

Date Printed: 01/06/2009

JTS Box Number: IFES_15
Tab Number: 31
Document Title: ELECTORAL LAW AND REFORMS
Document Date: 1988
Document Country: NIC
Document Language: ENG
IFES ID: EL00400



law/Nic/1988/07/eng

ELECTORAL LAW AND REFORMS



supreme electoral council

Law No. 43 and 56

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA

Hereby informs the People of Nicaragua that:

THE NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA

By the powers vested in it

has decreed

The following:

REFORMS TO AND INCORPORATIONS TO THE **ELECTORAL LAW** PUBLISHED IN LA GACETA, OFFICIAL RECORD, No. 167 OF OCTOBER 18, 1988 INCORPORATED INTO THE LAW AND READS IN THE FOLLOWING MANNER:

TITLE I

CHAPTER I

Elections

Article 1. This present law regulates the electoral processes of:

1. President and Vice-President of the Republic.
2. Representatives to the National Assembly.
3. Representatives to the Central American Parliament.
4. Members of the Regional Councils of the Autonomous Region of the Atlantic Coast.
5. Members of the Municipal Councils.

In equal form this law regulates the plebiscites and referenda and the exercise of the rights to organize or join political parties for the purposes of participating in, exercising, or vying for power.

Article 2. The Electoral Branch shall be in charge of organizing, directing, and supervising election of the officials indicated in the preceding Article, as well as plebiscites and referendums, all in accordance with the Constitution, laws on such matters, and regulations issued to this effect by the Supreme Electoral Council.

Article 3. The elections shall take place on the Sunday established by the Supreme Electoral Council within the first thirty days of the 90-day period preceding the date on which, according to the law, the terms for those to be elected are to begin. Plebiscites and referendums shall be held on the day on which they are called for by legislative decree. The date of the election of deputies to the Central American Parliament shall be set in accordance with the Treaty creating said body.

Article 4. The Supreme Electoral Council shall draw up an election timetable with sufficient advance notice before each election, to include, among other things, the periods for voter and candidate registration, election campaigning and the date of the vote.

The Supreme Electoral Council may modify or reform the election timetable, particularly these periods and deadlines, as necessary.

TITLE II

THE ELECTORAL BRANCH

CHAPTER I

Electoral Agencies

Article 5. The Electoral Branch is composed of the following bodies:

- 1) the Supreme Electoral Council,
- 2) the Election Councils, and
- 3) Ballot Collecting Boards.

And the other electoral agencies established in the present law.

Article 6. The Supreme Electoral Council is composed of five Magistrates and their respective alternates, elected by the National Assembly from lists of three candidates for each position submitted by the President of the Republic. The National Assembly shall choose the Chairman of the Supreme Electoral Council from among the Magistrates elected to the Council.

In order to strengthen the Constitutional principle of pluralism, the President of the Republic shall request that representatives of political parties in the National Assembly submit nominees for consideration and inclusion in the lists of three candidates referred to in the previous paragraph.

The President of the Republic, in two of the lists of three candidates, shall take into account proposals by the representatives of the political parties, excluding the government party; he shall compose them giving priority according to the votes obtained by the parties in the last elections for high office.

The representatives of the political parties shall have a period of fifteen days in which to present their proposals. If they do not meet this deadline, the President of the Republic shall submit five lists of three proposed candidates to the National Assembly for its consideration.

Article 7. The following qualities are required in order to be a Magistrate on the Supreme Electoral Council:

- a) Nicaraguan citizenship;
- b) Full possession of civil and political rights; and
- c) A minimum age of 25 years.

Article 8. The post of Magistrate or alternate Magistrate to the Supreme Electoral Council is incompatible with active duty status in the military or the holding of any other public post, except in teaching or medicine.

Persons who are married to each other or related within the fourth degree

of consanguinity or second degree by marriage, may not both be appointed as full or alternate Magistrates.

Article 9. The Chairman and other Magistrates on the Supreme Electoral Council shall exercise their duties for a six-year term beginning on the date they take office. During this term they shall enjoy immunity.

Article 10. The Supreme Electoral Council shall have the following powers:

- 1) To organize and direct elections, plebiscites, or referendums called in accordance with the Constitution and the law.
- 2) To appoint members of the other electoral organizations in accordance with this law.
- 3) To draw up an election timetable.
- 4) To apply the constitutional and legal provisions related to the election process.
- 5) To monitor and exercise ultimate authority over the decisions of subordinate electoral organizations and appeals and challenges submitted by political parties.
- 6) To formulate pertinent measures in accordance with the laws governing such matters to ensure that elections are held with full guarantees.
- 7) To demand security for political parties participating in elections from the relevant agencies.
- 8) To do a final counting of the votes cast in elections, plebiscites, and referendums; and to announce the final results.
- 9) To set its own regulations.
- 10) Any other powers conferred on it by the Constitution and the laws.

Article 11. The Magistrates and alternate Magistrates on the Supreme Electoral Council shall take the oath of office before the President of the National Assembly in a plenary session.

Article 12. In the absence of a Magistrate, the respective alternate shall assume his duties. If the absence is permanent, the President of the Republic shall send a list of three nominees to the National Assembly so that it may proceed to choose someone to assume the office as a full member, in accordance with the procedure established in Article 6 of this law.

In the temporary absence of the Chairman of the Council, it shall be chaired by one of the Magistrates chosen by the Council itself by an absolute majority.

In case of the permanent absence of the Chairman, the procedure outlined in the first paragraph of this Article shall be implemented and the National Assembly shall designate a Magistrate as permanent Chairman.

In case of permanent absence of alternates, the procedure shall be in accordance with Article 6 of this law.

Article 13. A quorum of the Supreme Electoral Council shall exist when three of its members are present and decisions shall be passed by an absolute majority of the votes present. In case of a tie, the Chairman shall have two votes.

The Magistrates may explain their votes by means of a written opinion attached to the corresponding record. The Council shall appoint a recording Secretary upon the Chairman's proposal.

Article 14. The Supreme Electoral Council shall consult the Council of Political Parties before setting a timetable or electoral ethics, as well as appropriations to political parties in accordance with this law. It shall also consult on other issues it deems relevant.

CHAPTER II

Chairman of the Supreme Electoral Council and the Magistrates

Article 15. The following are functions of the Chairman of the Supreme Electoral Council:

- 1) Preside over the Supreme Electoral Council and convene it at his/her initiative or at the request of three of its members.
- 2) Serve as the official and legal representative of the Supreme Electoral Council.
- 3) Comply with and enforce the Council's decisions.
- 4) Administrate the electoral agency and coordinate its activities.
- 5) Create the necessary support staff positions and fill them.
- 6) Others conferred by law and the decisions of the Council.

Article 16. The duties of the other four Magistrates are as follows:

- 1) Participate in the Supreme Electoral Council's meetings and decision-making process with voice and vote.
- 2) Assist the Chairman in the execution of the tasks assigned by Council decisions.

CHAPTER III

Electoral Councils

Article 17. For the organization of elections, there shall be nine Electoral Councils composed of a Chairman and two members with their respective alternates, appointed by the Supreme Electoral Council.

In these appointments, the Supreme Electoral Council shall take into account the principle of political pluralism established in the Constitution.

Article 18. For the purposes of the preceding article and other electoral considerations, the following regions are established:

- 1) Region One, comprised of the provinces of Nueva Segovia, Madriz, and Esteli.
- 2) Region Two, comprised of the provinces of León and Chinandega.
- 3) Region Three, comprised of the province of Managua.
- 4) Region Four, comprised of the provinces of Granada, Masaya, Carazo, and Rivas.
- 5) Region Five, comprised of the provinces of Chontales and Boaco, as well as the municipalities of Rama, Nueva Guinea, Muelle de los Bueyes, Bocana de Paiwas, and El Almendro.
- 6) Region Six, comprised of the provinces of Matagalpa and Jinotega.

- 7) Region Seven, comprised of the Northern Atlantic Autonomous Region.
- 8) Region Eight, comprised of the Southern Atlantic Autonomous Region.
- 9) Region Nine, comprised of the province of Río San Juan.

Article 19. The Chairman and members of the Electoral Councils must meet the requirements of Articles 7 and 8 of this law.

Alternates shall become members of the Council in the case of temporary or permanent absence of Council members.

The Supreme Electoral Council shall replace Chairmen and full and alternate members of the Electoral Councils who are permanently absent.

Article 20. The following are duties of the Electoral Councils:

- 1) To appoint and place in office members of the Ballot Receiving Boards.
- 2) To hear and rule on complaints, challenges, and appeals against the Ballot Receiving Boards.
- 3) To verify the vote count by the Ballot Receiving Boards.
- 4) To accredit poll watchers from political parties, alliances, and associations nominating by petition that participate in the elections.
- 5) Others designated by law and by decision of the Supreme Electoral Council.

Article 21. A quorum in the Electoral Councils shall be a majority of its members. Decisions shall be made by agreement of two. In the case of a tie, the Chairman will have two votes.

Article 22. The Chairman convenes, presides over, and represents the Electoral Council. He or she shall be in charge of administering the electoral agency in the region and shall present to the Chairman of the Supreme Electoral Council proposals for auxiliary staff.

Article 23. In the temporary absence of the Chairman, the respective alternate shall assume his duties.

CHAPTER IV

Ballot Receiving Boards

Article 24. For voter registration, the holding of elections and vote count for same, a sufficient number of Ballot Receiving Boards shall be established in each Region. The area for which they shall exercise jurisdiction shall be determined by the Supreme Electoral Council by means of an administrative decision, published with due notice.

Article 25. The Ballot Receiving Boards shall be composed of a Chairman and two members with respective alternates. They must meet the requirements in Articles 7 and 8 of this law, with the exception of the minimum age requirement, which in this case shall be 18.

Article 26. The Ballot Receiving Boards shall be appointed by the Electoral Council of the corresponding Region as follows:

- 1) Chairman and one member, with their respective alternates chosen by them.

- 2) Another member and his or her alternate nominated by the political parties represented in the National Assembly. Lack of such nomination in one of several Boards shall not impede their formation or operation.

Article 27. A majority of members shall constitute a quorum on the Ballot Receiving Boards. Two concurring votes are sufficient for decisions. In case of a tie, the Chairman will have two votes.

Article 28. The duties of Ballot Receiving Boards are:

- 1) To determine whether voter registration meets legal requirements and authorize it if so.
- 2) To guarantee the exercise of suffrage.
- 3) To receive ballots.
- 4) To count votes.
- 5) To guarantee order in the corresponding precinct during registration and voting.
- 6) To process challenges and appeals pursuant to this law.
- 7) Others established in this Law and decisions by the Supreme Electoral Council.

TITLE III

Poll Watchers

Article 29. Each political party, alliance and association nominating by petition with candidates registered in the Supreme Electoral Council, has the right to appoint a poll watcher and respective alternate to the Supreme Electoral Council, the Electoral Councils, and the Ballot Receiving Boards during registration, voting and ballot counting.

Poll watchers may be appointed at any time prior to the fifteen days preceding the elections and they should report to the corresponding agencies.

Failure to appoint one or several poll watchers in one or more of the electoral agencies shall not impede its or their operation.

Article 30. The poll watchers appointed according to the preceding Article shall have the following power:

- 1) To be present in the Electoral Councils during the period of registration of electors and during the counting of votes.
- 2) To be present at the site where each Voting Board operates on the days of registration, voting, and ballot counting.
- 3) To be present at the National Tally Center of the Supreme Electoral Council while reports from the Ballot Receiving Boards and Electoral Councils are received and processed.
- 4) To make use of the appeals contained in this law.
- 5) To make observations on the minutes when deemed appropriate and sign them. Refusal to sign minutes shall be stated therein with the reasons given by the poll watchers. The poll watchers' signatures on the minutes is not required for them to be valid.
- 6) Others indicated by law and decisions by the Supreme Electoral Council.

TITLE IV

CITIZENS

CHAPTER I

Electoral Rights of the Citizen

Article 31. Universal equal suffrage through direct, free and secret voting is the right of all Nicaraguan citizens, who shall exercise it in accordance with the provisions of the Constitution and the laws of the country. All Nicaraguans who have completed 16 years of age are citizens.

Article 32. To exercise the right to vote, citizens must:

- 1) Be in full possession of their rights;
- 2) Register in the electoral registries; and
- 3) Follow the procedures established by the Electoral Law and regulations of the Supreme Electoral Council.

CHAPTER II

Voter Registration

Article 33. Nicaraguan citizens are obliged to register with their corresponding Ballot Receiving Board in accordance with this Law and during the period established for this purpose by the Supreme Electoral Council. No registration shall be permitted outside of this time period.

Article 34. Nicaraguans who have not reached legal voting age on the date of voter registration, but who will have reached it on or before the date of the elections, bear the same obligation established in the preceding article.

Article 35. Registration shall occur at the Ballot Receiving Board corresponding to each citizen's usual residence, even though they may temporarily be elsewhere. Members of the Defense and Security Forces of the Nation shall register at the Ballot Receiving Board for the area where they are on duty.

Members, poll watchers, and auxiliary personnel of a Ballot Receiving Board shall register at said Board.

Article 36. The Ballot Receiving Boards shall work in the places and sites, and on the days and times, set by the Supreme Electoral Council for voter registration.

Article 37. Voter registration is personal and non-transferable. To identify themselves and provide proof of age, citizens may use:

- 1) Birth certificate,
- 2) INSSBI identification card,
- 3) Driver's license,
- 4) Passport,
- 5) Any other identification document.

Citizens who do not have identification documents may present two competent witnesses who swear under oath as to the identity and age of said citizen. Registration shall be completed with signature and fingerprint. Those who cannot write shall leave their fingerprint. Cases of persons lacking upper extremities shall be recorded.

Proof of identity shall be evaluated pursuant to standards of sound criticism by the Ballot Receiving Board, which shall accept or reject registration.

Article 38. The registration shall be done in the Voter Catalogs maintained by each Ballot Receiving Board. The Voter Catalogs shall be identified by number and by the name, location, and number of the Board.

Article 39. The Voter Catalogs shall record:

- 1) The citizen's complete name.
- 2) Date and place of birth.
- 3) Sex.
- 4) Usual residence and address.
- 5) Signature and fingerprint. If a citizen cannot sign, the fingerprint will suffice. When the upper extremities are missing, note of this circumstance will be made.
- 6) Indication as to whether or not the citizen voted, given the opportunity. For this, there shall be a special box.
- 7) The form of identification used.

Article 40. Voter Catalogs shall be kept in duplicate. One copy shall be kept by the Supreme Electoral Council and the other by the Electoral Council of the corresponding judicial district, for legal purposes.

Article 41. Voter Catalogs shall record the date of registration and voting; information on the opening and closing of the catalogs signed by Voting Board members and by the poll watchers if they so desire.

Article 42. Every day after registration closes, the Ballot Receiving Boards shall announce those registered by posting the lists of their names at registration sites. These lists shall remain posted for ten days. They shall contain the registration number and code, and full names of the citizens.

Article 43. Each registered citizen shall receive a Civic Booklet containing:

- 1) Full name,
- 2) Age and sex,
- 3) Address,
- 4) Location and number of the Ballot Receiving Board,
- 5) Registration number,
- 6) Space to note whether or not the citizen voted,
- 7) Signature and seal of the Chairman of the Ballot Receiving Board.

Article 44. The Supreme Electoral Council may, after consultation with the Council of Political Parties, technically improve the format, design, and codification of the Voter Catalogs.

CHAPTER III

Review of Voter Registration and Appeals

Article 45. The Voter Catalogs shall be sent by the Ballot Receiving Boards to the corresponding Electoral Council and to the Supreme Electoral Council when the voter registration period is over. The corresponding Electoral Council shall routinely or at the request of the interested parties examine the Catalogs and purge them if necessary.

Article 46. Interested parties may request that the corresponding Electoral Council correct registration errors, incorrect registrations and omissions.

Article 47. For the purposes of the preceding Article, an interested party is understood to mean the citizen affected and the political parties, alliances or associations nominating by petition to which this law refers.

Article 48. When an interested party requests that an Electoral Council include or exclude a citizen in the Voter Catalogs, that request must be presented in writing. It may be submitted to that Council or to the respective Ballot Receiving Board within ten days following the close of voter registration. The Board, if approached, shall send the request to the respective Electoral Council which shall rule on it within five days following receipt of said request.

Article 49. When a Civic Booklet is destroyed, lost, or contains errors, the citizen shall appear before his regional Electoral Council to request replacement or correction. The Council shall decide on the request within three days based on its merits. The deadline for making the request is thirty days prior to the date of the election.

TITLE V

POLITICAL PARTIES

CHAPTER I

General Provisions

Article 50. Nicaraguan citizens have the right to organize political parties, or join already existing parties for the purposes of participating in, exercising, and vying for power.

Article 51. Political parties are legal entities under public law constituted by Nicaraguan citizens. They shall have their own principles, political programs and goals. They shall be governed by their own bylaws, subject to the Constitution and laws of the country.

CHAPTER II

Rights and Duties of Political Parties

Article 52. The rights of political parties are to:

- 1) Organize freely throughout national territory.
- 2) Publicize their principles and political programs without ideological restrictions, except those contained in the Constitution.
- 3) Recruit supporters.
- 4) Establish their own bylaws.
- 5) Express opinions on public issues in keeping with the law.
- 6) Appoint, and substitute at any time, their representatives and alternates to the Assembly of Political Parties.
- 7) Run candidates in the elections.
- 8) Own property.
- 9) Form alliances among themselves.
- 10) Hold private meetings and public demonstrations.
- 11) Raise the funds necessary for operation, in keeping with this law and others on the subject.

Article 53. Duties of political parties are to:

- 1) Abide by the Constitution and laws.
- 2) Defend the freedom and independence of Nicaragua and the sovereignty and right to self-determination of the Nicaraguan people.
- 3) Abide by the decisions of the Supreme Electoral Council and the Council of Political Parties.
- 4) Promote and encourage respect for human rights in political, economic, and social matters.
- 5) Submit to the Council of Political Parties a list of the members of its national, regional, provincial, and municipal bodies and, as the case may be, notice of recall of any of these members and any modifications in the party's bylaws.
- 6) Answer for activity conducted within alliances formed with other political parties, and specific actions taken with same.

CHAPTER III

Assembly of Political Parties

Article 54. The Assembly of Political Parties is the consultative body of the Council of Political Parties. Properly formed political parties shall have the right and duty to join this organization by appointing representatives to it.

Article 55. The Assembly of Political Parties shall be composed of a representative from each one of the political parties with legal status. It shall have a president chosen by the National Assembly from lists of three candidates submitted by the President of the Republic.

The Assembly of Political Parties shall elect a vice-president from among its members.

The secretary of the Assembly of Political Parties shall be chosen from among its own members, by the National Assembly, according to how they placed in the last election for high office, excluding the party in power.

Each member of the Assembly of Political Parties shall have an alternate.

Article 56. The duties of the Assembly of Political Parties are to:

- 1) Analyze and comment on reports submitted to it by the Council of Political Parties.

- 2) Provide consultation on matters brought up by the Council of Political Parties or any other state institution.
- 3) Elect four of its members to the Council of Political Parties and substitute said representative should they cease to represent their parties.
- 4) Approve a draft expense budget and a budget for the Council of Political Parties.
- 5) Approve its own bylaws.

Article 57. The Assembly of Political Parties shall meet when convened by the President, or at the request of two thirds of its members.

Article 58. A quorum of the Assembly exists when more than half of its members are present. Decisions shall be passed by one-half plus one of those present.

CHAPTER IV

Council of Political Parties

Article 59. The Council of Political Parties shall be composed of:

- 1) The President of the Assembly of Political Parties who shall serve as Chairman of the Council.
- 2) Four persons chosen by the Assembly of Political Parties, including the vice-president, in accordance with Articles 55 and 56 of this law.
- 3) Six members chosen by the National Assembly including the Secretary, in keeping with Article 55 of this law.

The members of the Council of Political Parties shall be appointed with their respective alternates.

Article 60. The Council of Political Parties shall meet when convened by its Chairman. Quorum exists when six members are present and decisions shall be passed by the votes of more than half of those present. In case of a tie, the Chairman shall have two votes.

The Chairman must convene the Council at the request of more than half of its members.

Article 61. The Council of Political Parties shall have the following duties:

- 1) To grant legal status as political parties to groups fulfilling the requirements and procedures established in this law.
- 2) To annul or suspend the legal status of political parties in situations contemplated in this law.
- 3) To include representatives of political parties in the Assembly of Political Parties.
- 4) To settle conflicts regarding the legitimacy of representatives and leaders of political parties based on documents in the Council's possession and hearing the disputing parties.
- 5) To monitor and determine compliance with legal provisions regarding political parties and their bylaws.
- 6) To send a draft Expense Budget to the Assembly of Political Parties for approval and processing according to the law.

- 7) To convene the Assembly of Political Parties.
- 8) To approve its own bylaws.
- 9) Others established by law.

Article 62. Political parties or petitioning groups may appeal final decisions by the Council of Political Parties on matters described in clauses 1, 2, 3, 4, and 5 of the preceding Article, to the Supreme Electoral Council within a period of five days.

CHAPTER V

President of the Assembly and Chairman of the Council of Political Parties

Article 63. The President of the Assembly and the Chairman of the Council of Political Parties shall have their respective alternates and may be substituted at any time.

Article 64. In the temporary absence of the President of the Assembly or Chairman of the Council of Political Parties, the vice-president or vice-chairman shall assume that role.

If the absence is permanent, the President of the Republic shall send a list of three candidates to the National Assembly, from which this body shall choose a replacement.

Article 65. It is the responsibility of President of the Assembly and Chairman of the Council of Political Parties to:

- 1) Convene and preside over sessions of both agencies.
- 2) Legally represent the organizations.
- 3) Create the administrative posts necessary for operation and appoint persons to fill them.
- 4) Carry out the decisions passed by the Council of Political Parties.
- 5) Submit recommendations from the Assembly of Political Parties to the Council of Political Parties for consideration.
- 6) Answer and resolve complaints by the political parties.
- 7) Draw up a draft Expense Budget for the Council of Political Parties. Should the Assembly of Political Parties fail to approve said budget within fifteen days, it shall be sent to the Ministry of Finance for later processing.
- 8) Other duties that the law may confer.

CHAPTER VI

Formation of Political Parties

Article 66. Citizens interested in forming a political party must submit an application to the Council of Political Parties for authorization to conduct activities aimed at forming a party and must meet the requirements established in this law to request legal status.

The authorization must specify the activities authorized and the deadline for fulfilling the requirements, not to exceed 90 days. If legal status is not obtained by this deadline, the period shall be considered expired and reapplication cannot be made for a period of three years.

Article 67. In order to obtain authorization, the following must accompany the application:

- 1) The charter creating the political grouping.
- 2) Name and emblem of the party to be formed.
- 3) The political principles, programs and bylaws of the party.
- 4) List of property belonging to the party.
- 5) Name of the legal representative and his/her alternate.

Article 68. The name and emblem requested must clearly differ from those authorized for existing political parties.

Article 69. Once the application is submitted, the Council of Political Parties shall open a period of ten calendar days in which existing legal political parties may challenge the request should they so desire.

Once this period has expired, the Council of Political Parties shall decide on the substance and the form. If the decision is positive, it shall authorize the group to conduct the activities necessary to form a party. If it is negative, the petitioners may remedy the defects in their application within fifteen days.

Article 70. To obtain legal status, leadership bodies must be constituted as follows:

- 1) At the national level, with no less than nine members.
- 2) In each electoral region established in this law, with no less than seven members.
- 3) In each province, according to politico-administrative divisions, with no less than six members.
- 4) In each municipality, according to politico-administrative divisions, with no less than five members.

Members of the leadership bodies must be registered in the Voter Catalogs from the last election, except for those Nicaraguans who were not of legal age at that time or had a valid excuse in terms of this law.

Article 71. Applicants shall submit documents listing the members of the leadership bodies to the Council of Political Parties.

The Council shall notify the political parties of the submission and allow fifteen working days for them to comment.

Article 72. Political parties may oppose the application in writing, within the time period indicated, and must substantiate their objections.

Article 73. If any objection is made, it shall be reported to the representative of the applicant group so that he/she can respond within ten days. With or without a response, the Council of Political Parties shall decide the case in accordance with the law.

Article 74. At any time in the procedure, the applicant group may rectify deficiencies pointed out to it by the Council of Political Parties.

Article 75. Once the procedures and terms of the previous Articles are completed, the Council of Political Parties shall grant or deny legal status to the applicant group, applying the rules of sound judgement.

Article 76. The procedure outlined in this chapter shall be applied, where relevant, to any request by political parties for changes in emblem or name.

CHAPTER VII

Annulment and Suspension of Legal Status for Political Parties

Article 77. The Council of Political Parties may, routinely, at the request of the Attorney General, or at the request of other political parties, annul or suspend the legal status of political parties for non-compliance with the duties established in this law.

Suspension of a political party prohibits it from functioning for a specified period. Annulment dissolves the party.

Article 78. Causes for suspension are non-compliance with clauses 1, 3, 5 and 6 of Article 53 and Article 129 of this law.

Article 79. Causes for annulment are:

- 1) Repeated non-compliance with the terms of the preceding Article.
- 2) Violation of clauses 2 and 4 of Article 53, and Articles 126 and 127 of this law.
- 3) Self-imposed dissolution of the political party or merger with another that absorbs it.

Article 80. Once this procedure is initiated by the Council or a request for suspension or annulment is received, the affected party shall be informed and given 15 days to respond.

After this period has expired, with or without a response the Council of Political Parties shall open a fifteen day period for receiving evidence, and shall issue a decision within thirty days.

Article 81. The decision of the Council of Political Parties may be appealed under the terms of Article 62 of this law.

TITLE VI

Polling Districts

Article 82. The President and Vice-President of the Republic shall be elected nationwide.

Article 83. Election of Representatives to the National Assembly will be by regional districts according to the territorial division of this law and with the following distribution:

- Region One, nine Representatives.
- Region Two, fifteen Representatives.
- Region Three, twenty-five Representatives.
- Region Four, fourteen Representatives.
- Region Five, ten Representatives.
- Region Six, eleven Representatives.
- Region Seven, three Representatives.

Region Eight, two Representatives.

Region Nine, one Representative.

The number and distribution of Representatives may vary subject to Article 132 of the Constitution and approval by the National Assembly.

Article 84. The forty-five members of each of the Regional Councils of the Atlantic Coast Autonomous Regions shall be elected in fifteen districts according to the following boundaries:

South Atlantic Autonomous Region:

- 1) Polling districts within the city of Bluefields:
One: Beholden and Pointeen neighborhoods.
Two: Old Bank and Pancasán neighborhoods.
Three: Santa Rosa and Fatima neighborhoods.
Four: Punta Fria, Canal, and Central neighborhoods.
Five: San Mateo, San Pedro, Teodoro Martínez neighborhoods.
Six: Tres Cruces, Nueva York, Ricardo Morales Aviles, and Dieci-nueve de Julio neighborhoods.
- 2) Polling districts outside of Bluefields' city limits:
Seven: Kukra Hill and Río Kama areas.
Eight: The area made up of Haulover, Rocky Point, Laguna de Perlas, Raitipura, Kakabila, Set Net, and Tasbapauri.
Nine: Corn Island and Little Island.
Ten: The zone at the mouth of the Río Grande river.
Eleven: The Garifonas area comprised of Brown Bank, La Fe, San Vicente, Orinoco, Marshall Point, and Wawashang.
Twelve: The area of Ramas made up of Ramacay, Turswani, Dukunu, Cane Creek, Punta Aguila, Monkey Point, and Wiring Cay.
Thirteen: The Cruz area.
Fourteen: The Tortuguero area.
Fifteen: The area of Kukra River and El Bluff.

In the eighth, ninth, tenth, eleventh, twelfth, and fourteenth districts, the first candidate of all slates nominated must be Miskito, Creole, Sumo, Garifona, Rama, and Mestizo, respectively.

Polling districts of the North Atlantic Autonomous Region are:

- One: Upper Río Coco.
- Two: Lower Río Coco.
- Three: Río Coco valley.
- Four: Yulu, Tasba Pri, Kukalaya.
- Five: Northern and Southern shore.
- Six: City of Puerto Cabezas, sector one.
- Seven: City of Puerto Cabezas, sector two.
- North Plain.
- Eight: City of Puerto Cabezas, sector three.
- Nine: Siuna, sector one.
- Ten: Siuna, sector two.
- Eleven: Siuna, sector three.
- Twelve: Siuna, sector four.
- Thirteen: City of Rosita.
- Fourteen: Rural Rosita, Prinzapolka, and El Empalme Road.
- Fifteen: Bonanza.

In polling districts one, seven, thirteen and fourteen, the first can-

didate of all slates nominated must be Miskito, Creole, Sumo, and Mestizo, respectively.

Article 85. The election of the Municipal Council members shall be held by municipal district.

Article 86. The twenty deputies to the Central American Parliament shall be elected nationwide.

Article 87. Plebiscites and referendums shall be held in the polling districts specified in the legislative decrees calling for them.

TITLE VII

Nomination of Candidates

CHAPTER I

Right of Nomination

Article 88. Candidates for offices outlined in Article 1 of this law may be presented to the Supreme Electoral Council by:

- 1) Political parties.
- 2) Alliances of political parties formed in accordance with this law.

For the election of Regional Councils in the Atlantic Coast Autonomous Regions and Municipal Councils throughout the country, candidates may also be nominated by petition in accordance with the procedure established in this law.

CHAPTER II

Political Parties and Electoral Alliances

Article 89. To nominate candidates, political parties must submit a written application to the Supreme Electoral Council which shall contain:

- 1) Certification by the Council of Political Parties demonstrating the legal status of the party.
- 2) Name of its legal representative and his/her respective alternate.
- 3) Identification of the election or elections in which it will participate.
- 4) Lists of candidates including domicile, place and date of birth noted.
- 5) Office for which they are nominated.
- 6) Initials, emblem, and colors it has adopted for identification purposes, in keeping with Article 68 of this law.

Article 90. To nominate candidates, political parties must submit a written application to the Supreme Electoral Council which shall contain:

- 1) Certification by the Council of Political Parties demonstrating the legal status of the party.
- 2) Legal document showing the formation of the alliance and its name.
- 3) Fulfillment of the requirements in paragraphs 2, 3, 4, 5, and 6 of the preceding Article.

Article 91. The Supreme Electoral Council, having verified compliance

with the provisions of the preceding two Articles, shall proceed to register the candidates.

Article 92. Electoral alliances have the right to request that their candidates be identified on the ballot by placing the initials of their parties next to the candidates names.

Article 93. In elections for President and Vice-President of the Republic, Atlantic Coast Regional Councils, Central American Parliament, or Municipal Councils, political parties in an alliance may not nominate their own candidates in any polling district.

For the election of Representatives to the National Assembly, political parties participating in an electoral alliance may nominate their own candidates in polling districts where none are put forth by the alliance.

Article 94. The following persons may not register as candidates for the elective offices outlined in Article 1 of this law, unless they have terminated their duties one day prior to registration:

- 1) Magistrates on the Supreme Court of Justice and other members of the Judicial Branch who exercise jurisdiction.
- 2) Full and alternate members of electoral agencies.
- 3) Members of the Defense and Security Forces on active duty.

CHAPTER III

Petitioning

Article 95. Nicaraguan citizens have the right to nominate candidates by petition in order to participate in the elections referred to in the last paragraph of Article 88 of this law.

Article 96. To begin the process of nominating a candidate by petition, citizens associated for this purpose must submit the following to the respective Electoral Council:

- 1) A written application signed by a minimum of one percent of the citizens registered in the respective Voter Catalog from the last election, with their names and general information listed.
- 2) Name, initials, emblem and colors by which they wish to be identified.
- 3) The requirements of paragraphs 2, 3, and 4 of Article 89 of this law.
- 4) List of candidates and offices for which they are nominated.
- 5) List of notaries who will witness the signatures on the petitions. Where there is no notary available, the respective Electoral Council shall decide.
- 6) A firm commitment by members to pay the sum established by the Electoral Council should they fail to obtain at least sixty percent of the required signatures, and sufficient fiduciary guarantees in the opinion of the Council.

Article 97. The application described in the preceding Article shall be made specifically for each election and each polling district, and must include signatures equalling at least ten percent of the number of citizens registered in the Voters Catalogs for the previous elections in the corres-

ponding polling districts.

Article 98. Once the application is approved, the Electoral Council shall authorize the applicants so that the proposed notaries or Electoral Council delegates can receive the citizens' signatures petitioning to nominate the candidates.

Announcement of this process shall be the duty of applicants and subject to provisions on electoral ethics contained in this law.

The notaries or delegates from the corresponding Electoral Council shall require citizens to present identification.

Registration in the Voter Catalogs of the previous election shall be a requirement for signing a petition, except for Nicaraguans who were not of legal age or had a legitimate excuse.

Article 99. The sum referred to in clause 6 of Article 96 of this law shall be set by the Electoral Council according to the polling district involved.

Article 100. When the period for gathering signatures has ended, the Electoral Council shall send the corresponding documentation to the Supreme Electoral Council so that it may decide on the requested registration.

CHAPTER IV

General Provisions

Article 101. Political parties or alliances may nominate candidates in one, several or all polling districts in an election.

The slates for each polling district need not necessarily contain the total number of candidates.

Registration of one candidate for more than one office in the same election shall not be permitted, except what is provided for regarding the Central American Parliament.

Article 102. The Supreme Electoral Council shall establish a period for registration of candidates in the election timetable. During that period, political parties, alliances or associations nominating by petition may substitute or withdraw their candidates in one, several or all polling districts.

After this period has expired, no applications for registration or withdrawal of slates or candidates shall be permitted.

Article 103. When the Supreme Electoral Council, in accordance with this law, turns down an application or rejects a candidate for not meeting the legal requirements, it shall notify the applicant party, alliance or association within three days of the decision so that, if deemed appropriate, it may correct the defects or replace its candidates.

If notification is given within the five days of the registration period, the Council shall grant the applicant an additional five days, without extension, for corrections or replacements.

Article 104. When the registration period is over, the Supreme Electoral

Council shall publish the list of candidates in *La Gaceta* and in newspapers with national circulation, and through public posters.

TITLE VIII

Election Campaign

CHAPTER I

Election Campaigning

Article 105. During the election campaign period, the beginning and ending of which shall be established by the Supreme Electoral Council, political parties, party alliances or petitioning associations which have nominated candidates, shall hold activities to win votes by explaining their ideological principles, political, social, and economic programs, and platforms of government. These activities may be realized in any place where citizens with the right to vote may be assembled.

The election campaign shall have a duration of:

- 1) Eighty days for the election of the President and Representatives to the National Assembly.
- 2) Forty-two days for the election of deputies to the Central American Parliament, Regional Councils, and Municipal Councils.

When simultaneous elections are convened, the alternative shall be used that affords the longer period.

The campaigning period for plebiscites and referenda shall be thirty days.

Article 106. During the election campaign, political parties or alliances may, in addition to regular campaigning, publish books, magazines, brochures, pamphlets, flyers, posters, signs, and other materials; make use of the press, radio and television and carry out various political activities in accordance with the existing laws and regulations of the Supreme Electoral Council.

All election campaign material must identify the issuing political party, alliance or association nominating by petition. Printed campaign materials must identify the printer.

They may also use:

- 1) Stationary loudspeakers and loudspeakers mounted in automobiles, between 7:00 a.m. and 8:00 p.m.
- 2) Banners, posters, placards, drawings, billboards and similar means of publicity that may be posted on property and buildings subject to the authorization of the proprietor or inhabitant. Under no circumstances may such items be posted on monuments, public buildings, churches or temples.
- 3) Printed press, radio, and television as freely contracted.

Associations nominating candidates by petition shall have these same rights.

Article 107. Political parties, alliances, or associations nominating by petition that have nominated candidates must accredit a representative and alternate to the corresponding Electoral Council for the purposes of the election campaign.

Article 108. The following procedure shall be followed in order to hold public demonstrations during the election campaign:

- 1) Political parties, alliances or associations nominating by petition shall submit to the corresponding Electoral Council a request to hold the demonstration, indicating the date, time, place and route, at least one week in advance.
- 2) The Electoral Council shall make a decision within forty-eight hours of submission of the request.
- 3) If demonstrations are requested for the same time and place, the corresponding Electoral Council may change the schedule of activities, in consultation with the demonstrators, to avoid disturbances of the peace. The first request submitted shall have preference.

During the election campaign, demonstrations, rallies or marches not sponsored by political parties, alliances or associations nominating by petition taking part in the elections, may not be authorized.

The Supreme Electoral Council shall coordinate with the corresponding authorities to see that other types of non-partisan mobilizations do not interfere with the election campaign.

CHAPTER II

Use of Radio and Television

Article 109. During the election campaign for President and Vice-President of the Republic, and for Representatives to the National Assembly, the Supreme Electoral Council shall guarantee the following for political parties or electoral alliances running candidates:

- 1) Thirty minutes daily on each channel of the state television system.
- 2) Forty-five minutes daily on each of the publicly owned radio stations.

This time shall be distributed in equal amounts among the political parties or electoral alliances.

The parties or party alliances shall enjoy the right to use private radio stations under the principle of free contract, the latter being obligated to guarantee each party or alliance a minimum of five minutes daily.

Political parties or electoral alliances may use their time all at once or distribute it throughout the week. Accordingly, they shall submit their proposals for dates and times to the Supreme Electoral Council, which, after hearing them, and taking into account the programming of the Sandinista Television System and the radio stations, shall make up the final schedule, seeking fairness in the distribution of radio and television time.

In a determined period the channels of the Sandinista Television System and the various radio stations shall present their rates to the Supreme Electoral Council. The Council, in turn, shall set the rates after hearings on the matter.

Each political party or party alliance must pay for the air time and production costs of television and radio programs.

In order to protect national companies, whatever the origin of the funds for production of radio and television programs, their production must be realized by Nicaraguan companies. If circumstances do not permit this,

production may take place outside of Nicaragua, pending the decision of the Supreme Electoral Council, which will make the final decision after hearing the disposition of the appropriate technical authorities.

Article 110. In the election campaign for the Central American Parliament, the provisions of the preceding Article shall apply, except for the air time which shall be allocated as follows:

- 1) Twenty minutes daily on each channel of the Sandinista Television System.
- 2) Twenty-five minutes daily on each of the publicly owned radio stations.
- 3) Fifteen minutes daily on each of the privately owned radio stations.

Article 111. For the municipal elections, the Supreme Electoral Council shall guarantee to each of the political parties or electoral alliances

- 1) Fifteen minutes daily on each of the radio stations without national broadcast range, in those regions in which they have registered candidates.
- 2) Twenty minutes daily on each of the radio stations with national coverage, and five minutes on each channel of the Sandinista Television System, at the end of the campaign, if they registered candidates in at least eighty percent of the municipalities.

The distribution of radio time by region shall be equally divided among participating parties or alliances.

The Supreme Electoral Council shall classify radio stations in order to determine their range.

Article 112. In the election campaign for Regional Councils in the Atlantic Coast Autonomous Regions, the Supreme Electoral Council shall guarantee political parties and alliances with:

- 1) Thirty minutes daily on each of the radio stations in the Autonomous Regions.
- 2) Five minutes on each of the radio stations with national coverage at the beginning and end of the electoral campaign. This provision is equally valid for air time on the state television system.

These periods shall be distributed among the political parties and alliances in equal parts. The minimum time available will not be less than five minutes per week for each party or alliance even if the total exceeds the guaranteed time.

Article 113. The Supreme Electoral Council shall guarantee to associations nominating by petition five minutes per week on radio stations that do not have national coverage in the regions where they have registered candidates.

Article 114. Provisions relating to radio and television stations and the distribution of air time, procedures for drawing up a calendar and schedule, payment and the setting of rates contained in Article 109 of this law, shall be applied to municipal elections and elections to Regional Councils in the Atlantic Coast Autonomous Regions.

Article 115. The simultaneous occurrence of two or more elections will

not produce a cumulative effect on the time established in preceding Articles. The alternative providing the maximum amount of time shall be applicable.

Article 116. Religious radio stations cannot conduct political campaigns.

CHAPTER III

General Provisions

Article 117. The rights established in the two preceding Chapters are exclusively applicable to those political parties, alliances, or associations nominating by petition that have nominated candidates.

Article 118. Publicity promoting abstention in elections is prohibited.

Article 119. Seventy-two hours before voting day, all election campaign activity shall cease and the communications media shall be at the service of the Supreme Electoral Council to publicize information on procedures for exercising the right of suffrage.

Article 120. Any political parties, alliances, or associations nominating by petition that believe their rights have been violated, may appeal Regional Electoral Council decisions to the Supreme Electoral Council within the six days, plus travel time, following notification of the decision in question.

The Supreme Electoral Council shall decide on the appeal by opening an eight day period to receive evidence, and issuing a verdict within the next three days.

CHAPTER IV

Financing the Election Campaign

Article 121. The State shall make a specific budget appropriation to finance the election campaign costs of political parties, alliances, or associations nominating by petition that participate in the election.

Article 122. The Supreme Electoral Council shall submit a draft budget to the Executive Branch for the purposes of the preceding Article. The Executive Branch shall process it.

Article 123. The overall approved allocation will be distributed in the following manner:

- 1) One-half (50%) will be distributed in equal parts among the political parties or alliances of parties that have registered candidates.
- 2) The other 50% will be distributed proportionally among the political parties or alliances of parties registered in the electoral process in accordance with the number of votes obtained in the previous election.

When political parties that made up an alliance of parties in the previous election present themselves separately in the following election, the proportion of the remaining 50% that would have corresponded to the alliance shall be divided among the number of political parties of which the alliance was composed.

An amount determined in direct proportion to the population of the district represented shall be provided to petitioning associations.

Article 124. A Fund for Democracy shall be created for the purpose of financing the costs of the electoral process. This fund will be administered by the Supreme Electoral Council and will be made up by donations from abroad which have the objective of financing political parties, alliances of parties, or petitioning associations, that register candidates to participate in the elections. These donations must be made through the Central Bank or the Ministry of External Cooperation and will also be regulated by other related laws.

These donations shall be distributed in the following manner:

- 1) One-half (50%) for the political party, alliance, or petitioning association which is the object of the donation.
- 2) The other 50% shall form part of a common fund which shall be used by the Supreme Electoral Council for the electoral process.

Any other form of donation shall be processed as established in Article 127 of the present Law, as stated.

Article 125. Each political party, alliance or association nominating by petition may withdraw from the appropriations provided according to the preceding Article only the amount corresponding to the election in which they are participating, the polling districts in which they have registered candidates and the number of candidates registered.

Article 126. Any political party, alliance or association nominating by petition that receives state funding, shall be obliged to use it exclusively for its election campaign, and shall submit a strict account of its expenses, with documentation, to the National Comptroller's Office.

Any unused portion of this funding, or any portion used for a purpose other than that established by this law, must be returned to the state within thirty days of the end of the campaign.

Article 127. Political parties, alliances or associations nominating by petition may receive donations from Nicaraguan citizens residing in the country. The total amount of same must be reported to the Supreme Electoral Council. Donations may not be accepted from private or mixed state institutions, be they national or foreign. Donations from foreigners are strictly prohibited.

Article 128. Political parties, alliances or associations nominating by petition shall be exempt from customs duties when importing election campaign materials, subject to prior authorization by the Supreme Electoral Council.

CHAPTER V

Election Campaign Ethics

Article 129. Election campaigns must respect the fundamental principles of the nation contained in the Constitution, and function in keeping with ethical and moral standards, and respect due to other political parties, electoral alliances, petitioning associations, candidates, voters and the

Nicaraguan people.

To disparage, insult, or slander candidates is absolutely prohibited.

The abuse or improper use of property of the Government of the Republic for political propaganda purposes is forbidden.

There may be no political campaigning in public offices during working hours, nor in educational institutions, schools or universities, during hours of instruction.

Any accusation of violation of this provision or any other type of coercion shall be disposed of as provided in Articles 196, 197 and 199 of this law.

Article 130. The Supreme Electoral Council shall issue a code to regulate election ethics thirty days prior to the beginning of each election campaign.

TITLE IX

VOTING

CHAPTER I

Ballots

Article 131. A separate ballot shall be used for each election with parallel columns listing the candidates of each political party, alliance or association nominating by petition participating in the election. There shall be:

- 1) A ballot of candidates for President and Vice-President of the Republic.
- 2) A ballot of candidates for Representatives and Alternates to the National Assembly from each region, totalling the number of seats assigned to that region.
- 3) A ballot of candidates for Deputies and Alternates to occupy twenty seats in the Central American Parliament.
- 4) A ballot for candidates to the Atlantic Coast Regional Councils, numbering three for each polling district.
- 5) A ballot of candidates for full and alternate members to each municipal council, numbering twenty for the Municipality of Managua; ten for the provincial capitals and municipalities with populations over twenty thousand; and five for other municipalities.
- 6) A ballot clearly explaining the issue to be decided by plebiscite or referendum with a column to vote "yes" and another to vote "no".

Article 132. Ballots shall include the number of candidates put forth by political parties, alliances or associations nominating by petition making use of the opportunity granted by this law.

Article 133. The Supreme Electoral Council, in consultation with the legal representatives of political parties, alliances and associations nominating by petition, shall design the ballots, clearly identifying their names, initials, emblems and colors. Order of appearance on the ballot shall be determined by lot. With sufficient time prior to the election, the Supreme Electoral Council shall draw up and publicize sample ballots.

CHAPTER II

Voting

Article 134. Citizens shall cast their vote at the Ballot Receiving Board in which they are registered.

Article 135. On election day, members of Ballot Receiving Boards and their alternates shall meet at the designated sites at six o'clock in the morning. Once the Board is convened, the alternates shall withdraw from the site. Voting shall begin at seven o'clock in the morning.

Article 136. Ballot Receiving Boards shall be located in the same sites used for registration. These locations should meet the requirements established by the Supreme Electoral Council for ensuring secret voting.

Ballot Receiving Boards that must change sites within their territorial boundary because of *force majeure*, may do so with prior authorization of the Electoral Council of the corresponding polling district.

Article 137. Voting Board members shall write a report on their convocation in the manner and number of copies established by the Supreme Electoral Council, which shall state:

- 1) Names of members.
- 2) Certification that the voting site offers required conditions.
- 3) Number of ballots received for the election.
- 4) Certification that the ballot boxes were inspected in the presence of the poll watchers, if any, and that they were closed and sealed.
- 5) Signatures of the Voting Board members and poll watchers, if they so choose.

Article 138. While voting is taking place and before the Report on the Ballot Count is signed, it is prohibited to:

- 1) Change the site,
- 2) Illegally insert or remove ballots from ballot boxes,
- 3) Remove papers or other election materials from the location.

It is also prohibited for Board members to be absent from their posts. If a Board member must be absent due to *force majeure*, the alternate should assume office. If the alternate is unable, voting shall proceed with the available members. All of this shall be reflected in the Report.

Article 139. Polls shall close at six o'clock in the evening, but may close earlier if all those registered in the Voter Catalogs have voted. They may not be closed while there are registered voters waiting their turn.

Article 140. Each Ballot Receiving Board shall have ballot boxes for each scheduled election, in accordance with this law.

Article 141. The procedure for voting is as follows:

- 1) Each voter shall personally appear before the Voting Board and present his/her civic booklet.
- 2) The Ballot Receiving Board shall verify the authenticity of the civic booklet and confirm that the voter is registered in the Voter Catalog

before giving him/her the corresponding ballots.

- 3) The Chairman of the Ballot Receiving Board shall explain to the voter the method for casting a ballot, warning that the voter may not remain in the area designated for ensuring a secret vote for more than two minutes.
- 4) The voter shall mark each ballot with an "x" in the box of the preferred political party, electoral alliance, or association nominating by petition and shall place it in the corresponding ballot box duly folded.

Article 142. Members of Ballot Receiving Boards, poll watchers accredited to them, and support staff located at Ballot Receiving Boards other than those in which they registered, may vote there upon presenting their civic booklet and credentials. This shall be recorded in the Report.

Article 143. Once the voter has cast a ballot, he/she must ink the right thumb, or in its absence, the left thumb, in indelible ink, and press down ensuring that the fingerprint extends to the base of the nail. The ink should be at the same table where the Ballot Receiving Board is seated.

Article 144. Persons who are physically handicapped may be accompanied by an individual whom they trust in order to exercise the right to vote. This shall be recorded in the respective Report.

Article 145. The Chairman of the Ballot Receiving Board must indicate in the corresponding Voter Catalog whether or not the registered citizen exercised the right to vote.

Article 146. On election day it is prohibited:

- 1) To hold rallies or political meetings that interfere with the elections.
- 2) To sell or distribute alcoholic beverages.
- 3) To enter the voting site armed.
- 4) To politically campaign within the voting site and its surroundings in any manner.
- 5) To arrive in a state of inebriation.
- 6) To form groups around the voting sites.
- 7) To place campaign materials from political parties, alliances or associations nominating by petition inside the polling site.
- 8) To carry out any other activity that tends to block or disturb the normal voting process.
- 9) For Election Police to remain within the confines of the polling location, unless summoned by the Ballot Receiving Board.

These prohibitions shall also be in effect on the days that voter registration is held.

Article 147. Once voting is over, members of the Ballot Receiving Boards shall write a Report on Closing of Polls that should include:

- 1) Time when voting ended.
- 2) Number of voters who cast ballots.
- 3) Name and party represented by the poll watchers who witnessed the voting and their challenges, if any.
- 4) Number of ballots received and number of unused ballots.

Ballot Receiving Board members and any poll watchers present from political parties, alliances, or associations nominating by petition, must

sign the report.

Should the poll watchers refuse to sign, the procedure contained in clause 5 of Article 30 of this law shall be applied. However, if the poll watchers submit challenges but do not sign the Report, those challenges shall be nullified. The quantities shall be written in ink in both numerals and letters.

CHAPTER III

Ballot Counting

Article 148. Once voting is completed and the Report on Closing of Polls is signed, the Ballot Receiving Board shall proceed to conduct a ballot count at the voting site and in view of the poll watchers, if any.

The ballot boxes shall be opened for the count after confirming their condition.

Article 149. Ballots shall be counted and examined to verify that the number of votes matches the number of persons who voted.

Article 150. Only those votes that are recorded on official ballots and are marked with an "x" in the appropriate circle shall be considered valid votes.

Article 151. Ballots on which the intent of the voter cannot be determined and those deposited unmarked shall be null and void.

Article 152. Valid votes shall be classified and counted according to the categories in Article 131 of this law.

Article 153. The Report on Ballot Counting shall be written following the guidelines for form and number of copies set by the Supreme Electoral Council and must include:

- 1) Total number of votes cast.
- 2) Number of valid votes.
- 3) Number of invalid votes.
- 4) The number of ballots received and those not used.
- 5) The votes obtained by each political party, electoral alliance or association nominating by petition for the corresponding election.
- 6) The protests by poll watchers regarding the validity of votes or lack thereof, or any other matter.

Members of the Ballot Receiving Boards and poll watchers for political parties, alliances or associations nominating by petition, if any, must sign the report in accordance with Article 147 of this law.

Article 154. Once ballot count is finished, the Chairman of the Ballot Receiving Board shall report the corresponding results to the Supreme Electoral Council and the Regional Electoral Council by telegraph or other form of communication.

Article 155. As the Supreme Electoral Council receives the reports of the ballot counts, it shall publicize partial, provisional reports.

Article 156. The Chairman of the Ballot Receiving Board shall personally, immediately and with proper protection take the following documents to the Electoral Council of the respective polling district:

- 1) Report on Convocation.
- 2) Report on Closing of Polls,
- 3) Report on Ballot Counting,
- 4) Valid votes,
- 5) Unused ballots,
- 6) Voter Catalogs.

Article 157. The Electoral Council shall review and recount the votes from each of the Ballot Receiving Boards, and later do a recount for all polling districts.

Following this, the Council shall write a Report on the Recount which must meet all the requirements demanded of the Ballot Receiving Boards for reports on voting and closing of polls, where relevant. A copy of this report shall be immediately sent to the Supreme Electoral Council.

The report shall be signed by any poll watchers from political parties, alliances and associations nominating by petition present. If they do not sign, the procedure will continue according to number 5 of Article 30 of this law. However, if the poll watchers submit challenges yet refuse to sign the report, these challenges shall be null and void.

The Electoral Council shall certify the report upon the request of representatives of political parties, electoral alliances or associations nominating by petition that participated in the election.

Article 158. Once the Supreme Electoral Council has received the final results from the ballot counting and recounting process, it shall total the votes and proceed in accordance with the provisions of this law.

TITLE X

Plebiscites and Referenda

Article 159. A plebiscite is a direct consultation of the public regarding important measures that if enacted would affect the fundamental interests of the nation.

Article 160. Referendum is the act of submitting laws or amendments of either ordinary or constitutional nature directly to the people for their ratification.

Article 161. The legislative decree that calls for a plebiscite or referendum shall contain the complete text of the law, political decision or matter to be taken up and the polling district in which the question is to be voted upon.

Article 162. For plebiscites and referenda, the voting schedule shall contain a date for voter registration, if necessary, the time limit for the political campaign, and the voting day. The Supreme Electoral Council shall enforce this law where relevant.

There shall be no financing for publicity nor mandatory publicity.

Article 163. In plebiscites and referenda, the alternative that obtains the majority of valid votes shall be approved.

TITLE XI

Election Results

CHAPTER I

Presidential Elections

Article 164. The candidates of the political party or alliance that obtains a plurality of total valid votes cast in the country shall be elected President and Vice-President of the Republic.

CHAPTER II

Election of Representatives to the National Assembly

Article 165. The election of representatives to the National Assembly, in each region, shall be carried out by utilizing the system of proportional representation by election quotient as established in the following Articles.

Article 166. Each political party or alliance of political parties shall be assigned the number of seats that result from dividing the party's total votes by the region's electoral quotient. The first candidates listed for alternates shall be chosen from the slates put forth by each political party or alliance list until the corresponding number is reached.

Article 167. Any seat to the National Assembly remaining after applying the procedure in the preceding Articles, shall be assigned to the election slates according to the following procedure:

- 1) Political parties or alliances shall be ordered, from greater to lesser, based on the number of votes obtained.
- 2) Based on the order established in the preceding clause a seat shall be assigned to each political party or alliance.
- 3) Candidates for full and alternate Representative to the National Assembly shall be chosen in their order of appearance on the slates from each political party or electoral alliance, in accordance with clauses 2 and 3 of this Article.

Article 168. In regions seven and eight, the electoral quotient shall be determined by dividing the total number of valid votes by the number of seats in the National Assembly for these regions, plus one. In region nine, the electoral quotient shall be determined by dividing the total number of valid votes by the number of seats in the National Assembly for that region, plus two.

Article 169. For the purposes of Article 133 of the Constitution, the regional electoral quotients determined in accordance with Article 180 of this law shall be totalled and the sum divided by nine.

Article 170. In case a Representative to the National Assembly can no longer serve, the alternate shall assume office.

The Secretariat of the National Assembly shall notify the Supreme Elec-

total Council of this change.

If the alternate cannot serve, either before taking office or after having assumed the post, the next alternate on the election slate of that political party or alliance in the corresponding region shall be called. Should the list of elected alternates in that region be exhausted, the process shall continue with elected alternates of that party or alliance in other regions, in the order of the greatest number of votes obtained.

CHAPTER III

Election of Deputies to the Central American Parliament

Article 171. Voters in a district may only cast ballots for representatives from slates of nominated candidates. No modification to the ballot will be permitted.

Article 172. Candidates for Deputies to the Central American Parliament referred to in Articles 1, 3, 86, and 131 numeral 3 of this law will be elected nationally!

Article 173. Each political party or electoral alliance shall be assigned seats in the Central American Parliament by applying the system of proportional representation by election quotient, following where relevant the procedure in Articles 166 and 167 of this law.

CHAPTER IV

Election of Regional Councils on the Atlantic Coast

Article 174. Members of the Regional Councils of the Autonomous Regions of the Atlantic Coast shall be elected by the system of proportional representation by election quotient and will be assigned the number of seats that result from dividing the total number of votes obtained by the election quotient of the district.

Candidates shall be chosen in the order nominated until filling the number of seats corresponding to each slate.

Article 175. Seats that remain unfilled after the procedure in the previous Article, shall be assigned by the following procedure:

- 1) Slates shall be placed in the order of number of votes from greatest to smallest.
- 2) Each slate shall be assigned a seat in the order established by the preceding clause.
- 3) If there are still unfilled seats, the procedure in the preceding subparagraph shall be repeated.
- 4) Candidates shall be chosen according to the order of their appearance on the slate.

CHAPTER V

Election of Municipal Councils

Article 176. The election of candidates to the Municipal Councils shall

be conducted as prescribed in the following Articles.

Article 177. In the municipality of Managua, the first ten candidates from the slate that obtain a plurality shall be elected.

In the provincial capitals and municipalities with more than twenty thousand inhabitants, the first five candidates from slates that obtain a plurality shall be elected.

Article 178. Seats on the Municipal Council that remain vacant after applying the preceding Article, shall be filled through a system of proportional representation by election quotient, according to the following procedure:

- 1) Each political party, alliance, or association nominating by petition shall be assigned the number of seats that result from dividing their vote total by the municipal election quotient. The candidates shall be chosen in the order nominated until reaching the number that each slate is entitled to.

- 2) Seats that remain vacant in line with the preceding clause, shall be assigned in the following manner:

The slates meeting the requirement of Article 175 of this law shall be placed in order according to the number of votes obtained, from greatest to least, and a seat shall be assigned in the order established.

If there are still vacant seats, the procedure shall be repeated as many times as necessary until all seats are filled.

Candidates shall be chosen from the slate of each political party, electoral alliance, or association nominating by petition in order of appearance on the slate and in keeping with this Article.

Article 179. If a member of the Municipal Council is no longer able to serve, his/her respective alternate shall assume the post. The Municipal Council shall notify the Supreme Electoral Council of this change.

If the alternate cannot assume office or must withdraw after having joined the Council, the next alternate on the slate nominated by political parties, electoral alliances, or associations nominating by petition shall be called.

Article 180. In municipalities with less than 20,000 inhabitants, the first three candidates on the slate that obtains a plurality, and the first two from the slate placing second in the election shall be elected.

If the second place slate did not obtain five percent of the valid votes to fill the remaining two seats, then the procedure outlined in clause two of Article 177 of this law shall be applied.

CHAPTER VI

General Provisions

Article 181. The election quotient of a polling district shall be determined by dividing the number of valid votes by the number of Representatives to the National Assembly, Deputies to the Central American Parliament, members of the Regional Councils in the Atlantic Coast Autonomous

Regions and Municipal Councils to be elected in that polling district through the application of said quotient.

Article 182. In applying the procedure in Articles 172 and 177 of this law, decimals and fractions shall be eliminated.

Article 183. The Supreme Electoral Council shall make the necessary calculations, apply the provisions of this Title based on the Reports on the Recount, and publish the results.

TITLE XII

Errors and Nullities

Article 184. Arithmetic errors by the Ballot Receiving Boards shall be corrected by the Electoral Council of the region, routinely or at the request of an interested party.

Article 185. Votes at any Ballot Receiving Board shall be null and void when:

- 1) Said Board was illegally convened.
- 2) Voting was held in locations different from those designated by the respective election authorities.
- 3) Without any justifiable cause, the election results were turned in at any time other than those periods established by law.

Article 186. The poll watchers shall submit their request for correction of arithmetic errors or nullity to the Ballot Receiving Boards. The latter shall include this in the Report on Ballot Counting and shall send it, together with all other documentation on voting, to the Electoral Council of its polling district.

Article 187. The Electoral Council of the respective polling district shall issue a decision on any request for annulment or correction of arithmetic errors within five days. The Council shall notify the petitioner of its decision. The appeal established in Article 190 of this law is not applicable against this decision.

Article 188. If the Electoral Council of the respective polling district declares voting null and void at one or more Ballot Receiving Boards, it shall inform the Supreme Electoral Council. The latter shall declare the entire election null and void if it is determined that these nullities were decisive in the election.

Article 189. The Supreme Electoral Council may routinely or by request declare election of one or several candidates null and void at any time before he/she takes office, when fraud, bribery or violence is proven or when the candidate does not meet the requirements of office established by the Constitution and other laws.

Article 190. The Supreme Electoral Council shall publicize the declaration of nullity and shall notify the President of the Republic and the National Assembly so that they may act on the case.

Article 191. Within the five days following publication of the information referred to in Article 182 of this law, political parties, electoral alliances,

or associations nominating by petition that participated in the election may submit appeals to the Supreme Electoral Council.

Article 192. Once an appeal is submitted, the Supreme Electoral Council shall notify the political parties, electoral alliances, or associations nominating by petition that a five day period, starting with receipt of notification, is open for them to respond if they so desire. The Council shall issue a decision within ten days after this period expires.

Article 193. If an election is declared null and void, the Supreme Electoral Council shall proceed in accordance with Article 189 of this law.

TITLE XIII

Announcement of Election Results

Article 194. Once the period in Article 190 of this law expires, or a negative decision is issued on the appeal, the Supreme Electoral Council shall, through a resolution, announce election of, as the case may be:

- 1) President and Vice-President of the Republic.
- 2) Full and alternate Representatives to the National Assembly.
- 3) Full and alternate Deputies to the Central American Parliament.
- 4) Members of Regional Councils in the Atlantic Coast Autonomous Regions.
- 5) Full and alternate Municipal Council members.

Article 195. The aforementioned resolution shall be forwarded for publication in *La Gaceta*, the official journal, and shall also be sent to the communications media for publication.

TITLE XIV

Electoral Crimes

Article 196. A sanction of incommutable imprisonment from ten to one hundred and eighty days shall be applied to:

- 1) Any citizen who deliberately disobeys the instructions of the Ballot Receiving Board regarding the manner for voting, or who through fraudulent behavior impedes the normal process of registration and voting.
- 2) Anyone who intentionally damages or destroys election campaign material.
- 3) Anyone who does not respect the provisions of this law or the decisions of the Supreme Electoral Council regarding campaign material.
- 4) Public servants, employees, or authorities who do not honor instructions from electoral agencies.
- 5) Anyone who attempts to register or vote more than once.
- 6) Anyone who fraudulently provides false information in registering with the Ballot Receiving Board.

Article 197. A sanction of incommutable imprisonment from six to twelve months shall be applied to:

- 1) Anyone who attempts to force another, by violence, threat, or bribery to:
 - 1.1 Support a specific candidacy.
 - 1.2 Vote a certain way.
 - 1.3 Abstain from voting.
- 2) Anyone who fraudulently obstructs the process of registration and voting.
- 3) Anyone who attends registration, voting, or vote counting with a weapon, except members of the Election Police who are carrying out their duties.
- 4) Anyone who fraudulently removes the Report on Ballot Counting from the Ballot Receiving Board.
- 5) Anyone who registers or votes more than once.
- 6) Ballot Receiving Board members, or any electoral servant, who conducts registration or voting outside of the location and time designated for these activities.

Article 198. A sanction of incommutable imprisonment from one to two years shall be applied to:

- 1) Anyone who threatens or physically attacks the staff of the Electoral Branch.
- 2) Anyone who abuses their office or authority by pressuring subordinates to vote a certain way, or to abstain from voting.
- 3) Ballot Receiving Board members who are fraudulently absent from the place and time indicated for the exercise of his/her duties.
- 4) Anyone who alters the registration in Voter Catalogs, destroys election material, fraudulently adds ballots for the purpose of changing the election results, or removes ballot boxes.
- 5) Anyone who impedes or blocks an election or limits electoral freedom by means of threats or acts of violence.
- 6) Any staff member who alters records or Election Reports.
- 7) Anyone who induces a legally registered candidate to withdraw from the election.

Article 199. If a registered candidate, who wins the corresponding election, is found to have committed any crime set forth in this chapter, he/she shall be completely disqualified from taking office for one to three years, in addition to the sanctions indicated.

The right of elected Representatives to take office is suspended by the initiation of proceedings.

Article 200. It shall be the responsibility of the Attorney General to bring criminal proceedings against perpetrators of the crimes contained in this law.

Regular criminal courts and courts-martial, as the case may be, shall have jurisdiction in such cases.

TITLE XV

General Provisions

Article 201. There is no regular or special appeal against decisions of the Supreme Electoral Council on electoral matters. The only exception to this is outlined in Article 62 of this law.

Article 202. The Supreme Electoral Council is empowered to resolve any issue not anticipated by this law that may arise in electoral matters in keeping with standards of common law.

Article 203. Public institutions and employees shall provide the electoral organizations and their staffs with the necessary support to exercise their duties.

Article 204. The Ministry of the Interior shall assign an adequate number of police units to serve as Election Police, under the command of the Supreme Electoral Council, for the duration of the registration period and up until five days after election day.

Article 205. The Nicaraguan Institute of Telecommunications and Mail (TELCOR) shall give priority to communications sent by electoral agencies. These organizations shall enjoy exemption.

Article 206. The state shall guarantee the availability of fuel and all materials necessary for campaigning to political parties, alliances, or associations nominating by petition.

Article 207. State, private or mixed ownership companies, organizations, institutions, work places and study centers, are obliged to guarantee candidate's jobs or grant them leave with pay for the duration of the election campaign. This leave shall become effective as of the date the candidate notifies the employer or his/her representative.

Article 208. Political parties with legal status on the date that this law takes effect shall continue to enjoy and exercise that status.

Article 209. There will exist a National Tally Center and in each Electoral Council there will exist a Regional Tally Center, in locations to be determined by the Supreme Electoral Council and the corresponding Regional Electoral Councils.

CHAPTER II

Temporary Provisions

Article 210. Municipalities in the Atlantic Coast Autonomous Regions that are temporarily included in the Fifth and Sixth Election Regions, shall become part of the Seventh and Eighth Election Regions, when circumstances allow in accordance with Article 42 of the Autonomy Statute of the Atlantic Coast Autonomous Regions.

Article 211. In the case of areas experiencing counterrevolutionary aggression, the Supreme Electoral Council shall request that the President of the Republic take the necessary action to enable registration and voting to take place.

Article 212. The following provisions shall govern registration and voting in elections for President, Vice-President, Representatives to the National Assembly, Central American Parliament, Atlantic Coast Regional Councils and Municipal Councils in regions affected by counterrevolutionary aggression that are so designated by the President of the Republic:

- 1) Military personnel, who registered with Ballot Receiving Boards in

the above mentioned regions and were later mobilized to other locations within those same regions or zones, shall exercise their right to vote at the nearest Ballot Receiving Board, after presentation of the civic booklet and a proof from the corresponding military superior confirming the situation.

- 2) Military personnel who registered in polling districts other than those indicated in clause 1) of this Article, and who were later mobilized to the special regions or zones affected by the aggression, shall exercise the right to vote at the nearest Ballot Receiving Board, after presentation of the civic booklet and proof from their military superior.

In the case of municipal elections, the Supreme Electoral Council is empowered to regulate the provisions of this Article.

Article 213. Applications for legal status being processed with the National Council of Political Parties, or disputes pending at the time this law takes effect, shall be processed with regards to form and merits according to the Law on Political Parties published in *La Gaceta*, number 210 of September, 13, 1983.

Article 214. The elections of Representatives to the National Assembly and of the President and Vice-President of the Republic and of the Municipal Councils for the periods that begin on January 9, 10, and 15, 1991, shall take place on February 25, 1990.

Article 215. Members of the Municipal Councils elected on February 25, 1990 shall take office on January 15, 1991, the date on which the corresponding period will begin.

Article 216. Those Nicaraguans who participated in the armed struggle and who have voluntarily accepted the plan of demobilization elaborated by the Central American Presidents in the Joint Declaration signed in El Salvador on February 14, 1989, may register in Nicaragua to exercise their right to vote and to be elected, with full guarantees.

Article 217. The Council of Political Parties will observe the following procedure for granting legal status to political associations that submitted their petition before the date on which the reforms to the Electoral Law became effective:

- 1) Within seven days upon the entering into effect of this law, the political groups must refile their petition with the Council of Political Parties.
- 2) The petition must be accompanied by the following:
 - 2.1 Public document constituting the political group.
 - 2.2 Name and emblem for the proposed party.
 - 2.3 Political principles, programs, and statutes of the party.
 - 2.4 Patrimony of the party.
 - 2.5 Names of the members of the national directors and of at least nine departmental directors.
 - 2.6 Name of legal representative and alternate.

The name and emblem should identify clearly the petitioning political parties in such a way that they can not be confused with existing political parties.

- 3) The Council of Political Parties will take action within 15 days, without additional actions on the part of the solicitants, giving notice to political parties which could be affected, and being able, in this period, to indicate to petitioners how to conform to the requirements of the present law.

Political Parties obtaining legal status in this way will lose that status if they do not take part in the immediately following elections.

Article 218. The electoral process for the elections of February 25, 1990, shall be initiated on April 25, 1989, and shall have the following stages:

- 1) An initial period of four months, from April 25 to August 24, for the preparation, organization, and mobilization of the political parties, which shall consist of the following:
 - 1.1 Sending proposals to the President of the Republic for the formation of the Supreme Electoral Council in compliance with the provisions of Article 6 of this law.
 - 1.2 Sending proposals to the Supreme Electoral Council for the membership in the Regional Electoral Councils and Ballot Receiving Boards, in accordance with Articles 17 and 26 of this law.
 - 1.3 The right to carry out public demonstrations for the purpose of political campaigning, subject to prior authorization of the appropriate authorities.
 - 1.4 Authorization to carry out activities for the purpose of obtaining legal status for those political associations that have not yet done so.
 - 1.5 To mount campaigns for voter registration.
 - 1.6 Naming of poll watchers.
- 2) A second period of six months which shall be divided into two steps:
 - 2.1 From August 25 to December 3, 1989, which shall include the following:
 - 2.1.1 Public demonstrations without prior authorization from the authorities, although they must be notified and be in receipt of the corresponding bond.
 - 2.1.2 The use of Television Channel 2 in accordance with the programming elaborated by the Superior Electoral Council.
 - 2.1.3 Disbursal of state financing for the electoral campaign.
 - 2.1.4 Authorization to solicit signatures for candidates of petitioning associations.
 - 2.1.5 Registration of candidates for the elections.
 - 2.2 From December 4, 1989 to February 21, 1990, including the following activities:
 - 2.2.1 Electoral campaign, conforming to provisions established in the present law.
 - 2.2.2 Designing electoral ballots.

Article 219. Members of the National Council of Political Parties in exercise of their duties on the date this law takes effect, shall continue to do so until their substitutes take office in accordance with this law.

Article 220. The Electoral Law, Decree 1413 published in *La Gaceta*, number 63 of March 28, 1984; the Law on Political Parties, Decree 1312, published in *La Gaceta*, number 210 of September 13, 1983; and any subsequent amendments and regulations thereto are hereby repealed.

Article 221. This Electoral Law shall take effect as of its publication in *La Gaceta*, the official journal.

Signed in the Plenary Hall of the National Assembly in Managua on the twenty-fourth day of August of the year nineteen hundred and eighty eight incorporating the reforms of the eighteenth day of April of nineteen hundred and eighty-nine. "Year of the Tenth Anniversary".

(seal of the President of the National Assembly appears)

(signed)
CARLOS NÚÑEZ TELLEZ
President of the National Assembly

(seal of the Secretary of the National Assembly appears)

(signed)
RAFAEL SOLÍS CERDA
Secretary of the National Assembly

Thereby constituting a law of the Republic. – To be Published and Executed. – Managua, twelfth day of September nineteen hundred and eighty-eight incorporating the reforms of the twenty-second day of April of nineteen hundred and eighty-nine –Year of the Tenth Anniversary–

Year of the Tenth Anniversary

Daniel Ortega Saavedra
President of the Republic



