mentioned above (see footnote 1) the current legislative period is about to conclude in anomalous fashion, with 12 of the 92 seats being occupied by persons designated by a particular party to substitute for those who were duly elected. In addition, 19 representatives were replaced by their alternates.

<sup>13</sup> Electoral Law, article 175.

poorly regulated in the Electoral Law, which does mandate that this data be published.

**8. Nepotism. The FSLN's candidates for the presidency and vice-presidency are the current president and his wife, respectively.** This constitutes a violation of article 147 of the Constitution, which prohibits from holding elective office persons who are in the first or second degree of affinity to the president in office. Given the disastrous history of dynasties and nepotism in Nicaragua, this is cause for alarm.

**9. A positive element: the strengthening of the legal framework for participation and empowerment of women.** The reforms to the Electoral Law that took place in May 2012 and the reform of article 131 of the Constitution (January 2014) drew upon important elements from model legislation in order to ensure the proportional and equitable participation of women in 50% of the list of candidates put forth by political parties. This means that half of the representatives elected to the National Assembly will be women. Beyond gender parity, the democratic reach of this measure will depend on how internal democracy develops within the political parties and the institutionality and independence of the branches of government. In the opinion of many experts, these have suffered setbacks in recent years. The monitoring of campaign rallies by Panorama Electoral observers reflects the traditional absence of women and their objectification.

**10. The current mechanisms used to clean up the voter list carry implicit the danger that in an illegal and gradual manner the right to vote may be taken away from a significant portion of the electorate that lives abroad or for whatever reason have chosen to abstain in recent electoral processes.** The CSE has divided the voter list into two parts, each consisting of "active" and "passive" voters. The latter is a list of those persons who currently have not or in the future will not vote in two consecutive presidential elections. If such a citizen wishes to recover the right to vote, he/she will have to undertake an as yet unknown procedure, so as to be reinstated and be able to participate in the next election. Given that the CSE itself explains that a substantial part of these persons live abroad or for one reason or another haven't voted, it is necessary to act swiftly as regards the establishment of the procedure to be allowed to vote again, instead of removing from the list those persons whose right to vote has been impaired. Due to the numbers involved, and the pro-opposition slant reflected by polls among those who have not voted recently, it is important to understand the effects this division of the voter list will have in terms of compliance with several international principles. These prohibit the exclusion of eligible sectors of the population, the more so if there appears to be a slant or political effect along party lines involved.

## **D. TECHNICAL ASSESSMENT OF THE PRE-ELECTORAL PERIOD**

### **Methodology**

A total of 158 long-term observers (one per municipality in the country and each of the districts in Managua) have provided permanent and systematic monitoring

of key events in the electoral calendar and campaigns. This took place over nearly a three-month period (from August 16 to November 5). Data was collected on important issues as detailed and quantified below:

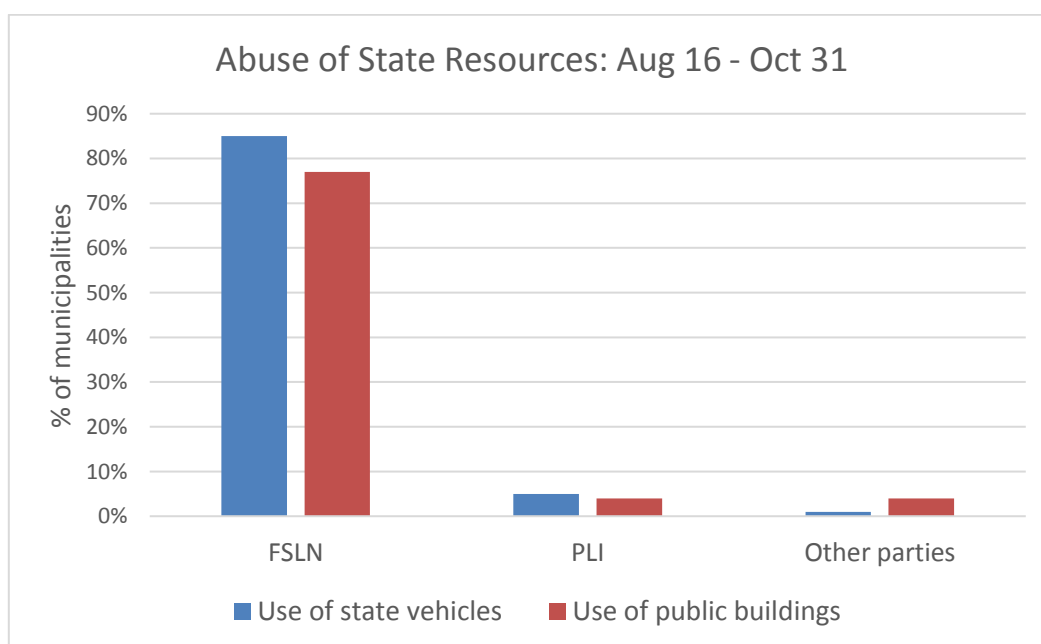
**1. Composition of electoral management bodies.** Information was obtained on the composition of District Electoral Centers (CED) and Regional Electoral Centers (CER). In at least 70% of these structures there is an imbalance and significant slant in the party affiliation of its members. This takes place in violation of article 16 of the Electoral Law, which establishes that no party may have more than one member in each of these and the immediately inferior structures, namely Municipal Electoral Centers (CEM).

The FSLN has a majority (two out of three members) and absolute control (three out of three) in 10 out of 13 (67%) of CEDs analyzed. Of the 149 CEMs assessed, the FSLN has a majority or all members in 70 municipalities (47%). In addition, there persists, much as in earlier elections (2011 and 2012), the position of “political administrator”, which is not legally recognized. That person has decision-making power and control over those who have legally established positions.

It is worth noting that these data could not be compared to official information, which has not been made public.

## 2. Abuse of state resources

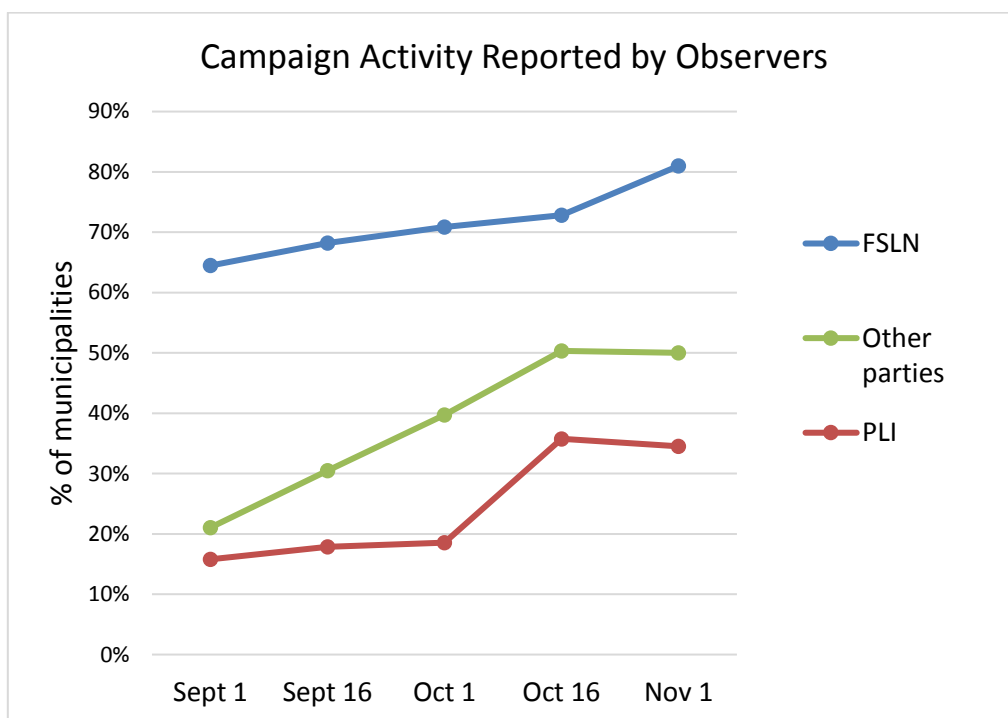
Systematic and widespread abuse of state assets by the FSLN was observed throughout the pre-election period. Not only is this a form of corruption, it tilts the balance required for fair competition. On average, observers reported the use of state-owned vehicles by FSLN for campaign purposes in 85% of the municipalities, with the PLI doing the same in 5% and the other parties in 1%. As for making use of public buildings for campaign purposes, the FSLN did so in 77% of the municipalities, the PLI in 4% and the other parties also in 4%.





**3. Voter education.** The CSE carried out a low level of voter education during the months before the election. On average, observers reported that during the three-month period voter education campaigns took place using radio (36%), television (30%), the press (27%), social networks (25%), and door-to-door visits (28%). At no point during the observation – including the two weeks just before the election – did a majority of observers report having seen electoral education activities in any of the categories of voter education monitored.

**4. Analysis of the election campaign.** This year’s campaign was perceived as having been a low-intensity affair, compared to past electoral processes. It was characterized by an imbalance in activities among the “competing” parties. Our observers found that on average the FSLN carried out activities in 72% of the municipalities, while the PLI held events in 25% on average. The other parties together were active in an average of 39% of the municipalities. The FSLN’s overwhelming prevalence in the campaign is also reflected in the use of public places and campaign advertisements.



Another aspect observed during the campaign activities is the sexual objectification of women during campaign activities undertaken by the different parties. The PLI did so in 30% of the municipalities, while the other parties used women in this way in 25% of the municipalities in which they campaigned. The FSLN used this traditional and negative practice that violates the dignity of women and is reminiscent of earlier campaigns in 48% of the municipalities observed.

It appears to be the case that notwithstanding positive legislative advances both in national law and international agreements intended to promote equality and gender equity, these efforts are not reflected during electoral campaigns, and there remains a gap between reality and the full and equal participation of women

as a fundamental element in the promotion and exercise of a democratic culture.<sup>14</sup>

In general, there prevailed a media spectrum open to freedom of expression; however, it was more advantageous to the FSLN, given that the ruling family owns most of the nationwide media outlets.

## **E. TECHNICAL ASSESSMENT OF ELECTION DAY**

On election day, Panorama Electoral deployed 650 observers in all of the nation's municipalities. Of these, 158 are municipal coordinators and district coordinators in Managua, while the remaining 492 were short-term observers. The latter were deployed in a systematic and proportional manner throughout all municipalities of the country. This allowed Panorama Electoral to provide a more representative assessment of election day conduct

The process on 6 November was characterized by a lack of transparency and mechanisms by which to evaluate the performance of the electoral authority. The Supreme Electoral Council's refusal to respond to our June 2016 accreditation request resulted in Panorama Electoral's observers having very limited access to the voting process.

In spite of severe restrictions on monitoring of key aspects of the process – including the set-up of JRVs, opening and closing processes, and the vote count itself – observers reported 211 confirmed incidents, of which they witnessed 82% personally. The most frequently reported incidents were cases of intimidation and threats, perpetrated mainly by FSLN sympathizers against voters and civil society representatives. In addition, there were several reports of physical violence. Since no independent observers were accredited to be present at the vote count and tabulation, to which must be added the lack of transparency as concerns the publication of preliminary results on the part of the electoral authority, it is impossible to know if the official results reflect a correct and honest vote count. Similar doubts remain regarding its estimates of participation and abstention.

With 99% of the reports from our observers received, Panorama Electoral has consolidated its preliminary findings.

### **Setting up of polling stations**

In past elections, national and international election observers could observe if electoral authorities followed legal procedures for setting up polling stations. In the 2016 election, however, no independent, nonpartisan group could observe this process due to lack of accreditation. Therefore, no independent entity could verify, for example, if electoral authorities had implemented all procedures, if all essential materials were available, or if ballot boxes were sealed.

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<sup>14</sup> Article 28, Inter-American Democratic Charter.

## **Voting centers**

Almost all voting centers observed were open when monitored, and the environment was generally peaceful. However, observers reported cases of intimidation, threats or harassment in 9% of the voting centers and physical violence in 4% of the voting centers observed.

Measures were not always in place to avoid multiple votes. Thirteen percent of observers reported they were able to remove the indelible ink from their thumb. This phenomenon was higher in the North Caribbean (25%) than in the Pacific (6%).

In addition, observers saw that voters were transferred to 27% of the voting centers observed.

## **Critical incidents**

As part of its observation, Panorama Electoral set up a center for receiving and confirming critical incidents reported by its network of trained observers. On Election Day, observers reported 211 critical incidents. Panorama Electoral observers directly observed 82% of these incidents.

The most frequent critical incidents reported by Panorama Electoral observers were intimidation, threats and harassment (37 confirmed incidents). Some specific incidents included:

- At La Ermita de Dolores in Leon municipality, Leon Department, Julio Perez threatened a female voter, telling her that if she did not vote in box 2 he would not get benefits for her.
- At El Coyolito School in San Pedro del Norte municipality, Chinandega department, the presiding officer of the JRV told a voter not to forget to enter the password they had given her or she would not get a solidarity bonus. This occurred at 8:50 am.

Observers also reported cases of citizens who were denied an opportunity to vote, physical violence, and 26 confirmed cases in which a figure of power was given more authority than polling station workers. Examples include:

- At the El Cristal School in the community of El Cristal, Ciudad Dario, Matagalpa department, polling station members and political party pollwatchers, except for those of the PLC, refused to open the voting center. The PLC pollwatcher reported this to the PLC representative, Carlos Treminio, who went to the community and opened the voting center. Voting was not able to begin until almost at noon.
- In Managua department, electoral police closed a voting center early at 5:35pm and did not allow four opponents of the ruling party to exercise their right to vote.

Among all the incidents reported, the most common affiliation of the perpetrator was the electoral authority, and most perpetrators were identified as FSLN

supporters. The most common victims were voters and civil society representatives.

- In the Pedro del Norte municipality, Chinandega department, a man went to the voting center and was recording the voter registry lists when he was approached by three military officers (armed forces) who assaulted him, pulling him by his shirt and throwing him on the floor and kicking him. The family took him to the health center. He only suffered bruises, but he was not able exercise his right to vote.
- In San Jorge municipality, Rivas department, an electoral policeman approached a man and pushed him until he fell on the floor. He was not allowed to vote because he does not share the same political ideology of the electoral policeman.

### **Vote count**

The citizens of Nicaragua have the right to know if the vote count was as accurate as possible. However, unlike past elections, no independent, non-partisan group was accredited and none had access to observe the process of counting of ballots. As a result, there is no way to know if the counting was accurate and honest. This lack of access also blocked the ability to conduct an independent quick count, an internationally accepted method for assessing the accuracy of the tabulation process.

### **Posting of results**

On the morning after the election, posters with the election results were not visible in 38% of the voting centers observed by Panorama Electoral, and observers could not gain access to 8% of the voting centers to check if the results were published.

### **Tabulation and announcement of results**

Unlike other elections, no independent, nonpartisan group had access to the tabulation of the results at the municipal, district and central level.

At the time of this report, the CSE had only announced the preliminary results at national level. This is not consistent with Article 129 of the Electoral law, which requires publication of preliminary and final results of each polling station. In addition, the CSE website has been changed to show only a photograph (static image) and does not provide any information at a time when citizens need timely and detailed information about the results. This deprives citizens of the ability to verify results and undermines their confidence in the process.

## **CONCLUSIONS**

The cumulative effect of four consecutive elections with evident and documented flaws, with the permission and participation of the electoral authorities, added to the unprecedented situation where the State deprived opposition members of their seats in the midst of the electoral process, *makes this electoral process not credible due to its lack of transparency, lack of checks and balances, lack of genuine competition, lack of impartial electoral authorities, and lack of respect of the right to elected and be elected. There is also an absence of guarantees to*

*respect the will of the people, transparency and supervision of all key activities of the process, and faithful compliance of the Electoral Law, among other democratic electoral principles recognized.*

This consortium notes that the Nicaraguan State and its government has replaced genuine elections meeting minimum international standards with a flawed process that violates the Constitution of the country. The electoral process represents a breakdown in democratic order as set out in various international conventions, notably the Inter-American Democratic Charter in Article 6<sup>15</sup>, among others.

The civil, peaceful and democratic nature of the Nicaraguan people, establishing an institutional, civic and peaceful means as the only solution to this legitimacy crisis, must be categorically applauded and boosted. Citizen abstention as an expression of dissatisfaction with the lack of legitimacy of this electoral process deserves special recognition.

## **RECOMMENDATIONS**

**Panorama Electoral makes the following recommendations:**

1. **Constitutional reforms to restore checks and balances:** Given the dubious legitimacy of such a flawed process that led to the disruption of the constitutional order sanctioned by the Inter-American Democratic Charter, a constitutional reform process should immediately begin to renew the accountability process, strengthen rule of law, and re-establish checks and balances that are essential for democracy. In light of the demands of the Nicaraguan people, the recently initiated dialogue between the Government and the OAS is a channel for this purpose.
2. **Create an independent and impartial electoral administration:** In the framework of the aforementioned dialogue, it is necessary to restore the electoral administration at all levels to ensure its independence and impartiality.
3. **It is urgent to guarantee national and international independent election observation** for future elections through treaties or durable legal reforms.
4. It is imperative that the State **avoid the arbitrary use of the law** to restrict the participation of political groups.
5. **Transparent voting and counting:** Full supervision and transparency of the voting, counting and dispute resolution process must be ensured.
6. **Ensure that the voter registry is complete, accurate and up-to-date.** Best practices should be used to ensure universal suffrage.

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<sup>15</sup> The exercise of democracy promotes the preservation and good stewardship of the environment. It is essential that the states of the Hemisphere implement policies and strategies to protect the environment, including application of various treaties and conventions, to achieve sustainable development for the benefit of future generations.

7. **Enforcement of sanctions under the electoral law:** The CSE should reactivate due investigation and prosecution of electoral crimes and express violations of the specific mandates of the electoral law.
8. **In-depth and inclusive electoral reforms based on best practice recommendations.** It is fundamental to reform the ruling party's current partisan electoral system through a transparent and participatory process, assessing weaknesses in the text and interpretation of the electoral law, based on the diagnosis by several election observation institutions over the last 10 years and the contributions of various national sectors. Attention should be given to the contents of the electoral reform to avoid deterioration of the legislation, as occurred in previous reforms. The electoral legislation must be reformed in accordance with international best practices, e.g. improving electoral bodies, drawing up internal democratic rules for political parties, and modernizing regulation of political and campaign financing, among others. Create mechanisms for exercising the right to vote abroad, taking advantage of new technology opportunities.
9. We call the Nicaraguan people and different economic, political and social forces to continue efforts to strengthen democratic processes that facilitate a civic solution in response to our conflicts. This work should be supported by the international community.