

ELECTORAL OVERVIEW CONSORTIUM  
THIRD OBSERVATIONAL REPORT  
SEPTEMBER 16 - OCTOBER 15, 2016

I-EXECUTIVE SUMMARY

The Electoral Overview Consortium (*Panorama Electoral*), comprised of four organizations: Ethics and Transparency Civic Group, Leadership Institute of the Segovias, the Chinandega Women's Movement and the *Chontaleñas* Women's Network, present the third election observation report. With the goal of informing Nicaraguan citizens on the 2016 electoral process, the report is based on independent, systematic and qualitative electoral observation, carried out in 152 of the nation's municipalities between September 16 and October 15, 2016 with the support of 152 observers.

The results of the observation of electoral campaign activities indicate the predominance of the FSLN party in municipal election coverage, number of ads and number of activities carried out in each municipality. The Independent Liberal Party (*Partido Liberal Independiente*, PLI) and other opposition parties saw an increase in campaign activity, but the measureable increase does not change the irrefutable fact that the 2016 electoral campaign has lacked effective competition among a plurality of parties.

In the period addressed by this report, an air of calm prevailed, with no incidents of violence or hate speech, which is positive. This was the case despite multiple protests against what protesters are calling the *farsa electoral* ("electoral farse"). We denounce the violent acts carried out in the protests of October 23, when the vice-presidential candidate for the Constitutionalist Liberal Party (*Partido Liberal Constitucionalista*, PLC) was injured by an act of physical aggression in the town of Sébaco and a fire was started in the government office for identification cards in the town of Totogalpa.

Worthy of special mention is the announcement of the Supreme Electoral Council (*Consejo Supremo Electoral*, CSE) on the use of four electoral registers in these elections, including one that without explanation removes 1.2 million Nicaraguans from the register that previously was used to measure participation and abstention in elections.

The abusive use of state-owned assets is systematic. The political parties continue to use state-owned buildings, schools and vehicles for campaign activities. The Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional*, FSLN) does this in a markedly prolific way. Equally illegal is the political propaganda posted in public institutions. We have observed propaganda used to promote the FSLN ticket posted in different governmental institutions, the penalty of which is two years imprisonment and loss of one's status as a candidate under the Electoral Law. The CSE shirks its duties by ignoring this well-known and un-punished violation of

the law. Furthermore, television ads that feature children and adolescents<sup>1</sup> violate Nicaragua's child and family protection laws<sup>2</sup> and the Convention on the Rights of the Child.

The observation of governmental identification procedures revealed that Law No. 932, which revised articles 31, 32, 33, 34, 35 and 37 of Law 331, the Electoral Law and article 37 of the Citizen Identification Law, put into effect in August 2016, in the midst of the electoral process, has not prevented the illegal practice of issuing party identification. We found that, more than any other party, the ruling FSLN party provides identification papers to its members, including to those not eligible to vote, which implies manipulation and partisan bias. This practice was denounced in previous electoral cycles by International Observation Missions<sup>3</sup> and the Ethics and Transparency Civic Group.<sup>4</sup>

We see it as imperative to highlight other mechanisms of party propaganda, denounced by citizens and made known to Electoral Overview Consortium observers, which are equally illegal and morally reproachable, including the participation of state employees in campaign activities, ignoring essential duties in order to campaign for their parties, and the FSLN threatening to take away citizens' access to government-run social programs if they do not vote for the FSLN.

## II-KEY FINDINGS

### Electoral Campaign Analysis

The electoral campaign was characterized by the predominance of the FSLN party in municipal coverage and activities organized in each municipality, the increase in the activities of other political parties and the use and abuse of state-owned assets. The results reveal a campaign cycle that lacks effective competition among a plurality of political parties.

On average the FSLN registered activities in 90 percent of municipalities, with the least coverage in the South Caribbean Autonomous Region. The general increase in the FSLN's activities reflects a permanent and sustained proselytizing campaign.

The PLI increased its own campaign activities from having been active in 16 percent of municipalities in the previous observation period to 31 percent in the current observation period, organizing the most activities in the Pacific region. The remaining parties also registered a combined increase in campaign coverage, from 23 percent of municipalities to 45 percent for the current observation period.

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<http://www.el19digital.com/el19tv/ver/titulo:9338-siempre-al-frente-campana-de-la-buena-esperanza-y-el-buen-corazon>

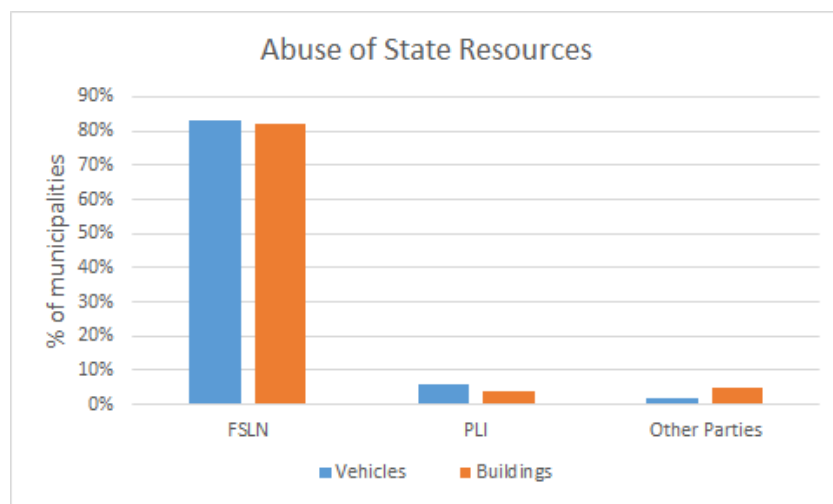
<sup>2</sup> Article 67 of the Child and Adolescent Protection Law (*Código de la Niñez y la Adolescencia*).

<sup>3</sup> <http://www.latinreporters.com/nicaraguaElections06112011InformeUE.pdf>

<sup>4</sup> Special report: Access to Citizen Identification and Effective Judicial Resources in Nicaragua (*Acceso a la cédula de identidad Ciudadana y a Recursos Judiciales Efectivos en Nicaragua*). Presented in the 147th regular session of the Inter-American Commission on Human Rights. See [www.eyt.org.ni](http://www.eyt.org.ni)

In the first half of October we observed an increase in political propaganda for various political parties, which is also indicative of inequality of competition among the parties. The FSLN has campaign and propaganda material in 85 percent of municipalities, while the PLI has such materials in 34 percent of municipalities, and the remaining parties together have campaign materials in 39 percent of municipalities.

The use and abuse of public assets in the campaign is systematic. Despite the fact that such activity is expressly forbidden in Article 107 of the Electoral Law, in the period covered by this report, the FSLN used buildings belonging to public institutions in 82 percent of municipalities and state-owned vehicles in 83 percent of municipalities. The PLI used official buildings in 4 percent of municipalities and state-owned vehicles in 6 percent. The remaining parties used official buildings in 5 percent of municipalities and vehicles in 2 percent of municipalities.



Other illegal activities that violate the Electoral Law and are disproportionately perpetrated by the FSLN include posting propaganda in public institutions and using television ads that feature children and adolescents, which violates Nicaragua’s family protection law<sup>5</sup> and international treaties like the Convention on the Rights of the Child.

A peaceful political environment has prevailed from the beginning of the campaign cycle to the period covered by this report. No incidents of violence or hate speech have been reported in 96 percent of municipalities, which is positive and is partly explained by the infrequency of campaign events. Instead of such events, the FSLN has used public resources to hold activities in public places such as parks, fairgrounds, streets (during student parades), universities and medical facilities.

The use and abuse of state-owned assets, besides being illegal, depletes public funds at the expense of the progress and the welfare of the general population.

### Analysis of Governmental Identification

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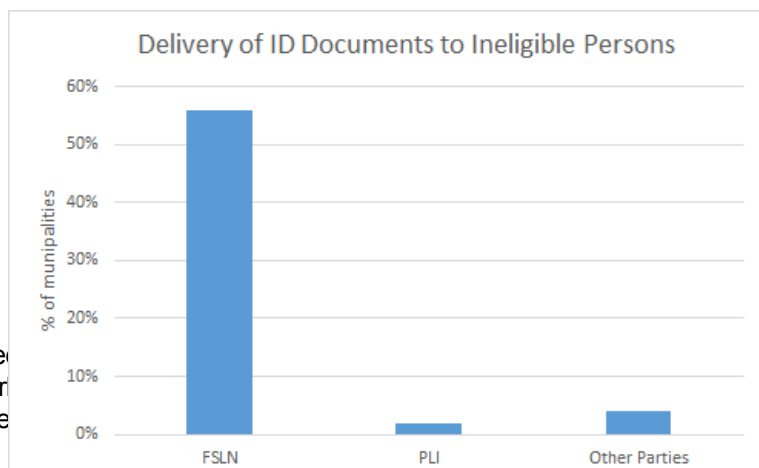
On August 11, 2016 the National Assembly approved Law No. 932, which revised articles 31, 32, 33, 34, 35 and 37 of the Electoral Law (Law No. 331) and article 37 of the Citizen Identification Law (Law 152). Effective immediately, the reform eliminates the Voter Polling Station (*Junta Receptora de Votantes*, JRV) as the agent of voter registration, replacing it with the Voting Center (*Centro de Votación*, CV); establishes the issue of permanent identification up to 30 days prior to the election; and makes it the duty of the CSE to permanently publish the electoral register on its website.

We must emphasize that the drafting and approval of Law No. 932 violated the constitution, as the Assembly did not follow the procedure established by article 195 of the Political Constitution for reforming of constitutional laws (such as the Electoral Law). The law was not debated in two legislative bodies, as stipulated by the law, nor did legislators form a special commission (not to exceed 70 days in length) to study the bill and develop a ruling. Instead the bill passed directly to the floor for discussion and voting, thereby violating the established procedure.

A possible discrepancy between JRV citizen voter lists and their respective Voting Centers is one implication of the reform. Another is that the CSE is obligated to publish the register online, but access to updated information is limited to the electoral period, meaning that the online version of the register will be permanent after the election.

This effort to bring reform on the eve or in the midst of the electoral process, in essence changing the rules of a process already well under way,<sup>6</sup> should be cause for alarm.

The implementation of reforms that increased the period of registration for a full electoral cycle has not prevented the use of practices previously known to and denounced by international observation missions<sup>7</sup> and by the Ethics and Transparency Civic Group,<sup>8</sup> such as the illegal practice of party registration. The results of the observation completed in this period record that the FSLN processed and delivered identification papers in 74 percent of municipalities, including to people ineligible to vote in 56 percent of municipalities. The PLI illegally processed and delivered identification papers in only 2 percent of municipalities, and



<sup>6</sup> On April 26, 2012, the CSE officially de through agreement 001-26-04-2012. Near published Law No. 790 which revised the

<sup>7</sup> [www.google.com.ni/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=U1r-0wq=imioime+uetia+imisi70C3%B2n+de+observaci%C3%B2n+electoral+de+la+Uni%C3%B2n+Europea+electoral+2011+en+Nicaragua](http://www.google.com.ni/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=U1r-0wq=imioime+uetia+imisi70C3%B2n+de+observaci%C3%B2n+electoral+de+la+Uni%C3%B2n+Europea+electoral+2011+en+Nicaragua)

<sup>8</sup> Special report: Access to Citizen Identification and Effective Judicial Resources in Nicaragua (Acceso a la cédula de identidad Ciudadana y a Recursos Judiciales Efectivos en Nicaragua). Presented in the 147th regular session of the Inter-American Commission on Human Rights. See [www.eyt.org.ni](http://www.eyt.org.ni)

remaining political groups did so in 4 percent of municipalities. This suggests manipulation and partisan bias in the voter registration process.