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Nicaragua's Electoral Legislation, Procedures: A Summary

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In February 1989, as part of the Central American summit agreement reached in El Salvador, Nicaragua pledged to liberalize its election and media laws in advance of general elections to be held Feb. 25, 1990. Since then, in sessions of the National Assembly, and in meetings with opposition parties, the Nicaraguan government has completed the task. Major components of Nicaragua's electoral legislation and correspondia media regulations are summarized below. [Compiled from reports by Nicaragua Network (Washington, DC and New York, NY), and CAU back issues.]

Supreme Electoral Council
The Supreme Electoral Council (SEC) appoints nine regional electoral councils, and regulates all election procedures. It is comprised of five justices elected by the National Assembly: two are from the Sandinista National Liberation Front (FSLN) party; two from opposition parties, and one, a neutral public figure. The fifth member is a law school professor who has no party affiliation. Under an Aug. 4 agreement between the government and opposition parties, the SEC was mandated to establish a seven-member advisory group to be selected on a "pluralist" basis. The SEC is also responsible for efforts in collaboration with foreign governments and multilateral organizations to establish a permanent identification system for Nicaraguan citizens to be completed before the 1996 elections. Legalization of political parties
Citizens may form political parties and register them as such as long as they have 980 members, a name, emblem, officers, legal representatives, statutes and program, national board and nine provincial boards. (A party need not show that it garnered a certain vote percentage in previous elections. Costa Rica, for example, requires a membership of 3,000, and 5% of the previous electoral vote.)

Media regulation during electoral campaign
Under the Aug. 4 agreement, the Interior Ministry is prohibited from shutting down or fining newspapers and radio stations during the electoral campaign. The SEC is responsible for application of the Public Media and Social Communication Law in matters pertaining to elections. Campaign messages must respect the fundamental principles and national integrity of Nicaragua, remain within ethical/moral standards and give due consideration to other parties and/ or candidates. Denigration, slander and injury to other candidates are prohibited. Guarantees of broadcast air time for political opposition
The Aug. 4 agreement states that from Aug. 25 through Dec. 2, all party or coalition candidates are to receive free of charge 30 minutes of continuous air time from Monday through Saturday, between 6:00 and 9:00 p.m. on Channel 2 of the Sandinista Television System. The election law guarantees a pre-determined amount of time each day on the two state-owned television stations and all public and private radio stations. Air time is to be equally divided among all parties wishing to purchase the same. (Many Latin American countries provide no guarantee of air time for opposition parties.)

Government financing of election campaigns
The government will provide financing for political campaigns. Fifty percent will be divided equally among all participating party/coalition candidates, and the remaining 50% will be proportionately distributed according to the percentage of the vote each party captured in the previous election. Foreign financing of election campaigns
Foreign donations for political campaigns will be permitted. They must be earmarked "Fund for Democracy" and administered by the SEC. Fifty percent will go to the recipient candidate or party. The remaining 50% will be used to finance non-partisan expenses for administration of the elections. (The US and most other countries prohibit all foreign contributions to election campaigns.)

Change in requirements for winning Assembly seats
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requirement that parties must win at least 5% of the vote in certain districts to win National Assembly seats has been eliminated. Voting age, voting rights of military personnel The minimum voting age is 16 (as previously). Members of the armed forces have the right to vote, but are prohibited from campaigning or running for office. (In most western democracies, including the US, citizens simultaneously come of age for voting and military service induction. Prohibitions against military personnel from campaigning or running for office are also common in western democracies, including the US.) Under the Aug. 4 agreement, military personnel are required to vote outside military installations. Voting rights of Nicaraguans residing abroad. Nicaraguans residing abroad may register in the country of residence, but must return to Nicaragua to vote. (Most Latin American countries, including all Central American nations, do not provide for absentee balloting. Most Nicaraguans living abroad are in the US. Since the US has closed all but one consulate and denied visas for additional consular staff, and given Nicaragua's severe financial constraints, absentee balloting is practically and financially impossible for Nicaragua.) Voluntary vote Voting is secret and voluntary. [In many Latin American countries, voting is mandatory. De facto and de jure sanctions are diverse, e.g., fines, and denial of access to public services and benefits, and to production credit supervised or provided by government agencies.] Opposition party monitoring of electoral process All parties may appoint official monitors for the SEC and regional electoral councils, and balloting and vote computation stations at all levels. Voting irregularities are reported to the SEC. Political parties are required to submit to the SEC and appropriate regional electoral councils lists of citizens selected for monitoring activities. Voter registration lists are to be made public for 10 days so anyone can challenge information recorded therein. All citizens will receive a civic instruction booklet on registration and the election. The Aug. 4 agreement guarantees opposition access to registered voter lists and ballots. The SEC will submit a catalogue containing lists of registered voters to each party or alliance participating in the electoral process no later than 60 days before the elections. The SEC is to submit copies of registration opening and closing, balloting opening and closing, vote counting and voting vouchers in each of the ballot receiving boards to each of the poll-watchers of each political party or alliance. The SEC will prepare duplicates of the voter registration catalogues to be located at the SEC and at corresponding regional electoral councils. These catalogues are to be prepared, copied and maintained at respective sites from the time registration opens until three months after the elections. Once the vote tally has been concluded at ballot receiving boards, one or two of the political parties or alliances' poll-watchers at each board will accompany the sealed packages of election documents to respective regional electoral councils for recounting. Poll-watchers have the right to inspect ballot boxes before voting begins. Voting counting will be carried out in the presence of ballot receiving board members and their alternates, poll-watchers and observers. (In many Latin American countries, voter registration lists are not made available by law or in practice to opposition parties and the general public.) Use of government property, public employees' work-time prohibited in election campaigns The use of government property is prohibited for party campaigning activities. Government employees are prohibited from engaging in partisan or campaign activities during office hours. In addition, public and private employers are prohibited from obligating employees in any way to become involved in political campaigning. Opinion polls Public opinion polls are permitted until 30 days before the Feb. 25 election. When elected executive & legislative officials take office The president and vice president elected on Feb. 25, 1990, will take office on April 25. In effect, they would hold office for a seven-year period, which includes the 10 months remaining in the current term and the subsequent six-year term. Members of the National Assembly elected Feb. 25, 1990, will take office on April 24. Phases of electoral process The electoral process has three phases: April 25 - August 25: Parties apply for certification,
prepare, organize, mobilize. Partisan public rallies may be held with permits. August 25 - December 3: Registration of candidates, distribution of public financing, public rallies and electoral activities without authorization permitted (notification is required). December 4 - February 21: Full campaign activities. International monitoring of electoral process The Nicaraguan government has requested that the United Nations, the Organization of American States and the European Parliament send official monitors to observe throughout the entire process beginning April 25. The government has also issued formal invitations to other organizations and individuals to observe the electoral process, such as former President Jimmy Carter. Many foreign governments and organizations plan to send observer delegations separate from the efforts of multilateral groups in which they are members or affiliates. Non-electoral issues decided in discussions occurring simultaneously with those bearing on the February elections: Suspension of the military draft from September 1989 until after the Feb. 25, 1990, elections. Repeal of the Law for the Maintenance of Order and Public Security, which allows the arrest of government opponents suspected of subversive activity. Repeal of a law allowing police to try and sentence criminals. Prohibition of property confiscation for political reasons. Unconditional amnesty for political prisoners once contra camps in Honduras are dismantled. This move will benefit 1,605 contras in Nicaraguan jails. The government will review the release of prisoners on lists submitted by opposition political parties in which it is demonstrated that said prisoners are party members and were detained for political activities.

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