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REPUBLIC OF NICARAGUA

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SUMMARY

Page

NATIONAL ASSEMBLY OF THE
REPUBLIC OF NICARAGUA

Law No. 211 Electoral law 109

Law No. 211

The President of the Republic of Nicaragua

makes it known to the Nicaraguan people that:

The National Assembly of the Republic of Nicaragua

In the use of its powers:

HAS DECREED

the following

ELECTORAL LAW

TITLE 1

SINGLE CHAPTER

Elections

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International Foundation for Election Systems

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copy

Article 1. : This law regulates the electoral processes for the elections of:

- 1) President and Vice President of the Republic
- 2) Deputies to the National Assembly
- 3) Deputies to the Central American Parliament
- 4) Members of the Councils of the Autonomous Regions of the Atlantic Coast;
- 5) Municipal Mayors and Vice Mayors;
- 6) Members of the Municipal Councils

The qualities, conditions and limitations for the citizens who aspire to be candidates in the elections enumerated above are those established in the Constitution of the Republic and in this Law.

Also, it regulates popular consultations which in the form of a plebiscite or referendum may be convened on occasion; as well as the exercise of the citizen's right to organize and join political parties for the purpose of participation, election and the exercise of power. It also regulates the obtaining and cancellation of the legal personality of political parties and the resolution of their conflicts, and also regulates the citizen's right to form civic associations [*asociaciones de suscripcion popular*] in order to participate in the electoral processes in the cases established in this Law.

Article 2. : The Electoral Branch is entrusted with organizing, directing and supervising the elections of authorities indicated in the preceding article of this Law, as well as the plebiscites and referenda, pursuant to the Constitution, the laws on the subject and the regulations which the Supreme Electoral Council may adopt for that purpose.

Article 3. : The elections established by this Law will take place on the Sunday determined by the Supreme Electoral Council, within the first thirty days of the ninety which precede the date on which the term of those who have been elected commences, according to the Law.

When the start of several terms of elected authorities coincide, the ninety days to which this article refers will be counted from the beginning of the period of the first authorities who are to take office.

If none of the candidates of the political parties or alliances which participate in the first election for President and Vice President of the Republic should obtain at least forty-five percent of the valid votes, a second election will be held between those who obtain first and second place. The Supreme Electoral Council shall call the second election, which will be held within the forty-five days after the date of the first election.

Article 4. : The Supreme Electoral Council shall draw up an electoral calendar with lead time for each election, indicating among other activities: the term, the development, and the procedure for the electoral campaign and election day.

Within the provisions established in the previous article, the Supreme Electoral Council may modify or amend the electoral timetable for duly justified causes.

TITLE II

The Electoral Branch

CHAPTER I

Electoral Bodies

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

- 1) The Supreme Electoral Council
- 2) The Electoral Councils of the departments and the autonomous regions of the Atlantic Coast.
- 3) The Polling Stations.

Article 6. : The Supreme Electoral Council consists of five principal Magistrates with their respective alternates, elected by the National Assembly from separate lists proposed for each post by

the President of the Republic and by the Deputies to the National Assembly in consultation with the pertinent civic associations.

Each Magistrate will be elected with the favorable vote of at least sixty percent of the Deputies of the National Assembly. The President of the Supreme Electoral Council will be elected by the same vote.

The period for submitting the lists will be fifteen days from the date elections are convened by the National Assembly. If no list is submitted by the President of the Republic, those proposed by the Deputies of the National Assembly will suffice.

Article 7.: To be a magistrate of the Supreme Electoral Council the following qualifications are required:

- 1) To be a Nicaraguan national;
- 2) To be in full enjoyment of civil and political rights;
- 3) To have reached thirty years of age and be no more than seventy-five years old on the day of the election.

Article 8.: The following may not be Magistrates of the Supreme Electoral Council:

- 1) Relatives within the fourth degree of consanguinity or second degree of affinity with the candidates for President and Vice President of the Republic;

In case they have been elected prior to the presidential elections, they will be implicated and therefore disqualified from performing their functions during all of the electoral process and should install their alternates.

- 2) Those entrusted with responsibility for popular elections or who are candidates in any of them.
- 3) The officials or employees of another branch of the government in posts remunerated with treasury, regional or municipal funds, except as regards the exercise of the teaching or medical professions.

- 4) Active and non-active duty members of the military, with the exception of those who retired at least twelve months before the election.
- 5) Those who have at any time renounced Nicaraguan nationality and have not recovered it five years prior to the election.

Also principals or alternates bound by conjugal or kinship links within the fourth degree of consanguinity or the second of affinity may not be Magistrates.

Article 9.: The Magistrates of the Supreme Electoral Council shall exercise their office during a period of five years upon taking power. During this period they enjoy immunity.

Article 10.: The Supreme Electoral Council has the following attributes:

- 1) To organize and direct the elections, plebiscites or referenda which are convened in accordance with the provisions of the Constitution and the Law.
- 2) To appoint the members of the other electoral bodies or its Secretary [Secretario de Actuaciones] in accordance with this Electoral Law.
- 3) To draw up the electoral calendar.
- 4) To apply in the exercise of their attributes the constitutional and legal provisions referring to the electoral process.
- 5) To hear and settle in the final instance the resolutions which the subordinate electoral bodies make and the claims and challenges which the political parties may file.
- 6) To lay down, according to the Law governing the subject, the pertinent measures such that the electoral processes are fully guaranteed.
- 7) To grant the accreditation corresponding to the electoral

process observers.

- 8) To demand from the corresponding bodies conditions of security for the political parties in the elections.
- 9) To carry out the definitive scrutiny vote count of those cast in the elections and to make the definitive declaration of the results.
- 10) To adopt its own regulations.
- 11) To organize and maintain the central registry of the civil status of persons, citizens' identification card and the electoral register.
- 12) To grant legal personality as political parties to the associations which satisfy the requirements established by Law.
- 13) To cancel and suspend legal personality of the political parties who do not achieve the election of at least one delegate in the general elections and in other cases as established by Law.
- 14) To monitor and resolve conflicts over the legitimacy of legal representatives and directors of political parties and regarding the compliance with legal provisions which refer to political parties, their By-Laws and Regulations:
- 15) Others which the Constitution and the Laws may confer.

Article 11.: The Magistrates of the Supreme Electoral Council, principals and alternates, shall take possession of their posts before the President of the National Assembly, in plenary session, after their swearing-in.

Article 12.: The quorum of the Supreme Electoral Council will be formed by four of its members and the decisions will be made by favorable vote of at least three of its members. The Magistrates may justify their vote stating it aloud or in writing. Both actions will be added to the corresponding Minutes.

Article 13: The Supreme Electoral Council shall consult with the political organizations before ruling on the calendar and electoral ethics.

Also it shall consult on the allotments made to the political parties, party coalitions and civic associations pursuant to this Law, and it shall also give opinions on other matters as it sees fit.

CHAPTER II

The President of the Supreme Electoral Council
and the Magistrates

Article 14.: The following are attributes of the President of the Supreme Electoral Council:

- 1) To preside over the Supreme Electoral Council and convene it on his own initiative or at the request of three of its members.
- 2) To exercise official and legal representation of the Supreme Electoral Council.
- 3) To comply and endure compliance with the resolutions of the Council.
- 4) To administer the electoral body and coordinate its activities.
- 5) To create the posts of auxiliary personnel and nominate them.
- 6) To propose for approval by the Supreme Electoral Council the nomination of the Secretary thereof, a post which may not fall to any of the principal or alternate Magistrates.
- 7) To propose the nomination of the general directors of this State Power to the Supreme Electoral Council for approval.
- 8) Others which the Law and the Council's resolutions may confer upon him.

Article 15. - Functions of the other four Magistrates are:

- 1) To participate in the sessions and in deciding on resolutions of the Supreme Electoral Council, by voice and vote.
- 2) To aid the President in the exercise of his functions and

exercise those which are assigned to them by resolution of the Council.

- 3) They may assume specific functions, regarding: registration for identification cards, relationships with political parties, technical-administrative organization and supervision of the electoral process and other executive functions.

CHAPTER III

The Electoral Councils

Article 16.: For the organization and structure of the elections, there shall exist in each department and autonomous regions an Electoral Council consisting of a President and two Members with their respective alternates.

Appointment of the members of the Electoral Councils shall be made by the Supreme Electoral Council, from the lists of citizens that the legal representatives of political parties send for each Council. Their incorporation shall be pluralist and no more than one appointment may be given to the same political party in each Electoral Council.

The political parties shall have a period of fifteen days from the date of notification to submit their proposals and if they do not do so the Supreme Electoral Council shall proceed to their appointment.

For their formation the Supreme Electoral Council shall take into account the political pluralism established in the Constitution.

Article 17.: For territorial application of the previous article, the districts and other electoral effects shall be as established by the Law of Political and Administrative Division of the Republic provides in departments and the autonomous regions of the Atlantic Coast.

Article 18.: The President and the Members of the Electoral Councils must meet the requirements of Articles 7 and 8 of this Law. The respective alternate shall be incorporated into the Council in case of the temporary or definitive absence of his principal.

In the case of temporary absence of the President, that office shall be assumed by the Member which the Supreme Electoral Council designates from among the principal Members of the said Council.

The Supreme Electoral Council must replace the alternates for

permanently absent Members of the Electoral Councils, appointing their successor the lists of citizens sent by representatives of political parties. In the absence of said lists the Council shall request same.

In order to be a Principal Member or alternate on the Electoral Councils it is required that one be nominated by the political parties participating in the respective electoral process and the said Supreme Electoral Council in turn shall proceed at their own initiative or at the petition of a legitimate party to separate the Members who do not meet these requirements and replace them under the terms of Article 16 of this Law.

Article 19. - Attributes of the Electoral Councils are:

- 1) Appointing and granting possession to the members of the Polling Stations from lists proposed by the political parties and the civic organizations of which they are comprised, transferring said power to the Supreme Electoral Council.
- 2) Granting credentials to poll inspectors [fiscales] from the political parties, party alliances or civic associations.
- 3) Supplying to the Polling Stations, in the presence of the duly accredited poll inspectors from the political organizations participating in the electoral process, the voting ballots, records and other documents and materials in the necessary quantity for election day requirements.
- 4) Making known to the public, from the start of the electoral campaign, the exact location of the Polling Stations and their district's area, ordering that the list of the voters included in the respective electoral register is posted on the outside of the premises corresponding to each district.
- 5) Adopting the necessary measures within the Law for the proper development and completion of the elections and popular consultations in their district.

- 6) Report before the competent authority the violations of the electoral legislation committed by private persons or public officials.
- 7) Oversee the correct functioning of the electoral organization of their district.
- 8) Receiving from the Polling Station the vote count, the sealed bags containing the electoral ballots and other reports on same.
- 9) Carry out the review of the arithmetic of the votes of the vote count.
- 10) Verify the vote count from the Polling Stations whose their results have been duly challenged. According to their findings, it shall draw up the respective Minutes, which it shall send to the Supreme Electoral Council.
- 11) Give immediate notice to the Supreme Electoral Council and the corresponding police authority of any disturbance of the public order which in any way threatens the clarity and freedom of suffrage.
- 12) Admit, process and resolve the petitions, claims, complaints and appeals filed before any authority by citizens or political organizations participating in the election.
- 13) Adopt the necessary measures within the Law for the proper development and completion of the plebiscites and referenda in its district.
- 14) All other things which may result from this Law, its Regulations or the provisions of the Supreme Electoral Council.

Article 20. - The quorum of the Electoral Councils shall be formed with the majority of its members. Decisions shall be made with the agreement of the members. In case of a tie, the President shall have a double vote. In Electoral Council sessions, the lawyers of the political organizations appointed to act before them may participate without the right to vote, when any of the members

of the Council so request.

Article 21. - The President convenes, presides over and represents the Electoral Council. He shall have in his charge the administration of the corresponding electoral body and shall propose to the Electoral Council the appointments of auxiliary personnel.

Article 22. - All the functions of these Councils shall end five days after the elected national authorities take possession of office or regional or municipal authorities take possession of office when these elections do not coincide with the national ones.

CHAPTER IV

The Polling Stations

Article 23. - In each Municipality a sufficient number of Polling Stations shall be established before which a maximum of four hundred electors shall exercise their right to vote. The demarcation in which they shall exercise their functions shall be determined by the Supreme Electoral Council by means of administrative resolution published with sufficient time. The Polling Stations shall be installed in places, premises, day and time set by the Supreme Electoral Council.

Article 24. - The Polling Stations shall consist of a President and two members who shall have their respective alternates. They must have the qualities required in Articles 7 and 8 of this Law, with the exception of minimum age required, which shall be 18 years.

Article 25.- The members of the Polling Stations shall be appointed by the Electoral Council of the corresponding department or autonomous region from lists submitted by the political parties which have legal personality.

They shall have a pluralist make-up, no more than one appointment from the same political organization allowed per Polling Station.

Lack of a proposal of the said political bodies shall not hinder their integration and functioning.

The members of the Polling Stations must have been nominated by any of the said political bodies. The corresponding Electoral Council shall proceed at their own initiative to remove from office those who do not fill this requirement and shall replace them according to provisions in this Article.

Article 26.- The Polling Stations shall have a quorum with a majority of their members, and for their decisions two concurring votes shall suffice. In case of a tie the President shall have a double vote.

Article 27. - Attributes of the Polling Stations are:

- 1) To verify that the citizens are registered in the corresponding definitive list of the electoral register or qualify registration of citizens pursuant to the requirements of Law and authorize it if it is in order.
- 2) To guarantee the exercise of suffrage.
- 3) To receive the votes in the corresponding ballot box or boxes.
- 4) Conduct the vote count.
- 5) Guarantee order in the corresponding district, during registration and voting.
- 6) Receive and process challenges and appeals in accordance with what is established in this Law.
- 7) Permit duly accredited observers access to the premises during the appropriate period.
- 8) Other things provided by this Law and the resolutions of the Supreme Electoral Council.

TITLE III
SINGLE CHAPTER

The Poll Watchers

Article 28. - For registration, voting and vote count each political party, alliance of parties and civic association which may have candidates registered has the right to name a poll watcher and his respective alternate before the Supreme Electoral Council, the Electoral Councils, the Polling Stations and the Computer Centers.

Appointment of the poll watchers may be made after the beginning of the electoral campaign and up until forty-eight hours before the elections and they must report to the corresponding bodies.

It is the obligation of the Supreme Electoral Council to deliver the credentials to the poll watchers at least ten days before the election day. Also it shall deliver to the Departmental Councils said credentials in the same amount of time and in sufficient quantity to satisfy any necessary replacements.

Failure to appoint one or more poll watchers on the part of the participating institutions, in one or more of the electoral bodies will not impede their functioning.

In the case of the definitive failure to appoint a poll watcher prior to the limit established for accreditation, but before the closing of the electoral campaign, the competent body will grant its replacement at the request of the corresponding political organization.

Article 29. - The poll watchers named in accordance with the above article will have, in each case, the following powers:

- 1) To be present on the premises and inspect the functioning of each Polling Station during the day of registration, voting and the vote count.
- 2) To request from the president of the Polling Station a copy of the Opening Minutes, of its Constitution, of the closing of voting and of the vote count.
- 3) To accompany the president of the Polling Station or in case of his absence any member of the Polling Station at the remission of the telegram to the Supreme Electoral Council receiving a copy of same and at the delivery of the records and other documents to the Electoral Council.

- 4) To be present in the Departmental Computer Centers and inspect the reception and processing of the reports of the Polling Stations.
- 5) To be present in the Electoral Councils and inspect the updating and correction of the electoral Register or of the registered voter lists.
- 5) To be present in the Electoral Councils and monitor the reception and processing of the information coming from the Polling Stations and in the verification of the vote count which will only be carried out when there are complaints or appeals filed against any election, in any of the Polling Stations.
- 7) Request from the President of the Electoral Councils a copy of the reception records and of the document containing the results of the electoral process procedures from the Polling Stations.
- 8) Accompany the Electoral Councils to the delivery of the records and other documents to the Supreme Electoral Council.
- 9) To be present in the National Computer Center of the Supreme Electoral Council and monitor the reception and processing of the reports from the Polling Stations and of the Electoral Councils.
- 10) To make observations on the records when they see fit and to sign them. Refusal to sign the records will be recorded therein, with the reasons that they may state; their signature is not a requisite for validity of same.
- 11) To file the appeals contained in this Law.
- 12) Others provided by the laws and the resolutions of the Supreme Electoral Council.

TITLE IV

Citizens

CHAPTER I

The electoral rights of citizens

Article 30.- Universal, equal, direct, free and secret suffrage is a right of the Nicaraguan citizens, who shall exercise this right in accordance to the provisions of the Constitution and the Laws. Nicaraguans who have reached sixteen years of age are citizens.

Article 31. - In order to exercise the right of suffrage the citizens must:

- 1) Be in full enjoyment of their rights.
- 2) Be registered in the electoral rolls or be registered in the permanent electoral register.
- 3) Follow the procedures established by the Electoral Law and the regulations of the Supreme Electoral Council.

CHAPTER II

On the electoral register

Article 32. - In the electoral processes regulated under this Law, the following shall be utilized:

- 1) The identity card granted in accordance with the Citizen's Identification Law for the identification of voters.
- 2) The supplementary voting document or civil document granted in accordance with this Law.
- 3) The electoral register which the Supreme Electoral Council may draw up for Polling Stations based on the issued identity card or by the supplementary voting document which, in conformity with the provisions established in this Chapter, will contain:
 - 3.1 The number of the identification card or supplementary voting document.
 - 3.2 The given names and surnames of those for whom it is issued.

3.3 Sex.

3.4. Home address, which must indicate department and municipality.

3.5 Date of the issuance of the card or of the supplementary voting document.

3.6 Date of expiration of the card.

The supplementary voting document or civic identification card shall be granted to the citizens who, having requested their card have not had it issued to them, due to not having duly legalized their situation in the Register of Civil Status of persons, as long as they have met the requirements necessary for the exercise of the vote pursuant to this law.

Article 33. - A citizen with right of suffrage when granted his identity card, supplementary voting document or civic identification card remains registered at the Polling Station in which it corresponds to him to vote according to the provisions of this Law. The Supreme Electoral Council shall take the necessary measures to keep the electoral register up to date, excluding dead persons or those whose card has been canceled or suspended in accordance with the provisions of the Citizen Identification Law and including those who recently received their identification cards and the duly processed changes of address.

Nicaraguans who are going to reach sixteen years of age no later than the day before or on the date of the elections may ask for their identification card before the ninety days which precede that date. The Supreme Electoral Council shall issue them their respective card or supplementary voting document sixty days before the elections as long as they have complied with the corresponding procedures.

Article 34. - The Supreme Electoral Council shall keep an electoral register of citizens for each Polling Station.

Article 35. - The respective electoral registers shall be published, posting them in the places where the Polling Stations

will function at least ninety days before the day of the vote.

Article 36. - In the case of identification cards issued in accordance with the terms established in Article 37 of the Citizen Identification Law and of the supplementary voting documents or civic identification card, the electoral registers will be published in the same way, fifty days in advance.

Article 37.- The Supreme Electoral Council shall provide each one of the political parties, alliances or civic associations which may participate in the elections the maps of the Polling Stations and the corresponding electoral registers of citizens at least ninety days before the day of the voting, except as established in the preceding article.

Article 38. - The citizens may submit objections to the electoral registers within thirty days following their publication.

Article 39. - The parties, alliances or associations which participate in the election must submit their objections within thirty days following the reception of the electoral registers. In the case of Article 36 of this Law, the period will be twenty days.

Article 40. - The objections must be resolved in time, in order to publish in the place where the Polling Stations will function, the definitive electoral registers and to supply them to participating political organizations thirty days before the date of the voting.

Article 41. - Only those registered in the definitive respective electoral registers may vote at a Polling Station; to the preceding article refers to the registers, with the exceptions established in this Law.

If a citizen qualified to vote does not appear in the electoral register of the Polling Station corresponding to the place of his usual residence but does possess his identification card, civic identification card or legally issued supplementary document and proves that he resides in the territorial jurisdiction of the respective Polling Station, the President thereof will authorize the exercise of suffrage and will record this fact in the respective record.

Article 42. - The citizens who change their home address, must notify the corresponding Municipal Deputy for Identification within the thirty days following the move to initiate the process of registration in the corresponding Polling Station.

Article 43. - In no case shall applications for home address changes be submitted to the Polling Stations within the ninety days prior to an election, plebiscite or referendum. The citizen who has not made his application in time will be able to exercise the right to vote in the Polling Station at which he is registered.

CHAPTER III Registration of Citizens

Article 44. - In case of not being able to utilize the permanent electoral register to which the previous chapter refers in some municipalities, the Supreme Electoral Council shall proceed there with the registration of citizens in accordance with provisions in this chapter.

Article 45. - Nicaraguan citizens have the duty to have themselves registered in the Polling Station which corresponds to them in accordance the provisions of this Law and in the period established for that purpose by the Supreme Electoral Council. In any case, registration must be carried out before the beginning of the electoral campaign.

Article 46. - Nicaraguans who are not of legal age to vote at the date of registration but who will reach legal age before or on the election day, have the same obligation established in the above article.

Article 47.- Registration shall be conducted in the Polling Station of the place where the citizens usually reside even though they may be temporarily elsewhere.

Members of the Army of Nicaragua and of the National Police shall register in the Polling Station which corresponds to the places where they are stationed.

Members, poll watchers and auxiliaries of a Polling Station shall register at the Polling Station to which they are assigned.

Nicaraguans who are temporarily outside the country for reasons of education, health, business or pleasure, may be registered at the Consulate with jurisdiction in the place where they find themselves, during the periods established for that purpose. Nicaraguans who are members of the diplomatic corps also may exercise this right. The vote shall be cast in Nicaragua in the corresponding Polling Stations, with any exceptions as may be established in this Law.

The Supreme Electoral Council shall establish the standards [illegible words] this provision.

Article 48.- The Polling Stations shall be installed in the places, premises, days and hours set for the registration of citizens by the Supreme Electoral Council. There will be Polling Stations in the border territories which facilitate registration and voting for Nicaraguan citizens resident in bordering countries.

Article 49. - Registration is personal and cannot be delegated. In order to identify themselves and verify their age the citizens may utilize :

- 1) Identification card
- 2) INSS card [social security]
- 3) Driver's license
- 4) Passport

The citizens who do not have the documents to identify them may present two suitable witnesses who under legal pledge testify to their identity and age. Registration will be completed with the signature and the fingerprint of the citizen. Those who do not know how to sign may use their fingerprint. In case of persons lacking upper extremities note shall be made of that circumstances.

The evidence shall be evaluated according to the rules of sound judgement by the Polling Station, which shall accept or deny the registration.

Article 50.- Registration shall occur in the voter catalogs which each Polling Station shall receive. Voter catalogs shall be

identified with their own number and with the name, location and number of the Station.

Article 51. - The following shall be recorded in the voter catalogs:

- 1) First and last names of the citizen.
- 2) Date and place of birth.
- 3) Sex.
- 4) Place of usual residence and address.
- 5) Signature and fingerprint. If he can not sign, the fingerprint will suffice and when the person lacks upper extremities, note of this circumstance shall be made.
- 6) Whether the citizen on any occasion exercised the right to vote in the past, marked in a special square.
- 7) Form of identification used and the corresponding number.

Article 52. - The registered voter list shall be kept in duplicate. One copy shall be kept by the Supreme Electoral Council and the other by the Elector Council of the corresponding district for legal purposes.

Article 53. - In the registered voter list the date of registration and of voting shall be noted; it shall include a record of the opening and closing signed by the members of the Polling Station and by the poll watchers if they so desire.

Article 54. - Each day after the registration is finished the Polling Stations shall send the list of those registered to be published by means of posters posted in the registration locations. The posters must remain there for ten days. They shall contain the number and code of registration and the first and last names of the citizen.

Article 55. - Each registered citizen shall receive a civic identification card which shall contain:

- 1) First and last names.
- 2) Age and sex.

- 3) Home address.
- 4) Location and number of the Polling Station.
- 5) Registration number.
- 6) Space to mark whether he exercised his right to vote.
- 7) Seal and signatures of the President and any other member of the Polling Station.

Article 56. - The Supreme Electoral Council may improve the format and classification of the elector catalogs technically.

Article 57. - The elector catalogs shall be remitted by the Polling Stations to the corresponding Electoral Council and to the Supreme Electoral Council when the registration period is concluded. The corresponding Electoral Council shall proceed at their own initiative or at the request of the interested parties to examine them and correct them if the case so requires.

Article 58. - The interested parties may request the corresponding Electoral Council to correct any errors of incorrect registration and omissions.

The interested party, for purposes of the above article, is understood to be the affected citizen himself and political parties, alliances and civic associations.

Article 59. When the appellants request for the inclusion or exclusion of a citizen from the elector catalogs, they must do so in writing, which can be submitted to the Council or to the corresponding Polling Station within a period of ten days after registration are closed. The Station, depending on the case, shall remit the petition to the respective Electoral Council, which shall rule within the five days following receipt of the petition.

Article 60.- When a civic identification card is destroyed, is lost or contains errors, the citizen shall appear before the corresponding Electoral Council requesting replacement or correction as the case may be. The Council shall rule by the third day according to the merits of the request. The period for submitting the request shall expire thirty days after the election

date.

TITLE V

Political Parties

CHAPTER I

Duties and Rights

Article 61. - Political parties are public law juridical persons of public right comprised of Nicaraguan citizens.

They shall have their own principles, political program and purposes. They shall be ruled by their bylaws and regulations, subject to the Constitution and the Laws.

Article 62. - Rights of the political parties are:

- 1) To freely organize all over the national territory.
- 2) To spread their principles and political programs without ideological restrictions, except those established in the Constitution.
- 3) To proselytize.
- 4) To adopt their own by-laws and regulations.
- 5) To pronounce on public issues subject to the laws.
- 6) To appoint and replace at any time their representatives before electoral bodies.
- 7) To enter candidates in the elections.
- 8) To have its own property.
- 9) To form alliances among themselves.
- 10) To hold private meetings and public demonstrations.
- 11) To collect the necessary funds for their operations,

according to this Law and others on the subject.

12) To have its national board of directors accredited by the Supreme Electoral Council as official observers during any part of the whole electoral process, according to the respective regulations.

13) To receive a budget allotment for its parliamentary group depending on the number of Deputies it contains.

Article 63. - Duties of political parties are:

- 1) To comply with the Constitution and the Laws.
- 2) To guarantee the greatest possible democratic participation in the election of their leaders and of candidates for the different elections in which they participate as a political party. In the selection of the election process, that which permits the fullest compliance with this duty shall prevail.
- 3) To be transparent and honest in the administration of their economic endowment, publishing their financial statements annually and sending a copy to the Supreme Electoral Council.
- 4) To comply with the resolutions of the Supreme Electoral Council.
- 5) To inspire and promote the guarantees of human rights in the political, economic and social realms.
- 6) To submit to the Supreme Electoral Council the composition of its national, departmental and municipal bodies as the case may be; the annulment of same, as well as modification of their bylaws and regulations.
- 7) To respond to actions which are conducted within the framework of the alliances which they establish with other political parties and the specific actions which they conduct with them.

CHAPTER II

The Constitution of Political Parties

Article 64. - Citizens interested in constituting a political party must report this to the Supreme Electoral Council, designating a representative and his alternate.

Article 65. - In order to obtain legal personality the interested parties must meet the following requirements:

- 1) Public document in which the political grouping is constituted.
- 2) The name of the party they desire to form, and the emblem which shall clearly differentiate it from the other legally existing political parties.
- 3) The political principles, programs and bylaws of same.
- 4) The endowment.
- 5) The name of its legal representative and his alternate.
- 6) Constitute national boards of directors with a number of no less than nine members.
- 7) Constitute boards of directors for the departments and for the autonomous regions in accordance with the Political and Administrative Division, with a number of no less than seven members.
- 8) Constitute municipal boards of directors of a number no less than five members, in at least fifty percent of the municipalities or each department or autonomous region.

The signatures of acceptance of the members of the boards of directors must be authenticated by a Notary Public who shall give witness to having been in their presence and that the signatories have their residence in the municipalities, departments or autonomous regions which they represent. Notaries who incur in falsehood shall be subject to the sanctions established in the Notary System Law.

Article 66. - The requirements indicated in the preceding Article shall be submitted to the Supreme Electoral Council through its Secretariat. The Council shall notify the political parties of said submission, sending them to be heard and receiving their responses, from those who so desire, within fifteen days.

Article 67. - The political parties may object in writing to the request within the period indicated and must substantiate their objection.

If objection is raised the Representative of the petitioning group shall be sent for, in order that he may respond within ten days; with the answer or without it, the Supreme Electoral Council shall rule in accordance with the provisions of the Law.

Article 68.- At any time in the processing the group petitioning may correct the deficiencies which the Supreme Electoral Council may indicate.

Article 69. - The Supreme Electoral Council, once the procedures and terms in the above articles are completed, shall rule to grant or deny legal personality to the petitioning group.

The groups or political movements which have one or more Deputies in the National Assembly and which have submitted their petition to the Supreme Electoral Council under this Law, by Ministry of same, acquire their legal personality with all the rights and obligations which correspond them as a political party.

The political parties which acquire their legal personality by Ministry of this Law shall submit to the Supreme Electoral Council the composition of their National Board of Directors, new departmental boards and fifty percent of the municipal boards corresponding to the respective departments.

They must also present their principles, bylaws, names and emblems, distinct from those of other legalized parties, for its identification within a period of three months as established by this Law; if they do not comply with these requirements they shall lose the judicial personality granted thereby.

Article 70. - The procedure indicated in this chapter shall be applied as regards any petition for change of emblem or name of the

political parties.

Article 71. - The requirements shall be the same ones established for the national parties, but remitted to the political administrative division of the autonomous regions.

The regional parties may nominate candidates for mayors, vice mayors and municipal councils and for council members and deputies of the autonomous regions.

CHAPTER III

The cancellation and Suspension of Legal Personality for Political Parties

Article 72. - The Supreme Electoral Council may, upon its own initiative or at the request of the Attorney General or of other political parties, cancel or suspend the legal personality of political parties due to proven non-compliance with the duties established in this Law.

Suspension of a political party prohibits its operation for a determined span of time. Cancellation dissolves the party.

Article 73. - Non-compliance with the sections 1), 2), 3), 4) and 6) of Article 63 and of the Ethical Standards for Election Campaigns in this Law are causes for suspension.

Article 74. The following are causes for cancellation:

- 1) Recurrence of a failure of compliance with that established in the preceding article.
- 2) Violation of the provisions on origin and use of financing established in this Law for political parties regarding their responsibilities.
- 3) Self-dissolution of the political party or merger with another one.
- 4) Not obtaining the election at least of one Deputy in general elections.

Article 75. - Once the procedure is begun on its own initiative or the petition for suspension or cancellation is received, the party affected shall be sent for to be heard and given six days to respond as it sees fit.

With or without the response, once the above mentioned time has passed, the Supreme Electoral Council shall begin taking testimony for ten days and shall rule within fifteen days.

Article 76. - After the Supreme Electoral Council, using the powers conferred upon it by this Law, rules on the definitive resolutions regarding political parties, the political parties or petitioning groups may appeal to the Courts of Justice.

TITLE VI

The Nomination of Candidates

CHAPTER I

Political Parties and Coalitions

Article 77. - For the nomination of candidates, political parties must present to the Supreme Electoral Council a written request which must contain:

- 1) Certification stating legal personality
- 2) The name of its legal representative and that of the alternate
- 3) The identification of the election or elections in which they shall participate
- 4) The lists of candidates with the residence, place and date of birth and length of residence in the municipality, department or region as the case may be.
- 5) The name of the office for which it nominates them.
- 6) The initials, emblem and colors which have been adopted

for their identification in accordance with the provisions of Article 65 of this Law.

Article 78. - For the nomination of candidates, the coalitions of political parties must submit to the Supreme Electoral Council a written petition which must contain:

- 1) Certification which confirms the legal personality of the political parties which comprise it.
- 2) Public Document which confirms the constitution of the coalition and its name.
- 3) The requirements of sections 2), 3), 4), 5) and 6) of the preceding article.

Article 79. - The Supreme Electoral Council, once compliance with the requirements which candidates must meet in accordance with the provisions of the Constitution and the laws on the subject and the two preceding articles has been confirmed, shall proceed with the registration of the nominated candidates.

Article 80. - A political party which forms part of an electoral coalition may not nominate its own candidates in the district where the coalition in which it participates does so, for the same offices. For purposes of this provision, political bodies may form political coalitions for:

- 1) Participating in all the elections
- 2) Participating in some of the elections
- 3) Participating in a specific election.

The parties or coalitions of parties may enter candidates for all the elections to which Article 1 of this Law refers.

The civic associations may nominate candidates for mayors, vice mayors, municipal councils in the whole country and for Members of the Councils of the autonomous regions of the Atlantic Coast.

Article 81. - Those who do not meet the qualifications, who

are not qualified or who are prohibited in accordance with the provisions of the Constitution and the laws on the subject cannot be registered as candidates for elected office described in Article 1 of this Law.

CHAPTER 88

Popular Nomination

Article 82. - Nicaraguan citizens have the right to submit candidates by popular nomination to participate in the elections referred to in the last paragraph of Article 80 of this Law.

For this purpose they must introduce before the Supreme Electoral Council:

- 1) Written petition signed by a minimum of five percent of the citizens included in the Electoral Register corresponding to the respective electoral district, with their legal names and particulars inscribed by Law in the Electoral Registers from the last election.
- 2) The name, initials, emblems and colors by which they wish to be identified.
- 3) The requirements under numbers 2), 3), 4) and 5) of Article 77 of this Law.
- 4) The list of the notaries who shall testify to the supporting signatures.

Article 83. - The petition referred to in the preceding Article must be created specifically for each election and for each district.

Article 84. - The notaries shall require the citizens to present their identity card if they have one or any other means of identification.

Inclusion in the electoral registers shall be a requirement for the support signature or registration in the registered voter lists of the last election, except for Nicaraguans who may not have been of the required age or may have a legitimate excuse.

Article 85. - The Supreme Electoral Council shall register the candidacies by popular nomination when all the requirements established the Law have been met.

General Provisions.

Article 86. - The political parties or coalitions may propose candidates in one, in several or in all the districts of an election.

The lists which they submit for each district do not necessarily need to have the total number of candidates.

Registration of a citizen for more than one office in the same election shall not be accepted.

Article 87. - The Supreme Electoral Council shall establish in the electoral calendar the legal period for the registration of candidates, which shall be prior to the appointment of poll watchers. Political parties, coalitions or civic associations may replace or withdraw their candidates in one, several or all the districts during the period indicated or during the extension which the Supreme Electoral Council may grant them.

Article 88. - When the Supreme Electoral Council, in accordance with the provisions of this Law, denies a petition or refuses a candidate due to the failure to comply with the requirements of the Law, it shall notify the party, coalition or civic association within three days following the resolution, in order to correct the defects or to replace the candidates.

If the notification is given within the last five days of the registration period, the Council shall give the applicant an additional period of five days, not extendable, to replace the candidates or correct the failures.

Article 89. - Once the period of registration ends, the Supreme Electoral Council shall publish the lists of candidates in the principal written communications media, once, so that the political parties participating in the electoral process can challenge said candidacies before the third day.

Once that term has transpired and no appeal has been filed or,

having been filed it was settled, the Supreme Electoral Council shall send the definitive list of candidates to be published in the Official Daily Gazette and in newspapers with national circulation.

TITLE VII

The Electoral Campaign

CHAPTER I

Campaign Advertising

Article 90. - During the electoral campaign, the opening and closing of which shall be determined by the Supreme Electoral Council, the political parties, coalitions of parties or civic associations fielding candidates shall develop activities aimed to obtaining the votes of the citizens, explaining their ideological principles, their political, social and economic programs and their government platforms, which may be carried out in any place in which citizens with voting rights are found.

The electoral campaign shall have a duration of:

- 1) Seventy-five days for presidential elections and for Deputies to the National Assembly and for the Central American Parliament campaigns.
- 2) Forty-two days for elections of members of the Regional Councils, Mayors, Vice Mayors and the Municipal Councils.

When simultaneous elections are called the electoral campaign which offers the greater period shall be utilized.

In the case where the electoral campaign has a second run-off election, it shall also be conducted between the intermediate period, with a duration of twenty days.

The advertising period for the plebiscites and referenda shall be thirty days.

Article 91. - During the electoral campaign the political parties, coalitions or civic associations may, in addition to their ordinary advertising, publish books, magazines, brochures,

leaflets, loose pages, posters, signs and others; to make use of the press, radio and television and conduct proselytizing activities of various kinds in accordance with the laws in force and with the regulations of the Supreme Electoral Council.

All electoral advertising must identify the political party, coalition or civic association which issues it. The printed advertising must carry the copyright.

In addition, the following may also be utilized:

- 1) Loudspeakers both stationary and mobile, between seven in the morning and eight at night.
- 2) Banners, placards, posters, drawings and other similar means which may be fastened to buildings or fixtures, with the authorization of the owner or inhabitant but in no case on public monuments or buildings, churches or temples.

Article 92. - The political parties, coalitions or civic associations must receive accreditation by the Supreme Electoral Council for a representative and his alternate for purposes of the electoral campaign.

Article 93. - The following procedures shall be followed for the holding of public demonstrations during the electoral campaign:

- 1) The political parties, coalitions, and civic associations shall submit an application to the corresponding Electoral Council carry out the demonstration, indicating the date, time, place and route at least a week in advance.
- 2) The Electoral Council shall rule within forty-eight hours following the submission of the application.
- 3) In case of demonstrations which may coincide in time and place, the Electoral Council may modify the scheduling of the activities, in consultation with the applicants in order to avoid disturbances of the peace. The application submitted first shall have preference.

The Supreme Electoral Council shall coordinate with the corresponding agencies such that demonstrations of another kind and which are not partisan do not interfere with the electoral campaign.

CHAPTER II The Uses of Radio and Television Media

Article 94. During the electoral campaign for President and Vice President of the Republic, both for the first and second election if there should be one and for Deputies to the National Assembly and for the Central American Parliament, the use of the communications media shall be regulated as follows:

- 1) The Supreme Electoral Council guarantees to political parties or coalitions of parties which field candidates:
 - 1.1 Thirty minutes daily on each state television channel
 - 1.2. Forty-five minutes daily on each one of the state radio broadcasts

These times shall be distributed among the political parties or coalitions in equal shares.

The political parties or party coalitions may use the time corresponding to them all at one time or distributed during the week. For this purpose, they shall submit their proposal for calendar dates and program schedule to the Supreme Electoral Council which, after considering them, taking into account the scheduling of the state television channels and the radio media, shall draw up the final calendar and schedule, assuring equity in the distribution of the radio and television times.

- 2) The Supreme Electoral Council shall guarantee to the political parties or party coalitions that may field registered candidates, the right to contract in the private communications media for their electoral campaign.
- 3) Overall, it shall not be possible to devote daily to election advertising more than:

3.1 Thirty minutes on each television channel

3.2 Forty-five minutes on each radio station

3.3 Two full pages in each newspaper

No party or coalition may contract more than 10% of the time or space allowed on the radios and the television channels.

- 4) The state and private television channels and the different radio stations shall submit within a determined period their estimated price lists to the Supreme Electoral Council, who shall establish same, which is not to exceed the price set in ordinary times.

Each party or coalition shall pay the production and performance costs of their programs.

- 5) In order to protect national companies the production and performance of the radio and television programs must be done in the country, but this is not possible, they may be made abroad. The Supreme Electoral Council shall rule on such impossibility, after decision from the corresponding technical bodies.

Article 95. - For the mayoral, vice-mayoral and municipal councils elections the Supreme Electoral Council shall guarantee to each one of the political parties, coalitions of parties or civic associations:

- 1) Fifteen minutes daily in each one of the state radio stations which do not have national coverage, in those districts which have registered candidates.
- 2) Ten minutes daily on each one of the state radio stations with national coverage and three minutes on each state television channel, at the close of the campaign, if they registered candidates at least in sixty percent of the municipalities.

The Supreme Electoral Council shall classify radio station broadcasts to determine extent of their coverage.

Article 96. -In the electoral campaign for Regional councils in the autonomous regions of the Atlantic Coast, the Supreme Electoral Council shall guarantee to the political parties, party coalitions or civic associations:

- 1) Twenty minutes daily on each one of the state radio stations of the autonomous regions.
- 2) Five minutes daily on each one of the state radio stations with national coverage and on the state television channels for the opening and closing of the electoral campaign.

Free contracting may not exceed the times indicated.

These times shall be distributed among the political bodies in equal parts. In no case shall the minimum radio time be less than three minutes per week, although the total guaranteed time may be exceeded.

Article 97. - The provisions regarding the radio and television media relating to the distribution of time, the procedure for preparation of the calendar, schedule, payment and establishment of prices, shall apply in the municipal elections and the Regional Councils of the Atlantic Coast autonomous regions.

Article 98. - The simultaneous occurrence of two or more kinds of elections does not produce a cumulative effect on the times established in the foregoing articles. The alternative which offers the greatest amount of time shall be utilized.

CHAPTER III General Provisions

Article 99. - The rights established in the two previous chapters correspond exclusively to the political parties, coalitions or civic associations which have fielded candidates.

Article 100. - Electoral advertising shall promote citizens' participation in the electoral process.

Article 101. - Seventy-two hours before election day all electoral campaign activity shall cease and the communications

media shall be at the order of the Supreme Electoral Council to broadcast information about the procedures for exercising the right to vote.

Article 102. - The political parties, coalitions or civic associations which consider that their rights have been violated may appeal to the Supreme Electoral Council against the decisions of the Electoral Councils, within the term of six days plus the period for the distance, from the date of notification of the corresponding resolution.

The Supreme Electoral Council shall settle the appeal, receiving evidence for a period of three days and handing down the ruling in the next three days.

CHAPTER IV

The financing of the electoral campaign

Article 103. - The Government shall designate a specific budgetary allotment to finance the costs of the electoral campaign of the political parties, coalitions and civic associations which are participating in the elections and another specific allotment to facilitate it by way of loans through the Ministry of Finance.

Article 104. - The Supreme Electoral Council shall submit to the Executive Power a draft budget for the purposes of the previous article, and who shall handle the necessary procedures.

Article 105. - All the political parties with legal personality shall have access to financing and shall provide a deposit with real or similar guarantees for the amounts that they receive, to ensure proper use of the funds.

The political parties which have parliamentary representation and have registered candidates shall receive the budgetary allotment in equal parts. This shall not vary, even when the parties enter into coalitions and they shall always be individually responsible for the proper use of the amount received.

The political parties or coalitions discussed above must reimburse the state the amount received if they do not obtain as a party or coalition at least one Deputy or do not participate in the elections.

The political parties which do not have parliamentary representation may agree to the financing mentioned in the final part of Article 103, distributed in equal parts among the parties who participate in the elections. Financing of each one of these parties shall not be greater than what is received by the party which does have parliamentary representation. The obligation to reimburse the financing received shall only apply to the political parties or coalitions which do not obtain at least one seat or do not participate in the elections.

The term for repayment shall be five years with three percent (3%) interest compounded annually on the balance.

Article 106. - Civic associations shall also have access to financing described in the same terms which are granted to the political parties without representation in the National Assembly.

Repayment in these cases must be made when the candidate(s) do not obtain a third of the valid votes in the elections for Mayor or Vice Mayor or for membership in the Municipal Councils.

Article 107. - The financing discussed above for each party or civic association may be distributed by the Supreme Electoral Council according to the districts in which candidates have been registered and the number of candidates registered.

The Supreme Electoral Council shall make the corresponding distribution.

Article 108. - The political party, coalition, or civic association which receives state financing shall be obliged to use it exclusively for its electoral campaign and to render in documented and detailed manner, a written account of its investment to the General Comptroller's Office of the Republic.

All sums originating from that financing and not used or utilized for different purposes than those contemplated by this Law, must be reimbursed to the State within thirty days following the end of the electoral campaign.

Without prejudice to the offenses which may result from the report of the Comptroller, the mere fact of utilizing the funds for purposes different from that of the electoral campaign shall be

typified as fraud.

The responsibilities shall fall directly upon those who committed the offenses and those who assumed the responsibility for management of the funds received from the Supreme Electoral Council shall be characterized as co-conspirator.

Article 109. - The political parties, coalitions or civic associations may receive donations from Nicaraguan citizens resident in the country, within the amounts and limits and with regard to the requirements and terms established by this Law. They may not receive them from state institutions, private or mixed, whether they are domestic or foreign. Donations coming from outside the country are categorically prohibited, except for technical assistance and training.

Article 110. - Direct private contributions must be deposited in special accounts opened in State banks for each political party, coalition and civic association. For this purpose they shall open an account to receive the contributions destined to centers for political training and another for electoral campaigns.

These direct private contributions to the political parties, coalitions and civic associations shall be tax free.

The documentation of the direct private contributions to the political parties, coalitions and civic associations shall be public and shall remain at the disposal of the General Comptroller of the Republic.

Political parties, coalitions and civic associations may not accept or receive directly or indirectly:

- 1) Anonymous private contributions, except for group collections.
- 2) Contributions coming from autonomous or decentralized national, regional, departmental or municipal entities.

Article 111. - The political parties, coalitions and civic associations which receive prohibited contributions shall incur a fine equivalent to double the amount of the donation or illicit contribution, without prejudice to the other sanctions established

in this Law and the corresponding penalties for authorities, mandataries and/or representatives who may have participated in the punishable act.

Juridical persons who make prohibited contributions shall incur a fine equivalent to double the amount of the illicit contribution, without prejudice to the penal sanctions which correspond to the directors, managers, members of the oversight Council, administrators, mandataries or representatives who may have participated in the punishable act.

Natural persons who make prohibited contributions shall incur a fine equivalent to double the contribution made and shall be deprived of the exercise of the right to elect and be elected in general and party elections, at the same time they shall be disqualified from holding public office for the term of two to six years, without prejudice to the penal sanctions which correspond.

Fines referred to shall be heard and settled by the competent judicial authority in accordance with the ordinary proceeding and must be paid to the revenue service and shall be in designated for the Supreme Electoral Council for development of the identification card program.

Article 112. - The political parties, coalitions or civic associations shall enjoy duty-free status for importing electoral advertising materials, with prior authorization of the Supreme Electoral Council. Customs must comply immediately with such authorization.

CHAPTER V

Ethical Standards of the Electoral Campaign

Article 113. - Election advertising must adhere to the values, principles and rights enshrined in the Constitution. Political parties, coalitions, and civic associations must strictly respect ethical and moral standards and due consideration among themselves; and to the candidates nominated, the voters and the Nicaraguan people.

Advertising by political institutions must deal with programs of government and the values and principles which sustain them; at

the same time they may promote public awareness of the political trajectory, qualities and virtues which heighten the image of the candidates, who are prohibited from denigrating, offending or diminish their adversaries.

Penal actions due to damage and slander committed against the candidates shall be consistent with common legislation.

The use of goods belonging to the State for political propaganda purposes is prohibited. In public offices no political proselytizing may be practiced.

Any accusation of violation of this provision or of any other type of coercion shall be dealt with as provided and established in this Law and those responsible shall be held responsible for electoral crimes.

Article 114. - The Supreme Electoral Council, thirty days before the start of the electoral campaign, shall issue a specific regulation of the electoral ethics.

TITLE VIII

Voting

CHAPTER I

Casting the vote

Article 115. - Citizens shall go to the polls depositing the vote at the Polling Station on whose list they are registered.

Article 116. - The day set for the voting, the members of the Polling Stations, with their respective alternates, shall assemble in the corresponding polling places at six in the morning. Once the Station is complete, the alternates shall withdraw from the polling place. Voting shall commence at seven in the morning.

Article 117. - The Polling Stations shall operate in the polling place which the corresponding Electoral Council makes known to the public for this purpose, within the demarcation established by the Supreme Electoral Council in accordance with Article 23 of this Law. The Polling Stations must meet the requirements

established by this Law in order to guarantee the secret vote and the purity of the electoral process.

The Polling Stations which due to forces beyond human control have to change their locations within their territorial limits may do so with prior authorization from the Electoral Council of the corresponding district.

Under no circumstances shall the Polling Stations be located in military or police installations, party premises, houses of political leaders, temples. It is also prohibited to install the Polling Stations on the premises of bars, billiard parlors and other centers of relaxation or of vice.

Article 118. - Members of the Polling Stations shall draw up Opening Minutes and a constitution in the manner and with the copies determined by the Supreme Electoral Council which must record:

- 1) Name and office of those who compose it.
- 2) Record that the polling place meets the established conditions.
- 3) The number of ballots received for the voting.
- 4) Record that the ballot boxes were reviewed in the presence of the poll watchers, establishing that they are empty and that they are closed and sealed in that state.
- 5) A copy of the Opening Minutes and constitution must be delivered to each of the poll watchers.
- 6) The signature of the members of the Polling Station. These documents may be signed by the poll watchers if they so desire.

Article 119. - While the voting proceeds and until the vote count is signed it shall be prohibited:

- 1) To change the polling place.
- 2) To illegally introduce or extract ballots from the ballot

boxes.

- 3) Remove papers or any other electoral material or any documentation from the voting location.

It shall also be prohibited for members of the Station to absent themselves from their posts. If due to forces beyond human control, any of the members should have to be absent, the alternate must be installed. If the latter can not do so the voting shall continue with the members present. Everything shall be recorded in the Minutes.

Article 120. - The voting shall conclude at six in the evening, it can not be closed while there are registered citizens waiting their turn, but the voting can be considered closed earlier if the registered persons corresponding to the Station have already voted.

Article 121. - In every Polling Station there shall be ballot boxes for all ballots in accordance with the regulations set by the Supreme Electoral Council.

Article 122. - For the act of voting the procedure shall be:

- 1) Each voter shall personally present himself at the Polling Station, showing his identification card, his supplementary voting document or his civic identification card.
- 2) The Polling Station shall verify the validity of the identity card, the supplementary voting document or the civic identification card and if it corresponds to its bearer: it shall be confirmed whether the voter is registered on the electoral register or the registered voter lists as the case may be, to deliver to him the corresponding electoral ballots.

If the voter is duly identified as a resident of that electoral district with his identification card, his supplementary voting document or his civic identification card and his name does not appear on the listing of the electoral register or in the voter catalog it appears written differently from the one that the listed on the

identify documents, the members of the Polling Station must accept the exercise of the suffrage, making note of this circumstance in the closing Minutes.

- 3) The President of the Polling Station shall explain to the voter the way to cast the vote.
- 4) The voter shall mark on each electoral ballot with an "X" or any other sign the square of his preference and shall insert it duly folded into the corresponding ballot box.

If the "X" or any other sign has been marked on the ballot outside of the circle, but the intention of the voter can be understood, the vote shall be considered valid.

Article 123. - The members of the Polling Station , the poll watchers accredited before them and their auxiliary personnel, located in the Polling Stations other than those in which they are registered, shall be able to vote in them after presentation of their identification card, supplementary voting document or their civic identification card and credentials. This shall be recorded in the Minutes.

Article 124. - When the act of voting is finished, before cleaning off, the thumb of the right hand must be put into indelible ink so as to mark it to the base of the fingernail. Lacking that finger the elector shall introduce the finger of the left hand or any other finger of his hands if the thumbs are missing. The ink must be on the same table on which the Polling Station operates.

Random samples of the ink shall be analyzed by representatives of political parties before the Supreme Electoral Council prior to its distribution to the Polling Stations. The job of distribution of these materials by the Supreme Electoral Council to the Polling Stations must be supervised by the poll watchers of the participating political bodies.

Article 125. - Persons who have a physical impediment may be accompanied by a trusted person to exercise their right to vote. This shall be noted in the respective minutes.

When the physical impediment is that of the upper extremities the mark with indelible ink may be done on any visible part of the body. This shall be recorded in the respective Minutes.

Article 126. - The following are prohibited on election day:

- 1) Spectacles or public meetings which interfere with the holding of the elections,
- 2) Sale and distribution of alcoholic beverages,
- 3) Armed entry into the polling place,
- 4) Proselytizing or advertising, such as: buttons, caps or T shirts or scarves or any other kind, inside the polling place.
- 5) Arriving in a drunken state.
- 6) Forming groups around the polling places.
- 7) Placing propaganda from political parties, coalitions or civic associations in the voting area.
- 8) Any other activity which tends to impede or to disturb the normal conduct of the voting.
- 9) Presence of the Electoral Police inside the polling place, unless called upon by the Polling Station.

Article 127. - When the voting is completed the members of the Polling Station shall draw up the closing minutes, copies of which must be delivered to each one of the poll watchers and which must contain:

- 1) The time when the voting ended.
- 2) The number of voters who voted.
- 3) The name of the poll watchers who were present at the voting and their complaints.
- 4) The number of ballots which were received and those

which were not used.

The members of the Polling Station and the poll watchers from the political parties, coalitions or civic associations must sign the Minutes.

If the poll watchers refuse to sign, procedures shall be followed according to section 10) of Article 29 of this Law, but if they have filed complaints and did not sign, this shall be null and void. The amount consigned shall be written in ink in letters and numbers.

Appeals or challenges shall be submitted on ordinary paper, manuscripts or typewritten, indicating the reason and its justification and must be signed by the appellant poll watcher.

Article 128. - The Constitution of Nicaragua establishes the right of suffrage of all Nicaraguan citizens.

Exercise of the right to vote of Nicaraguan citizens residing abroad shall be restricted to the election of President and Vice President of the Republic and must be carried out under the same conditions of purity, equality, transparency, security, control, supervision and verification as that which is exercised within the national territory.

For casting of the vote in this case, among other requirements, it is necessary:

- 1) To qualify a location as Nicaraguan territory abroad under the legal fiction of extraterritoriality.
- 2) Transfer personnel and electoral material from the Supreme Electoral Council.
- 3) Presence of poll watchers from the political parties or coalitions participating in the elections with the same powers established in this Law for suffrage within the country.
- 4) Drafting of a register by the Supreme Electoral Council which enables determining and registering the number of Nicaraguan citizens residing abroad with the right to a

vote.

For the elections of 1996 the Supreme Electoral Council, by means of the necessary evaluation, must establish sufficiently in advance whether they can comply with the conditions enumerated in this article and shall rule according to their evaluation.

Resolutions of the Supreme Electoral Council must be decided unanimously.

CHAPTER II

Vote Count

Article 129. - When the voting is completed and the closing Minutes are signed, the Polling Station shall proceed to carry out the vote count in the same polling place and in view of the poll watchers.

For that purpose the ballot boxes shall be opened, after recording their state.

The electoral ballots shall be counted and examined to verify whether the quantity corresponds to that of the persons who voted.

Article 130. - Only a vote cast on the official ballot and marked with an "X" or any other sign, in one of the circles designated for that end and which clearly demonstrates the voter's intention shall be considered a valid vote.

In a case in which the sign is outside of the circle but the intention of the voter can still be interpreted it must be considered valid.

Article 131. - Ballots for which the intention of the voter can not be determined and those deposited without marking shall be null and void.

Article 132. - Valid votes shall be classified and counted according to the classifications of the Regulations declared by the Supreme Electoral Council.

Article 133. - The record of the vote count shall be drawn up in the manner and number determined by the Supreme Electoral Council, in accordance with this Law, including those which each one of the poll watchers must receive and must designate:

- 1) The total number of votes cast.
- 2) The number of valid votes.
- 3) The number of null and void votes.
- 4) The number of ballots received and those which were not utilized.
- 5) The valid votes obtained by each political party, coalition or civic association for the corresponding election. The number of votes shall be recorded in the document in numbers and letters.
- 6) Complaints made by the poll watchers as to the validity or invalidity of the votes and about any other incident. Members of the Polling Station and the poll watchers from the political parties, coalitions or civic associations shall sign the Minutes in accordance with to this law.

Article 134. - When the vote count is completed the President of the Polling Station shall report, in the presence and with the confirmation of the poll watchers, by telegraph or by any other way to the Supreme Electoral Council and to the respective Electoral Council the results of the corresponding vote count.

Article 135. - The Supreme Electoral Council, as it receives the telegrams and reports of the results of the vote count, shall immediately make them known to the poll watchers accredited before that Council and shall make public partial, provisional reports.

Article 136. - The President or in his absence any member of the Polling Station shall personally take to the Electoral Council of his district, in company with the poll watchers who so desire and with due protection, the following documents:

- 1) The Opening Minutes and constitution.

- 2) The Closing Minutes.
- 3) The Record of the vote count.
- 4) The valid votes.
- 5) The unused electoral ballots.
- 6) The invalid votes.
- 7) The catalog or the list of voters.

Article 137.- The Electoral Council shall review the arithmetic of the votes in the record of the vote count immediately received from each one of the Polling Stations. The incidents reported in the documents drawn up in the Polling Stations which do not affect the validity of the voting process and their results shall not be cause of nullity.

The Electoral Council can not open the bags or packages which contain the electoral ballots coming from the Polling Stations except in the case of a challenge or appeal against a determined election in any Polling Station. Said appeals or challenges must be settled by said Council within a maximum time period of forty-eight hours.

When the above has been concluded, it shall draw up a review Document, a copy of which shall be immediately sent to the Supreme Electoral Council, and which must fill all the requirements applied to the closing Minutes and Record of the vote count from the Polling Station, as may be pertinent.

The Document shall be signed by the poll watchers from the political parties, coalitions or civic associations who are present and they shall receive copies of ut. If they refuse to sign the proceedings comply with this Law, but if they have registered complaints and did not sign they shall be null and void.

The Electoral Council, when so requested by the representatives of the political parties, party coalitions or civic associations which have concurred at the elections, shall issue certification of the vote count.

Article 138. - Once the final results of the vote count and reviews are received by the Supreme Electoral Council it shall total them and proceed in accordance with provisions of this Law.

TITLE IX

SINGLE CHAPTER

The Plebiscite and the Referendum

Article 139. - A plebiscite is a direct consultation which is made with the public regarding decisions which are within the powers granted to the Executive Power and transcendancy of which affects the fundamental interests of the nation.

Article 140. - A referendum is the act of submitting directly to the people laws or reforms of an ordinary or constitutional nature, for their ratification.

Article 141. - The initiative of the legislative Decree of a plebiscite corresponds to the President of the Republic or directly to the people if requested with no less than fifty thousand signatures.

Article 142. - The initiative of the legislative decree for a referendum corresponds to one third of the Deputies to the National Assembly or directly to the people when requested with no less than fifty thousand signatures.

Article 143. - When the Legislative Decree to Convene is approved, the Supreme Electoral Council shall draw up the calendar which shall contain the duration of the advertising campaign and the election day. The Council shall apply this Law where pertinent.

The financing for the advertising campaigns for the plebiscites and referenda and the use of the communications media shall be regulated as provided by the Supreme Electoral Council.

Article 144. - In the plebiscites and referenda the option which obtains the majority of valid votes shall be declared approved.

TITLE X

SINGLE CHAPTER

Electoral Districts

Article 145. - Election of the President and Vice President of the Republic shall be carried out within the national territorial limits.

Article 146. - Election of the twenty (20) national Deputies to the National Assembly and of the twenty (20) Deputies to the Central American Parliament shall be carried out within the national territorial limits and in accordance with the provisions of this Law.

Article 147. - The election of seventy (70) of the ninety (90) Deputies to the National Assembly shall be carried out in departmental electoral districts and those of the autonomous regions in accordance with the following distribution:

- 1) Department of Boaco, two (2) Deputies
- 2) Department of Carazo, three (3)
- 3) Department of Chinandega, six (6)
- 4) Department of Chontales, three (3)
- 5) Department of Esteli, three (3)
- 6) Department of Granada, three (3)
- 7) Department of Jinotega, three (3)
- 8) Department of Leon, six (6)
- 9) Department of Madriz, two (2)
- 10) Department of Managua, nineteen (19)
- 11) Department of Masaya, four (4)
- 12) Department of Matagalpa, six (6)
- 13) Department of Nueva Segovia, two (2)
- 14) Department of Rio San Juan, one (1)
- 15) Department of Rivas, two (2)
- 16) Autonomous Region of Atlantico Sur, two (2)
- 17) Autonomous Region of Atlantico Norte, three (3)

Article 148. - The forty-five members of each one of the Regional Councils of the autonomous regions of the Atlantic Coast shall be elected in fifteen electoral districts according to the

following territorial limits:

Autonomous Region of Atlantico Sur:

1) Within the urban central area of Bluefields, the districts:

- One: Beholden and Pointeen quarters
- Two: Old Bank and Pancasan quarters
- Three: Santa Rosa and Fatima quarters
- Four: Punta Fria, Canal and Central quarters
- Five: San Mateo, San Pedro and Teodoro Martinez quarters
- Six: Tres Cruces, Nueva York, Ricardo Morales Aviles and Nineteenth of July quarters

2) Outside said central area the districts are:

- Seven: Kukra Hill zone and Rio Kama
- Eight: The zone which includes Haulover, Ricky Point, Laguna de Perlas, Raitipura Kakabila, Set Net and Tashapauni
- Nine: Corn Island and Little Island
- Ten: The zone of the Rio Grande mouth
- Eleven: The zone of the Garifonos which includes Brown Bank, La Fe, San Vicente, Orinoco, Marchall Point and Wawaschang
- Twelve: Those of the Ramas which include Ramacay, Turwani, Dukunu, Cane Creek, Punta Aguila, Monkey Point and Wiring Cay.
- Thirteen: The zone of La Cruz
- Fourteen: The zone of El Tortuguero
- Fifteen: The zone of Kukra River and the Bluff

In zones eight, nine, ten, eleven, twelve and fourteen, the first candidate of the whole list presented must be Misquito, Creole, Sumo, Garifone, Rama and Mestizo, respectively.

For the autonomous region of the Atlantico Norte the districts are:

- One: Rio Coco Arriba [above]
- Two: Rio Coco Abajo [below]
- Three: Rio Coco Llano
- Four: Yulu, Tasba Pri, Kukalaya
- Five: North and South shores

Six: Puerto Cabezas, urban center, sector one
Seven: Puerto Cabezas, urban center, sector two Llano Norte
Eight: Puerto Cabezas, urban center, sector three
Nine: Siuna, sector one
Ten: Siuna, sector two
Eleven: Siuna, sector three
Twelve: Siuna, sector four
Thirteen: urban Rosita
Fourteen: rural Rosita, Prinzpolica and El Empalme highway
Fifteen: Bonanza

In the districts one, seven, thirteen and fourteen, the first candidate of the whole list submitted must be Misquito, Creole, Sumo and Mestizo respectively.

Article 149. - Election of the Mayor and Vice Mayor of the municipal councils shall be carried out by municipal district.

Article 150. - The plebiscites and referenda shall be carried out in the district determined by the convening legislative Decree.

TITLE XI

Election Results

CHAPTER I

Presidential elections

Article 151. - Those elected President and Vice President of the Republic shall be the candidates of the party or coalition which during the first round obtains the majority of votes with at least forty-five percent of the valid votes or during the second round the greater number of those votes, pursuant to Article 3 of this Law.

CHAPTER II

Election of Deputies to the National Assembly.

Article 152. - The national Deputies elected at large through a system of proportional representation by electoral quotient, thus:

- 1) The national electoral quotient shall be obtained by dividing the total number of valid votes cast in the country for this election into the number of seats up for election.
- 2) Each organization shall be assigned a number of seats resulting from dividing the number of valid votes cast for them into the national electoral quotient.
- 3) The first candidates from each list shall be declared elected as principal Deputies along with the alternates until the number of seats obtained by each organization is filled, by means of the national electoral quotient.

The seats which remain to be distributed shall be assigned to each political body in this way:

- 1) After prior adjudication each organization's remainder shall be determined. For any organization that did not reach the electoral quotient, their total vote will be considered remainder, as long as this is equal to or greater than the average of the regional electoral quotients.
- 2) The remainder of votes shall be arranged in descending order.
- 3) The seats which remain to distribute shall be assigned one per organization in accordance with the decreasing order established. If the distribution of seats still is not completed this last operation shall be repeated.
- 4) According to the number of additional seats obtained by each organization, candidates for Principal Deputies shall be declared elected along with the alternate candidates who follow in the order of precedence on each list.

Article 153. - The election of a Deputy by departmental

district and the autonomous regions shall be done by initially assigning seats to each political organization by departmental electoral quotient or that of the autonomous regions according to the following procedure:

- 1) The departmental or regional electoral quotient shall be obtained by dividing the total valid votes cast for this election in the corresponding district, among the seats to be elected for said area. The exception is in districts where only one or two Deputies are elected, for whom the electoral quotient shall be obtained by dividing the total number of valid votes cast in the district into the number of seats to be distributed plus one (1).
- 2) Each organization in each district shall be allotted as many seats as result from dividing the number of valid votes they received into the departmental or regional electoral quotient.

In cases of circumstances where only one Deputy is elected and no organization has achieved the electoral quotient, the seat shall be conceded to the body which obtained the majority of votes in the district. In the same case, if more than one organization turns out to have an equal number of votes the seat shall be granted to the one who obtained the majority of the total valid votes in the country during the election.

In case of districts where two deputies are elected and no organization achieves the electoral quotient, the seats shall be granted to the bodies which obtained the two largest number of votes, with one seat assigned to each of them. If one of the organizations reached an electoral quotient and obtained a Deputy, the other seat shall be assigned to the organization which obtained the next highest vote in descending order.

- 3) The first candidates for principal Deputies from each list shall be declared elected along with the alternate candidates until the number of seats obtained by each body through said electoral quotient is reached.

Article 154. - For the distribution of seats which are not

assigned by following the previous article the following methodology shall be adopted:

- 1) The number of residual votes shall be obtained for each organization adding the number of residual votes from the districts where seats were already assigned, plus the valid votes of the districts where they did not reach the departmental or regional electoral quotient. For those organizations which did not reach the electoral quotients, their total number of votes in all districts shall be declared their residual votes.

Residual votes for each organization shall not include their residual votes in districts in which all the seats up for election were already assigned.

- 2) The national residual vote shall be equal to the sum of the residual votes of the organizations.
- 3) The electoral quotient for this distribution shall be calculated by dividing the national residual vote into the number of seats not assigned.
- 4) Each organization shall be assigned corresponding additional seats as result from dividing the residual vote of that organization into the electoral quotient obtained in the previous step.

Of the seats which still remain to be distributed, one shall be granted to each political body, thus:

- 1) The new residual votes shall be arranged from large to small, also including the residual votes of those organizations which did not win seats in the previous proceedings.
- 2) Each political entity shall be awarded according to the established descending order an additional seat until the number of seats for this election is filled. In case seats remain to be assigned, this last operation shall be repeated until the distribution of all of the seats is completed.

The additional seats assigned to each political entity shall be distributed in the list of candidates according to the following methodology:

- 1) The total additional seats shall be defined for each organization.
- 2) The districts shall be compared to the number of valid votes obtained by political organizations in each case. The diminishing order of said votes shall signify the preference for allotment of the additional seats.
- 3) The total additional seats to each organization shall be distributed in each district according to the descending order of votes therein. This distribution shall be done at the rate of one seat per political organization.
- 4) In case several organizations have acquired preference for the allotment of seats in the same district, exceeding the number of Deputies to be elected there, preference remains with the organizations receiving the greater number of votes in that district. To the entity not favored their seat shall be reassigned in the districts according to the descending order of votes previously defined.

If during the distribution the list of seats is exhausted for a district, the list is continued of the next district respecting the district's descending order of votes in the assigning of seats for allotment and redefining the preferences if the district exceeds the number of Deputies to be elected there.

This operation shall be repeated until all the additional seats in the districts are distributed according to their corresponding seats.

- 5) After the allotments of seats are made,

applying the procedure indicated in the previous article, the candidates for Principal Deputies shall be declared elected in each district, along with the candidates for alternate Deputies which follow in the order of precedence on the corresponding list for each district.

Article 155. - Only for purposes of Article 133 of the Constitution and without prejudice to the Political Administrative Division of the country there shall be considered Electoral Districts: Region I, Department of Managua, Region II, Departments of Chinandega, Leon, Masaya, Granada, Carazo, Rivas; Region III, Departments of Chontales Boaco, Matagalpa, Jinotega, Esteli, Madriz and Nueva Segovia and Region IV, Department of Rio San Juan, the Autonomous Region of Atlantico Sur and the Autonomous Region of Atlantico Norte.

The average of the regional electoral quotients shall be obtained by dividing the sum of the quotients of each region by four.

Article 156. - When a principal Deputy in the National Assembly definitively fails to attend, his alternate shall be installed as a replacement.

The Secretary of the National Assembly shall notify the Supreme Electoral Council in this regard

If a principal definitively fails to attend who no longer has an alternate, the next alternate on the list of Deputies shall be called as the principal and nominated by the parties or coalitions in the corresponding district. When the lists of elected alternate Deputies are exhausted in the district it shall continue successively with the alternates elected by the same coalition or party in another district in accordance with the greatest number of votes obtained.

CHAPTER III

Election of Deputies to the Central American Parliament

Article 157. - The candidates for Deputies to the Central

American Parliament shall be elected within the national territorial limits on the same date as the first round elections for the President and Vice President of the Republic.

Article 158. - Each political party or party coalition shall be allotted seats through application of the system of proportional representation by electoral quotient following the pertinent procedures established for national Deputies.

The Candidates for Deputies to the Central American Parliament once elected shall take possession in accordance with the provisions established in the corresponding treaty.

CHAPTER IV

Election of the Atlantic Coast Regional Councils

Article 159. - For election of the members of the Regional Councils of the Atlantic Coast autonomous regions, the system of proportional representation shall be applied by electoral quotient and as many seats shall be allotted to each list as result from dividing the total number of votes obtained into the electoral quotient of the district.

The candidates shall be chosen in the order in which they have been nominated until the number corresponding to each list is reached.

Article 160.- The seats which are not allotted in accordance with the preceding article shall be allotted following the pertinent procedure established for the departmental Deputies and those of the autonomous regions.

CHAPTER V

Election of the Mayor, the Vice Mayor and the Municipal Councils

Article 161. - Elections shall be held by direct, personal and secret vote for Mayor and Vice Mayor in every municipalities in the country. The terms for Mayors and Vice Mayors shall be four years. Elections may be held with the President and Vice President of the Republic and the Deputies election when the times coincide. The candidates who obtain the relative majority in the vote count in

each municipality of the country shall be the elected Mayors and Vice Mayors.

Mayors or Vice Mayors who by direct or indirect election have fully exercised such offices at any time during the period immediately prior to the election in question may not be candidates, and in order to be candidates for other elected positions, they must have given up office twelve months before the election date.

Any councilperson who was exercising the office of Mayor or Vice Mayor and who had to withdraw in order to fill other elected office positions shall also cease his functions as a councilperson.

Article 162. - The candidates for Mayor and Vice Mayor from each municipality who are elected shall be installed in the Municipal Councils as principals and alternates respectively.

The Mayor shall preside over the Municipal council, the Vice Mayor shall perform the functions which are entrusted to him by Law, and shall also replace the Mayor in case of temporary or definitive absence.

In the case of the Mayor of Managua, the candidates for Mayor and Vice Mayor who obtain the second and third largest vote in that election shall also be installed in the Municipal Council as principals and alternates respectively.

In the departmental capitals or municipalities of more than thirty thousand inhabitants the candidates for Mayor and Vice Mayor who obtain the second largest vote shall be installed in the Municipal Councils as principals and alternates respectively.

Article 163. - In the Municipality of Managua, seventeen principal Councilmen with their respective alternates shall be elected. In the departmental capitals or municipalities with more than thirty thousand inhabitants eight Councilmen shall be elected and in the municipalities with fewer than thirty thousand inhabitants four Councilmen shall be elected.

Article 164. - The election of the Councilmen outlined in the previous article shall be carried out by municipal district utilizing the system of proportional representation by electoral quotient for

which the following procedure shall be adopted:

- 1) The municipal electoral quotient shall be obtained by dividing the number of valid votes cast in this election in the municipality into the number of Councilmen to be elected there.
- 2) Each entity shall be allotted as many seats as result from dividing their number of valid votes into the municipal electoral quotient.
- 3) From each list, first candidates for principal Councilmen shall be declared elected along with the alternates until the number of seats obtained by each organization through the municipal electoral quotient is reached.

The seats which remain to be distributed shall be allotted to each political organization in accordance with the following procedure:

- 1) The number of residual votes received by each organization shall be determined. For organizations that did not achieve the electoral quotient, the total vote obtained shall be counted as residual.
- 2) The number of residual votes shall be arranged in descending order for each district.
- 3) The seats which remain to be distributed shall be allotted at the rate of one per organization in accordance with the established descending order. If the distribution of seats is not completed this last operation shall be repeated.
- r) In accordance with the number of additional seats obtained by each organization, the principal Councilmen candidates shall be declared elected along with the alternate candidates who follow in the order of precedence in each list.

General Provisions

Article 165. - Determination of seats gained shall be in function of the complete electoral quotients figured within the number of valid votes obtained by each political entity, not considering fractions or decimals. Additional seats shall be allotted on the basis of residual votes or in function of the complete vote which did not achieve the electoral quotient.

Article 166. - In the departmental districts or of the autonomous regions where the seats are awarded by majority vote, any tie shall be settled in favor of the organization which obtained the majority of votes on the national level.

In case of comparison of the residual votes for the allotment of positions in the corresponding election, ties shall be settled in favor of those who obtained the largest total vote in that district.

Article 167. - The Supreme Electoral Council shall make the necessary computations and with prior application of the provisions of this Law, shall provisionally publish the results.

TITLE XII

SINGLE CHAPTER

Errors and Nullities

Article 168. - Arithmetical errors by the Polling Stations shall be corrected by the respective Electoral Council, at their own initiative or at the request of the poll watchers accredited before the Electoral Council during the review process.

Article 169. - Votes shall be invalid in any Polling Station:

- 1) When said Station was illegally constituted.
- 2) When the voting has been done on premises other than those indicated by the corresponding electoral authorities.
- 3) When election results are delivered outside the time

established by Law without justified cause.

Article 170. - The poll watchers shall present their application for correction of arithmetical errors or for nullity before the Polling Station. The latter shall include it in the Record of the Vote count and shall send it with the rest of the documentation on the voting to the Electoral Council in their district.

Article 171. - The Electoral Council of the corresponding district, when the petition of nullity or correction of arithmetical errors is received, shall rule within the next forty-eight hours, notifying the appellant upon its decision.

Article 172. - If the Electoral Council of the corresponding District declares the voting null and void in one or more Polling Stations it shall make this known immediately to the Supreme Electoral Council, without prejudice to the appeal which may be filed by the injured party.

Article 173. - Within three days following the publication referred to in Article 167 of this Law, the political parties, coalitions, and civic associations which have participated in the corresponding election may submit appeals for review before the Supreme Electoral Council.

Article 174. - If an appeal is filed, the Supreme Electoral Council, with the reports from the electoral bodies shall open hearings for political parties, party coalitions, and civic associations to respond as they see fit within three days of the notification. When the period has passed, the Council shall rule within the five following days.

Article 175. - The Supreme Electoral Council, upon becoming cognizant of the report or the appeal, may disqualify it or declare the election of one or several candidates invalid at any time before the taking of office. The declaration of nullity shall be made as long as the existence of the reported errors or complaints is confirmed and it is verified that the canceled votes correspond to more than fifty percent of the registered voter list for the election in which cancellation is proposed.

Article 176. - The Supreme Electoral Council shall make public

the declaration of nullity and shall make it known to the President of the Republic and the National Assembly so that they may take the appropriate actions.

Article 177. - Once the nullity of an election is declared, the Supreme Electoral Council shall call new elections which shall occur simultaneously on the date indicated for the second round elections, but if there is need to call completely new elections, they shall also be held on the established date. If there should be need for another election for President and vice President according to Article 3 of this Law, these shall be confirmed later than the last Sunday in December.

In the case of new nullities which, for their correction, necessitate confirmation later than the date to take possession of office established by the Constitution, the National Assembly, before its period in office expires and it is dissolved, shall set the date for new elections and shall elect a provisional President of the Republic who shall take office on the tenth of January.

TITLE XIII
SINGLE CHAPTER
Declaring those Elected

Article 178. - Once the term in Article 173 of this Law ends or the appeal or appeals filed are settled, the Supreme Electoral Council, by resolutions, shall declare elected as the case may be:

- 1) The President and Vice President of the Republic
- 2) The principal and alternate Deputies of the National Assembly
- 3) The principal and alternate Deputies to the Central American Parliament.
- 4) The members of the Regional Councils of the Atlantic Coast autonomous regions.
- 5) The Mayor or Vice Mayor of each municipality
- 6) The principal and alternate members of the Municipal councils.

Article 179. - The above resolution shall be sent for publication in the Official Daily Gazette and it shall be released to the communications media.

TITLE XIV
SINGLE CHAPTER
Electoral Crimes

Article 180. - The following shall be sanctioned with immutable arrest from thirty to one hundred eighty days:

- 1) Any citizen who deliberately disobeys the instructions of the Polling Station regarding the manner of exercising the suffrage or who by his fraudulent conduct impedes the normal registration and voting process.
- 2) Anyone who voluntarily harms or destroys electoral property.
- 3) Anyone who does not comply with the provisions contained in this Law or with the resolutions of the Supreme Electoral Council regarding advertising.
- 4) Public officials, employees or authorities who do not respect the orders of the electoral bodies.
- 5) Anyone seeking to register himself or to vote more than once.
- 6) Anyone who fraudulently provides false data during the Polling Station registration.

Article 181. - The following shall be sanctioned with immutable arrest from six to twelve months:

- 1) Anyone who bribes, threatens, forces or engages in violence on another, obliging him to:
 - 1.1 Adhere to a certain candidate.
 - 1.2 Vote in a determined way.
 - 1.3 Abstain from voting.
- 2) One who fraudulently obstructs the course of registration or voting.
- 3) Anyone who comes to registration, voting or vote count armed, with the exception of members of the Electoral

Police fulfilling functions of their office.

- 4) Anyone who fraudulently removes the Record of the vote count from the Polling Station
- 5) Anyone who is registered or votes two or more times.
- 6) Any member of the Polling Station or any electoral official who register votes outside the polling place and the hours indicated for the purpose.

Article 182. - The following shall be sanctioned with immutable arrest of one to two years:

- 1) Anyone who threatens or physically attacks the Electoral Branch officials regarding the electoral process.
- 2) Anyone who, taking advantage of his functions or attributes pressures his subordinates to vote in a determined way or to abstain.
- 3) Any member of a Polling Station who fraudulently does not report to exercise his functions at the established place and time.
- 4) Anyone who alters the register or registered voter list, destroys electoral materials or fraudulently adds electoral ballots or removes ballot boxes for the purpose of altering election results.
- 5) Anyone who through threats or acts of violence impedes or obstructs the holding of an election or restricts electoral freedom.
- 6) Any official or any other person who alters the registers or the electoral documents.
- 7) Anyone who induces a legally registered candidate to withdraw his candidacy.
- 3) Anyone who uses goods which are property of the State for the purposes of political propaganda.

- 9) Anyone who does political proselytizing while in public offices.

Article 183. - Any person responsible for the commission of the electoral crimes considered in Articles 1818 and 182, in addition to the principal penalty shall have the corresponding additional punishment imposed upon him, and he shall be disqualified for public office during a time equal to double the penalty.

Article 184. - If the crimes established in Chapter IV of Title VII or in this Chapter were committed by registered candidates their registration shall be canceled as such and they shall be disqualified from holding public office for one to three years. If the proof of the crimes confirmed when the candidates have already been elected they can not fill their elected position.

Article 185. - The injured parties and the Prosecutor's Office are responsible for exercising the corresponding penal actions. The Ordinary Criminal Courts shall be competent to try them.

Six months before each election, plebiscite or referendum a Special Electoral Attorney General's Office shall be created within the Attorney General's Office which shall cease its functions once the corresponding problems are resolved.

TITLE XV

CHAPTER I

General Provisions

Article 186. - The Supreme Electoral Council is empowered to resolve, according to the provisions of common law any question regarding electoral matters which is not covered in this Law.

Article 187. - The Supreme Electoral Council shall not register as candidates for President and Vice President of the Republic, Deputies to the National Assembly and municipal Mayors, those who do not meet the qualifications, who have impediments or whom prohibited from assuming candidacy by Articles 147, 134 and 173 respectively of the Constitution or this Law.

Article 188. - The institutions and public officials shall provide electoral agencies and officials the support they require in the exercise of their functions.

Article 189. - The provisions contained in Article 94 under sections 2, 3 and 4 and in Article 109 shall begin to apply as part of this Law's going into force.

Article 190. - The Ministry of Government shall guarantee the constitution of the electoral Police so that it functions under the jurisdiction of the Supreme Electoral Council from the beginning of the campaign until the day elected authorities take office.

Article 191. - Similar guarantees referred to in Article 105, first paragraph, include bonds issued by banking and insurance institutions.

Article 192. - The Nicaraguan Telecommunications and Mail Institute (TELCOR) or the private institutions who render this service shall give preference to the communications sent by electoral bodies. These shall be tax free.

Article 193. - Once the elections are over and the winners declared, the electoral ballots and other electoral materials may be recycled.

Article 194. - The State shall guarantee the political parties, coalitions or civic associations fuel and all the necessary materials for the preparation of electoral advertising.

Article 195.- The political parties which enjoy legal personality on the date of the entry into force of this Law shall continue the enjoyment and exercise of same.

Article 196.- In case a second election is necessary of the President and Vice President of the Republic the same Polling Stations shall be utilized, both their constitution and their territorial demarcation. Likewise the same lists or registered voter lists shall be utilized and identical symbols, initials and emblems for each one of the political parties and coalitions shall be placed on the ballots that participated in the first election.

Article 197. - There shall be a National Computer Center and

in each one of the electoral Councils a Departmental Computer Center shall operate in a location determined by the Supreme Electoral Council and the corresponding Electoral Council.

Article 198. - For electoral purposes each departmental district or autonomous region shall include the municipalities according to the provisions established by the Political Administrative Division Law.

CHAPTER II
Temporary Provisions

Regulations for unforeseen events

Article 199. - The Supreme Electoral Council shall address the President of the Republic so that in the areas where any type of instability may occur, he may take the necessary measures in order to be able to carry out registration and voting.

Article 200. - During the period of registration and voting for all elections in places which may have any type of instability, the following provisions shall govern:

- 1) Members of the military who have been registered at the Polling Stations of their district and who are sent to other places within those regions or zones, shall exercise the right to vote in the nearest Polling Station, after presenting of the civic identification card, the supplementary voting document or the identity card and certificate from the corresponding military officer.
- 2) Members of the military who, having been registered in districts other than those indicated in section 1) of this Article and who were transferred to zones affected by instability, shall exercise the right to vote in the nearest Polling Station, after presenting the civic identification card, the supplementary voting document or the identity card and certificate from the military officer.

Article 201. - For all events not covered here the provisions conducive to this Law shall apply and in their absence those of other laws which contribute to resolving the situation.

Article 202. - The general elections of nineteen hundred ninety-six shall be held on Sunday the twentieth of October and if necessary a second round for President and Vice President of the Republic shall take place on the last Sunday of November or the first Sunday in December of the same year.

Other Provisions

Article 203. - For general elections to be held during the year nineteen hundred ninety-six in the municipalities in which the registration of citizens shall follow the provisions established in Title IV, Chapter II, Article 44 to 60 and any other provision regarding this question, what is stipulated in that Chapter shall govern. Registration shall be performed on two consecutive Saturdays and Sundays in accordance with the calendar established by the Supreme Electoral Council.

Article 204. - For the elections of nineteen hundred ninety-six any Councilman exercising the office of Mayor, and wishing to run for any elected position, with the exception of the Presidency and Vice Presidency of the Republic, must resign that office within a period of ninety days after this Law takes effect.

Article 205. - Deputies to the Central American Parliament for Nicaragua, principals and alternates, shall take office between the fifteenth of January and the fifteenth of February 1997.

Article 206. - Pending applications for legal personality or any pending party conflicts shall continue to be processed by the Supreme Electoral Council and shall be resolved in accordance with this Law.

Article 207. - The Electoral Law "Law No. 43, published in the Official Daily 'Gazette Number 197, of the eighteenth of October nineteen hundred eighty-eight" is overturned.

Also all of the amendments and interpretations which have been published in the Gazettes, Official Diary No. 77 of the twenty-fifth of April nineteen hundred eighty-nine, No. 201, of the twenty-fourth of October nineteen hundred eighty-nine, No. 121 of the twenty-seventh of June nineteen hundred eighty-nine, No. 38 of the twenty-second of February of nineteen hundred ninety, No. 97 of the twenty-second of May of nineteen hundred ninety and No. 243 of the twenty-fourth of December of nineteen hundred ninety-one are also overturned.

Article 208. - This Electoral Law shall be sent to be published immediately by the President of the Republic and shall enter into force upon publication by any written communications

media without prejudice to its later publication in the Official Daily Gazette wherein the date of the newspaper in which the Law was initially published shall noted.

Issued in the city of Managua in the Sessions Hall of the National Assembly of Managua on the fifth day of the month of December nineteen hundred ninety-five. Luis Humberto Guzman, President of the National Assembly. Jaime Bonilla, Secretary of the National Assembly.

Therefore: Let it be held to be the Law of the Republic. Let it be published and executed. Managua, eighth of January, nineteen hundred ninety-six. - Violeta Barrios de Chamorro

President of the Republic of Nicaragua