# Observing the 2002 Mali Presidential Elections Final Report

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#### **Executive Summary**

Mali's 2002 presidential elections mark an important step in Mali's democratic consolidation following the completion of President Alpha Oumar Konare's two terms in office.

Overall, the elections were peaceful, well managed, and conducted in a spirit of transparency. The high number of presidential candidates (24) participating in the elections on April 28, 2002, indicates significant enthusiasm for multiparty electoral competition but also the highly personalized character of politics in Mali. The general atmosphere during the electoral campaign was positive, and there were no reports of intimidation before or on election day. However, the conduct of the tabulation process generated concerns about the accuracy and reliability of the reported results.

The Center sent a small delegation of staff and observers and therefore did not attempt to observe on a countrywide basis or to prepare its own comprehensive statement on the election. In addition to its own observations, the Center consulted widely with other observers, political party representatives, and voters in order to take note of their concerns with the electoral process.

Because no single candidate won a majority of votes during the first round of elections, a second round of voting was held on May 12. The Center observed a significant number of logistic and administrative irregularities on both election days. For example, several polling stations lacked voter cards for distribution on election day, and in one instance voter cards for two polling centers were locked in a trunk until midday and therefore unavailable for collection. In other polling stations, essential election materials such as voter lists, ballot papers, voting booths, and indelible ink were missing, thereby delaying the opening of the polls or affecting the operation of the polling station. The Center also observed the circulation of proxy vote forms on election day that had been signed by the appropriate officials but with the voter's name left blank, in contravention of the electoral law. Despite these irregularities, the Center found that presiding officers and political party and

candidate representatives were committed to ensuring fair and unimpeded voter access on election day.

Although the second round was conducted more efficiently than the first, the Center continued to observe problems. For example, voter identification continued to pose problems. In several places the Center observed voters who were able to cast their ballots without having to present any identification at all, while other voters who had only their voter card were able to cast their ballots without the two witnesses required by the electoral law.

The tabulation process further troubled the Center, particularly following the first round of the elections during which observer access to the national tabulation process was ad hoc and communication of results was sporadic. The tabulation process was conducted through the operation of committees at local, district, and national levels. The committees were comprised of government and political party representatives. Overall, the tabulation process remained cumbersome because each of these committees operated independently of one another, and each conducted a complete tabulation. While the presence of candidate representatives on these committees demonstrated a commitment to transparency, it did not serve as an effective check on possible errors because the results from each level were not reconciled with the results from the other levels. This process was time-consuming and resulted in excessive duplication of effort. Finally, only regional and national results were released to the public, making assessments of local or polling station results impossible.

Ultimately, the Constitutional Court of Mali plays the definitive role in the results process as it conducts its own independent tabulation of results and also receives complaints from candidates, political parties, and other interested groups. The Court's deliberations were conducted in private and were not subject to appeal. The Court's decision to annul a very significant number of votes in both rounds of the elections indicates not only that there were serious systematic irregularities in the conduct of the elections but also insufficiently transparent mechanisms to serve as a check on those procedures.

Despite the many irregularities outlined in this report, it is clear that the people of Mali voted for change and expressed their support for a multitude of political parties and independent candidates. All of the presidential candidates accepted the election results and more importantly, The Carter Center believes that the people of Mali have accepted these election results as a legitimate expression of their will.

The Center congratulates newly elected President Amadou Toumani Touré and shares this report in a spirit of international friendship and support for Mali's ongoing democratic process.

#### **Background**

Mali conducted its presidential elections on April 28 and May 12, 2002.

These were Mali's third multiparty elections and they marked the succession to current President Konaré, who completed his second and final term of office. These elections were of special interest for several reasons. First, the 1997 elections were the first that were conducted by the election commission and were characterized by tense political relations, opposition party boycotts, and postelection demonstrations. Second, despite these difficulties, Mali's transition to democracy has been largely peaceful, and it stands in contrast to many of its regional neighbors. Third, The Carter Center has been involved in Mali through several program activities and remains interested in contributing to Mali's political and economic development and the improvement of the health of its population.

Mali's 1997 elections were the first elections conducted by the electoral commission (CENI) that was formed with only two months to prepare. The elections were also the source of considerable political strife, with many opposition parties boycotting the electoral process. Voter turnout was very low (20 percent). President Konaré was easily re-elected as president and his ADEMA (Mali Democratic Alliance) party was returned with an overwhelming legislative majority. The government responded to the subsequent public protests with the arrest of several opposition leaders in late 1997. The opposition parties formed several broad alliances, with some parties cooperating with the government, some remaining as opposition, and others steadfast in their refusal to even recognize the 1997 election results and Konaré's government.

The government embarked on a massive program of decentralization of political authority through the creation of 703 local councils (communes). This reform program has been controversial as it promises to invest local communities with much more power than previously, even as civil servants in national government see themselves losing power. At present, the communes have very limited financial, human, and institutional resources.

Political relations appear to have improved in recent years, and the Konaré government embarked on a broad constitutional reform process with a referendum scheduled for late December 2001. Some of the proposals, such as immunity from prosecution for the president and an alleged tighter control of the executive on the appointment of the members of the institutions managing the magistracy, were controversial and were fiercely debated by opposition parties and civil society (Autonomous Magistracy Trade Union). Bowing to this pressure as well as apparent divisions within his own party, President Konaré cancelled the referendum at the last minute.

In the months prior to the elections, international attention was focused on Mali as host of the 2002 Africa Nations Cup (CAN) soccer tournament. Lasting more than three weeks in January-February 2002, CAN expenditure reportedly totaled \$150 million, much of it provided by the Chinese government. Four stadiums and two airfields were constructed along with improvements to the road and communication networks and hotel accommodations. The infrastructure development as well as international media attention during the month-long tournament provided President Konaré and his government with an opportunity to show off their achievements in the run-up to the elections.

Perhaps surprisingly, this substantial expenditure in one of the world's poorest countries was relatively free of criticism, and the people of Mali were entirely preoccupied with the success of the tournament. Mali's semifinal berth also generated much national pride for the home team. Only the leader of the MPR (Patriotic Movement for Revival) was outspoken in his criticisms of the cost at the expense of money for education or health. However, the tournament was judged to be a relative success, and this organizational triumph appeared to bode well for the forthcoming elections. Following completion of the tournament, national attention turned to preparations for the elections.

#### **Election Preparations**

The president of the republic is elected for a term of five years on the basis of an absolute majority vote, with a second stage run-off election if needed. The election date must be designated with at least 60 days notice, and election day must be a Sunday. Party lists of candidates must be submitted to the Ministry of Territorial Administration and Local Government (MATCL) for registration. The campaign period begins 21 days before election day for presidential and national assembly elections and 16 days before local elections. The campaign period ends at midnight the day before the elections. There is no unique ballot paper for the elections in Mali – instead there is a ballot paper for each candidate, and the voters place their choice of ballot papers in an envelope. This provision appears to be cumbersome, but it was not cited as a concern. If no candidate receives a majority on the first polling day, a second election day is held 15 days later for the two candidates with the highest number of votes.

Three separate bodies have responsibility for the conduct of elections in Mali. These are:

- 1. Independent Electoral Commission (CENI)
- 2. Delegate General of Elections (DGE)
- 3. Ministry of Territorial Administration and Local Government (MATCL)

1. CENI: An independent electoral commission is established at the national level (with headquarters in Bamako), at the regional level, and at the local level, as well as in embassies and consulates. The commission is responsible for the supervision of the general conduct of the elections. The actual conduct of the elections is managed by the MATCL — discussed below.

CENI members must be impartial persons of integrity. At national level there are 15 members: five each from the government party, opposition parties, and civil society. Members are named or elected from each sector. The commission is temporary and ceases to exist six months after the announcement of final results.

The president of CENI, Mr. Moustapha Cissé, was assisted by two vice-presidents, Mr. Abderhamane Niang and Mr. Adama Moussa Guindo. CENI commissioners must not be members of government, leaders of political parties, or candidates. Commission decisions are taken by majority vote. CENI also regulates national and international observers.

2. DGE: The Delegate General of Elections (DGE) is responsible for the compilation of the voters list (updated annually between September and December) and the administration of public finance for political parties, though currently proposed amendments will assign this function to the commission in the future. The DGE is a permanent body as it maintains the voters roll and is responsible for the warehousing of election materials between elections. General Koné of the Malian armed forces served as the DGE.

The right to vote is universal, secret, and equal, with a voting age of 18. Voters must be registered on the national voters roll that is revised annually from September 1 to December 31. By October 15 the revised list must be posted for 20 days for public inspection, following which an appeals period is available to any affected individuals (10 days to contest, and civil court decision within seven days, followed by further 15 days to appeal). Individuals who will have attained the age of 18 by election day are eligible to register. Individuals convicted of a crime are ineligible to vote for a period of five years.

The voters roll was prepared in time for the constitutional referendum that was due to be held in December 2001 but later cancelled by President Konaré. An exceptional revision of the voters roll was eventually undertaken in early January. Several political parties voiced complaints about people not registered in the voters roll.

The distribution of voter cards must begin 25 days before elections and ends three days before election day. Local government officials are responsible for making arrangements to ensure the distribution of voter cards. The overall process is to be supervised by distribution commissions comprised of the mayor and members of

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political parties. Remaining cards may also be collected at polling stations on election day (voters hoping to collect their cards must present identification).

A total of 5,746,202 voters were registered. A telephone hotline was established to allow voters to check their details on the voters list and address other concerns. Voters could also check their details through the Internet.

3. MATCL: The Ministry of Territorial Administration and Local Government (MATCL) manages the conduct of the elections and is responsible for the overall technical and material support of the elections, the management of the tabulation process, and the announcement of provisional election results. Thus, for example, whereas DGE retains overall responsibility for the voter cards, MATCL arranges the transport and distribution of the cards. Within MATCL there is a three-person support committee (CAPE) that provides the minister with direct assistance in the coordination of the ministry's role in the elections. The MATCL minister was Ousmane Sy.

#### **Political parties**

President Konaré of the ruling party ADEMA was unable to stand for re-election following completion of his two terms in office, and in early January 2002 his party selected Environment Minister Soumaïlia Cissé as its presidential candidate for the forthcoming elections. There was no public campaign to amend Mali's constitution to enable Konaré to seek a third term, and Mali is to be commended for its commitment to ensuring a change in political office.

Despite ADEMA's current majority, there were several party defections – including former Prime Minister Ibrahim Boubacar Keïta (IBK), who formed his own party, Rally for Mali (RPM), and who stood as a presidential candidate. A third high-profile contender for the presidency was former military leader and former president of the republic during the democratic transition of 1991-1992, General Amadou Toumani Touré (ATT). By January he had not yet announced his candidacy but was widely

expected to do so. One potential electoral weakness was that he was not a member of a political party.

However, Mali has a history of political party alliances, and it was expected that ATT would seek to craft an alliance to support his campaign. Opposition parties were also expected to engage in a number of alliances. There was no talk of a repeat of the 1997 election boycotts. There was rather an effective and quite successful effort to create a climate of dialogue and cooperation among political parties. However, many opposition parties continued to voice concerns with aspects of the electoral process and the independence of CENI.

Mali's political scene also displayed several other notable features. First, the number of political parties was growing on a weekly basis as the elections approached with more than 80 registered political parties. Second, there was a "wait-and-see" attitude towards this growth in the party system with a residual belief that alliances would likely form as election day drew closer. Third, many of the parties were characterized by heavy personalization of politics and appeared to be vehicles for their leaders rather than having broad-based popular support. Fourth, issue and policy differences were difficult to identify, and all parties seemed to identify the same general priorities (e.g. poverty reduction, investment in health and education, economic growth, and job creation). Fifth, most parties had very little financial or institutional capacity to launch full-scale national campaigns.

Public finance is available to political parties, but only three parties met the five legislated criteria for public finance. The DGE is responsible for the administration of this fund and convened a meeting with the political parties to explain how the public funding operates. In response to criticisms from the political parties, General Koné proposed an even distribution of the remaining funds amongst all political parties, but the parties rejected this plan and only three parties received public funds.

#### **Public participation**

Voter turnout in Mali's previous elections has been relatively low as indicated by the following table:

Table 1: Voter turnout in Mali, 1992-1997

1992 referendum	40.6%
1992 presidential first round	23.6%
1992 presidential second round	20.9%
1992 legislative first round	22.4%
1992 legislative second round	21.2%
1997 presidential	28.4%
1997 legislative (annulled)	34%
1997 legislative rerun	21%

Despite the relatively low rates of voter turnout in elections, Mali reportedly now has more than 1,000 nongovernmental organizations (NGOs), indicating a substantial level of civil society organization. There is strong evidence of NGOs activities in many election-related fields such as women's rights, media, and election support. However, owing to overall levels of poverty, most NGOs have very uneven institutional capacity, with many NGOs complaining of a lack of funds and human resources.

In a promising display of NGO support for the electoral process, the main domestic election observer organization, Mali Election Support (APEM), eventually deployed nearly 600 observers on election day.

#### **International donors**

There is a significant international donor presence in Mali, with considerable emphasis on poverty reduction. Donors in Mali include, among others, France, United States, Germany, the Netherlands, Canada, and China with additional activity

from Sweden, Norway, and Japan. The United Kingdom opened a new embassy in October 2001. The donor community coordinated its electoral support activities with MATCL, and a subcommittee met with the minister.

USAID conducted a substantial democracy and governance program in Mali with significant support for the International Foundation for Election Systems and the National Democratic Institute. IFES placed an elections consultant to work with MATCL while NDI undertook party agent training, among other activities. The Dutch provided election material support for such items as ballot papers and ballot boxes, whereas the Canadians supported civic education and training to enhance the participation of rural women.

#### January 2002: Carter Center Exploratory Assessment

The Carter Center conducted a pre-election assessment in January 2002. Dr. Alfreda Meyers, diplomat-in-residence at the Center, and Dr. David Pottie, senior program associate, conducted a 10-day exploratory assessment of Mali's election preparations.

The exact terms of reference for the conduct of the elections were unclear at the time of this assessment trip since the electoral law was still under revision. The National Assembly approved the new electoral law on Thursday, February 7.

In early January CENI assured the Center that despite their concerns over a tight electoral schedule, preparations for the elections were well underway. CENI planned to monitor election preparations and to deploy observers on election day but was not able, due to the lack of funds, to place observers in every polling station. Governance issues also appear to have been a concern although the party liaison structures that were described to the Center appeared to function on an ad hoc basis. Following an early January joint meeting of the electoral authorities and political parties to discuss aspects of the electoral process, some political parties (e.g. Party for National Renewal (PARENA) and MPR) expressed uncertainty as to the usefulness of these structures.

In addition to contributing to the transparent conduct of the elections, CENI commissioners and MATCL officials acknowledged that Mali's weak transport and communication infrastructure affected many aspects of election administrations, such as the recruitment and training of election officials, the proper distribution of election materials, and the timely collection of results.

Voter registration and voter card distribution were also widely discussed during the time of the Center's pre-election assessment. New voter cards were to be printed and distributed by the DGE prior to the elections. This procedure followed the CENI decision in early January to destroy the previously printed cards in order to placate opposition party complaints about their integrity. It did not appear, however, that much was to be done to ensure that the new batch of voter cards would be any

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different from the old ones, although the action seems to have reassured the political parties that voter fraud would be inhibited through the distribution of new cards.

Some of the opposition parties expressed a general lack of confidence in the ability and independence of the electoral authorities and were concerned about many aspects of the electoral process. These concerns included the tight election preparation schedule; the requirement that voters must present a voter card and official identification (passport, birth certificate or national identification) on election day, since many Malians lack the latter; and the fact that political parties find it difficult to monitor the operation of the many mobile voting stations.

Overall, the Carter Center's interest in observing Mali's elections was welcomed. It was initially unclear who was responsible for inviting international observers to Mali. Ultimately a letter indicating Carter Center interest in observing the elections was sent to the government of Mali, and the Center received an invitation from Minister Ousmane Sy of MATCL inviting the Center to observe the elections (see Appendix 1).

#### **April-May 2002: Carter Center Observer Mission**

The Center sent a small delegation of staff and observers led by Dr. David Pottie to Mali's presidential elections. Owing to the small size of the delegation (seven persons), the Center did not attempt to observe the elections on a countrywide basis or to prepare a comprehensive statement on the election. However, the Center felt that its presence and assessment was important as a means of demonstrating support for Mali's democratic process.

The delegation began to arrive in Mali on April 20 and conducted a day of intensive briefings by Carter Center staff and a variety of Malian stakeholders, including political parties, the CENI, civil society groups, and others.

Members of the delegation were deployed throughout Mali on April 24. From April 25-27, delegates conducted meetings in their deployment areas with political party representatives, election officials, observer groups, and others. On election day (April 28) Carter Center teams observed the entire balloting process by being present at the opening of the polls, visiting a series of polling sites during the course of the day, observing the process of closing a polling station, monitoring the counting of ballots, and where possible, observing the tabulation of votes at constituency and district offices. Observers completed observation forms for each aspect of the electoral process.

Delegates remained in the field to observe counting and tabulation proceedings and then returned to Bamako to share their findings with the rest of the delegation. In addition to its own observations, the Center consulted widely with other observers, political party representatives, and voters in order to take note of their assessment of the electoral process. It is hoped that the Carter Center delegation's presence demonstrated the international community's continued support for strengthening democratic institutions in Mali and helped to generate an objective assessment of the electoral process.

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#### **April 28: First round of voting**

The first round of the elections was marked by a very high number of presidential candidates – 24 (see Appendix 2 for a full list of candidates). Despite this intense political competition for the presidency, the campaigns were reportedly peaceful and conducted in a spirit of tolerance. Carter Center observers attended a number of campaign rallies in Bamako, Sikasso, and Kayes.

Election preparations also were well underway at the time of the Carter Center delegation's arrival in Mali, and the team was supplied with useful background materials by the CENI.

Following the completion of the first round of voting, the Center issued an interim statement on May 7, 2002. In the interim statement the Center reported a significant number of logistic and administrative irregularities on election day. For example, several polling stations lacked voter cards for distribution on election day, and in one instance voter cards for two polling centers were locked in a trunk until midday and therefore unavailable for collection. In other polling stations, essential election materials such as voter lists, ballot papers, voting booths, and indelible ink were missing, thereby delaying the opening of the polls or affecting the operation of the polling station. The Center also observed the circulation of proxy vote forms on election day that had been signed by the appropriate officials but with the voter's name left blank, in contravention of the electoral law. Despite these irregularities, the Center found that presiding officers and political party and candidate representatives were committed to ensuring fair and unimpeded voter access on election day.

The Center appreciated the large number of party delegates and party assessors who facilitated the electoral process. Domestic observers from CENI also were found in most polling stations.

#### Vote counting and tabulation

The initial counting process presented many challenges to election officials owing to the high number of candidates in the elections. However, the assignment of no more than 700 voters per polling station enabled officials to complete the count in a reasonable amount of time. The lack of adequate lighting in many polling stations as well as complicated reporting forms made the work more difficult. Furthermore, the Center did not find posted results at the polling stations, despite the provision of the electoral law to do so.

The subsequent tabulation process was far more worrisome than the initial count in the polling stations and deserves more critical assessment. Vote tabulation was conducted at multiple levels through a cumbersome manual approach that required several days and nights. The assembled committees painstakingly recorded the results for each polling station. This process was conducted at the local, regional and national levels. However, the slow release of provisional results raised suspicions among political parties.

In addition, while the Center was able to observe this process at the local and regional levels, access to the national tabulation process was not always possible, despite assurances that international observers would have access to all aspects of the electoral process, including vote tabulation. The work of the national tabulation commission (comprised of government officials and party representatives) was complex and divided into several task areas: collection of results by radio, telephone, fax; communications from embassies and consulates; and liaison between the commission and the database operations. The Center was denied access to several components of this work and did not receive access to the main plenary work of the commission until almost 48 hours following the close of the polls. Subsequent access to the commission was arbitrary and ad hoc, and the Center was unable to effectively observe the various communication and computer facilities. As a result, the national tabulation process could only be partially observed.

Some political parties expressed their frustration with the tabulation process. On April 30, presidential candidates Almamy Sylla, IBK, Madiassa Maguiraga, Modibo Sangaré, Choguel Kokala Maïga, and Moutanga Tall issued a communiqué that criticized the results process. They charged that the tabulation commission had altered the rules for dealing with the results, entered results into the MATCL database prior to their consideration by the commission, and caused excessive delay. On May 2, CENI followed suit and issued a public declaration that echoed these criticisms. CENI charged that the tabulation commission had broken the law by dealing with results communicated by radio, fax, or telephone rather than those based on the original copies of the statement of the poll, as required by the electoral law. Together these criticisms exposed serious concerns about the accuracy and reliability of the reported results.

Transparency in the tabulation process was also frustrated by the ad hoc communication of provisional results. Despite an MATCL communiqué indicating that the ministry would communicate provisional results from the national tabulation commission each day at 10:00 a.m. and 4:00 p.m., press conferences were ad hoc and access to printed results was restricted.

Partial results were announced on April 30 and May 1, and Minister Ousmane Sy announced final provisional results on the afternoon of May 3. (Mali's electoral law requires that MATCL announce provisional results within five days of the close of the polls.)

Amadou Toumani Touré placed first with 602,998 votes for nearly 28 percent. Soumaïla Cissé was second with 489,957 votes for 22.3 percent followed by Ibrahim Boubacar Keïta with 445,030 votes for 20.1 percent. No other candidate received more than 4 percent of the vote, with 16 of the candidates receiving 2 percent or less. A total of 2,154,843 valid votes were cast for approximately 38 percent voter turnout. However, final determination of the official results was the responsibility of the Constitutional Court.

and other interested groups. The Constitutional Court is comprised of nine members, three of whom are appointed by the president of the republic, three appointed by the president of the National Assembly, and three are selected by other magistrates. Election petitions must be submitted within 48 hours of the announcement of provisional results. The Court's announcement of the official results is therefore based on its own separate tabulation of votes as well as its decision on the complaints and reports from its own observers. However, there is no timeline established for the announcement of final results, and the Court's deliberations are conducted in private and are not subject to appeal.

The Constitutional Court plays a central role in the results process because it does not

simply tabulate results but also receives complaints from candidates, political parties,

On May 9, the Constitutional Court announced the official results for the first round. Based on its own review of the results as well as more than 30 complaints received from political parties, candidates, civil society, and concerned citizens, the Court invalidated a total of 541,019 votes or 24.6 percent of total cast ballots. In addition, 4.3 percent of the cast ballots were declared void. Therefore, nearly 30 percent of ballots cast during the first round were not included in the final results (see Appendix 2 for final results).

In the Court's announcement of official results, ATT remained in first place with 449,176 votes, followed by Soumaïla Cissé with 333,525 and IBK with 329,143 votes. Although the Court's declaration did not alter the order of the top three candidates, it did narrow Cissé's margin of victory over IBK from 44,927 to only 4,382.

The Court thus came close to changing the outcome of the election in a final count observed by no one. This change is partly attributable to the distribution of invalidated votes, presumably owing to the Court's decision on complaints in areas where ATT and Cissé had more support. For example, in Kidal 68 percent of the votes were invalidated, followed by nearly 53 percent in Gao and 45 percent in Tombouctou. In the provisional results, Cissé was the leading candidate in all three of

these regions, and he therefore lost many votes in the Court's final announcement of results.

Mali's electoral law does not provide a fixed time frame during which the Court must announce its results, and the timing of its decision left fewer than two full days for the top two candidates to campaign officially for the second round. (In fact, both the ATT and Cissé campaigns were well underway immediately following the announcement of the provisional results the previous week.) The timing of the decision also meant that itinerant voting stations for the second round would be unable to reach all potential voters as their operation was reduced from one week to a few days.

In the interim statement The Carter Center acknowledged that the elections mark an important step in Mali's democratic consolidation following the completion of President Alpha Oumar Konaré's two terms in office. The Center concluded that overall the elections were peaceful, well managed, and conducted in a spirit of transparency. The high number of presidential candidates indicated significant enthusiasm for multiparty electoral competition but also the highly personalized character of politics in Mali. The general atmosphere during the electoral campaign was positive, and there were no reports of intimidation before or on election day.

However, the conduct of some elements of the electoral process generated concerns about the accuracy and reliability of the reported results. The Carter Center therefore awaited the conduct of the second round of the presidential elections and encouraged all participants to work towards a peaceful, credible, and transparent democratic electoral process.

#### May 12: Second round of voting

Following the announcement of provisional election results from the first round, some members of the Center's delegation were redeployed in anticipation of the second round of voting. Other members of the delegation remained in Bamako awaiting the Constitutional Court's announcement of the final results of the first round.

The Carter Center issued a second and final public statement on the 2002 presidential elections in Mali on June 7, 2002. This final statement summarized the Center's assessment of the second round of the presidential elections as well as some overall impressions of Mali's electoral process.

Overall, the peaceful, tolerant, and competitive political climate of the first round continued through the second round, despite the very close vote count between the second- and third-place finishers in the first round. A wide range of viewpoints was expressed through Mali's broad range of print media and radio stations. The people of Mali and their political institutions met the challenge of ensuring that these elections were successful in those terms. Perhaps most importantly, the winning candidate in the second round, ATT, appears to enjoy legitimacy in the eyes of the Malian electorate and the international community. Despite these observations, there were several contradictions of sufficient importance to raise doubts about such a positive assessment of the 2002 presidential elections.

Following completion of the first round of voting, MATCL officials at national and regional levels indicated their dissatisfaction with the conduct of the first round and said that measures would be taken to improve the conduct of the poll. In Bamako, for example, each commune held additional training sessions for all presiding officers, and ministry officials committed themselves to ensuring the timely distribution of election materials.

While the overall political climate remained tolerant and peaceful before the second round, the Center observed or received reports of a range of continuing irregularities. For example, the Center received reports from several opposition parties in Ségou that accused ADEMA supporters of voter card theft and of photocopying several hundred proxy vote forms in advance of the elections. Concerns were also voiced about the circulation of proxy vote forms prior to the first round in Mopti, but it appears that more of an effort was made to restrict the circulation of proxy vote forms prior to election day.

Following the announcement of the first round provisional results, all of the political parties in the Hope 2002 coalition demonstrated their support for the third-place finisher, IBK. A major Hope 2002 political rally was held in Bamako on May 4. Although some of the coalition leaders and their supporters were clearly angry about the conduct of the first round, the rally was peaceful and IBK appealed for calm. IBK's acceptance of the Court's decision, despite the many complaints submitted by his party, also appears to have made a significant contribution to the conduct of a peaceful and tolerant second round.

In general, the conduct of the second round of the elections was marked by procedural improvements. Election officials were for the most part well trained in the discharge of their duties and committed to ensuring that the elections were conducted transparently. Moreover, the distribution of election materials was much improved for the second round as compared to the first, and most polling stations opened on time with all election materials present. Party delegates and the requisite number of assessors were present everywhere, although there were some delays in assigning party delegates to all polling stations in some centers. However, it was not always clear that all party delegates fully understood their role or that they were able to adequately record the proceedings or results of their polling station. During the conduct of the poll, the polling station staff clearly found it easier to handle two ballot papers rather than the 24 ballot papers of the first round. The choice between only two ballots also made the voting process less confusing for voters.

Although the second round was conducted more efficiently than the first, the Center continued to observe problems on election day. For example, voter identification posed problems. In several places the Center observed voters who were able to cast their ballots without having to present any identification at all, while other voters who had only their voter card were able to cast their ballot without the two witnesses required by the electoral law.

There were also reports of serious electoral fraud involving vote buying, but these practices were not directly observed. A number of candidates and political parties

lodged complaints of such attempts to influence the vote with the Constitutional Court following both rounds of the elections.

Security forces were generally visible, and they largely performed their tasks without interfering in the normal conduct of the poll. The Center did observe disruption, and possible intimidation, involving security forces at one polling center in Bamako. The army secured the two entrances to the polling center and checked for voter cards and identification, thereby restricting potential voter access to the polls. Several disputes involving voter identification resulted from this action, and throughout election day soldiers cleared the yard of people. While the security forces play an important role in all elections, this instance suggests that alternative means might have been employed to meet that goal while ensuring voter access to the polls.

Despite considerable procedural improvements during the second round, the many continuing widespread irregularities indicate the need for electoral reform and structural improvements for the conduct of elections in Mali.

#### Vote counting and tabulation

The counting and tabulation process for Mali's election results during the second round remained cumbersome, labor-intensive, and unevenly transparent.

The May 12 counting process proceeded much more smoothly and rapidly than in the first round, and polling station results were generally available the evening of election day. Results were normally posted at polling stations, and copies of the results were available for each candidate's representative. In contrast to the ad hoc and irregular access to the national tabulation commission that Center observers received during the first round, unrestricted access was granted during the second, and the Center was able to observe freely.

Each presiding officer completed three copies of the tally sheet of results. Tabulation committees comprised of candidate representatives and government and security officials were established at the local and national levels to receive the first two copies

of the tally sheets. Subsequently, regional-level tabulation committees tabulated results from all of the local authorities in their respective areas, and a national tabulation commission compiled results for the country as a whole. Once the national tabulation process was completed, the minister of MATCL announced the provisional results.

The tabulation of votes at commune levels appeared to proceed more smoothly and rapidly following the second round. For example, by 10:30 p.m. on election night, Commune III in Bamako had tabulated its results, and a similar level of activity was observed in other parts of the city. By contrast, during the first round of the elections, results from Bamako were among the last to be received by the national tabulation commission.

However, some irregularities were observed during the tabulation process. For example, in Ségou the mayor tabulated communal results without the presence of candidate representatives as required by the election law. In Mopti there was no tabulation at commune level, as the prefect issued a decree that called for the composition of a tabulation commission only at the electoral region level, comprised of himself, his adjunct, and one representative from each candidate. (All the actors involved agreed to this arrangement and felt that it reduced unnecessary duplication.)

Overall, the tabulation process remained cumbersome because each level of committee operated independently of one another, and each conducted a complete tabulation of the vote. While the presence of candidate representatives on these committees demonstrated a commitment to transparency, it did not serve as an effective check on possible errors because the results from each level were not reconciled with those from the others. This process was time-consuming and resulted in excessive duplication of effort. Finally, only regional and national results were released to the public, making assessments of local or polling station results impossible.

Meanwhile, the third copy of the tally sheet was sent to the Constitutional Court where a separate tabulation process was conducted. Despite all of the effort

undertaken by the various tabulation committees, only the Constitutional Court's tabulation matters in the announcement of final results. The Court therefore functions as an election agency independently of the MATCL and other participants, and no one observes its tabulation process.

Center observer access to the national tabulation commission improved following the second round of the elections. In addition to observation of the commission's plenary sessions, the Center was able to visit the radio communications facilities at MATCL. Unfortunately, at the time Center observers visited these facilities, they were staffed only by the radio operator and not by the four to five candidate representatives as stipulated in the MATCL regulations.

The Center remained concerned about the overall transparency of the tabulation process. For example, in an apparent response to criticisms regarding the ad hoc communication of results following the first round of elections, MATCL announced on May 11 that no partial provisional results would be announced until the national tabulation commission had dealt with 50 percent of the results.

The provisional results for the second round were announced on May 16, once again within the five days stipulated by the electoral law. Provisional results placed ATT first with 1,099,653 votes followed by Cissé with 609,320. Voter turnout was lower than in the first round and reached only 30.17 percent.

Once again, responsibility for the declaration of the final results rested with the Constitutional Court. The Court received 47 complaints and announced the final results on May 23 (see Appendix 3 for final results). The order of the candidates remained unchanged from the provisional results, with ATT elected president with 926,243 votes followed by Cissé with 498,503 votes. On the basis of the Court's decision on the complaints received, a total of 268,216 (15.5 percent) votes were invalidated and an additional 30,248 (1.7 percent) were void. Although the total percentage of invalidated votes declined from the first round, the Court's decision indicated continued irregularities of considerable scope and scale. The Court's

decision appeared to validate concerns about electoral irregularities even though the Center remains concerned that the Court's processes remain out of view.

While the Center respects the role assigned to the Court by Mali's electoral law, the Court's decision to invalidate 25 percent of the results from the first round and more than 15 percent of votes cast in the second round stands as evidence of the very real impact of the Court's role in the tabulation process. The result was that a very high percentage of voters were effectively disenfranchised owing to widespread electoral irregularities and breaches of the electoral law. The Court's decision to invalidate such a high number of votes also raises concerns about what level of fraud and administrative failure would have constituted a sufficient threshold for the Court to invalidate the election in its entirety. In addition, while the Constitutional Court acts in accordance with the electoral law, which provides for private deliberations, it is difficult for electoral authorities, political parties, and voters to understand how best to improve electoral practices in Mali. Even more serious is the concern that the Court's actual tabulation is in effect done secretly.

#### Observers and transparency

The various domestic observers who served as important checks on the transparency of the electoral process operated imperfectly. For example, the Center was pleased to find party agents in all of the polling stations visited during both rounds of the elections. However, none of the political parties presented systematic reports from their agents on the electoral process or a record of results for either round of the balloting. Thus they were unable to serve as an effective check on the national tabulation process.

The role of CENI is to supervise the conduct of the elections, and therefore CENI also had observers in nearly every station the Center visited. CENI issued a public statement during the tabulation process of the first round results in which it reminded the national tabulation commission that the electoral law states that only official tally sheets may be used as the basis for results, rather than communications received by radio, fax, or other means. Although they were preparing a report on the election

results as a check on the official tabulation process, this report was never made public and apparently served only as a check of last resort. It is difficult to evaluate the effectiveness or to justify the expense of this effort under these operating conditions.

As noted above, Constitutional Court observers were also present in most stations visited by the Center. Their reports were also internal for the Court's own assessment of the elections.

Finally, as in the first round of the elections, 570 APEM observers were deployed throughout Mali. Where possible, the Center collaborated with APEM at the national level but did not generally encounter their observers in the field on either election day. APEM observed only the actual voting process on election day and released public statements following each round of the elections that noted irregularities on the conduct of the poll on both elections days. They recommended specific reforms to improve aspects of the polling, such as better lighting in polling stations and more training of polling station officials. APEM concluded that overall the poll was properly conducted and the results reflected the will of the people.

## Voter participation

Voter participation remained low, with turnout reaching 38 percent of registered voters in the first round and nearly 30 percent in the second, despite the improvements in many aspects of the conduct of the poll between the two rounds. Continued low turnout is a disconcerting attribute of Mali's electoral politics, and the phenomenon should receive more attention.

In both rounds of the elections, the number of votes invalidated by the Constitutional Court was very high, reaching 25 percent of total ballots cast in the first round and more than 15 percent in the second. These facts compound the low voter turnout by further reducing the popular mandate of its newly elected president.

#### **Conclusions and Recommendations**

The following conclusions and recommendations are based on the observations reported above and are offered in support of Mali's democratic electoral process.

Election administration: Mali should evaluate the structure and coordination of the three main bodies tasked with election administration. For example, the role definition between the DGE and MATCL in respect of voter registration, preparation of the voters roll, and the distribution of voter cards is clear on paper but raises problems of accountability in the event of problems. The very low rate of voter card collection, while ultimately the responsibility of each individual voter, may have been higher with clearer operational instructions and a more effective distribution campaign prior to election day.

**Role of CENI**: CENI's primary responsibility as a supervisory body places it largely outside the direct conduct of elections in Mali, potentially stripping the country of much-valued electoral expertise. Moreover, the impressive election observation and parallel vote tabulation undertaken by CENI was of limited immediate value, as CENI findings were not made public. CENI should review how best it might fulfill its mandate to supervise the conduct of the elections.

**Campaigns:** The election campaign period was largely peaceful and characterized by the expression of a diversity of viewpoints. Mali's presidential candidates, their political parties, and their supporters are to be commended for their conduct. This experience should not be forgotten and may be included in any future codes of conduct or training materials.

**Voter card distribution**: Voter card distribution prior to the elections was managed through Mali's local government administration, although the DGE was ultimately responsible for the overall process. However, with only a few days left before the first round of the elections, voter card collection was reported to be lower than 30 percent in many areas of the country. This rate was eventually improved to 60 percent by election day. The difficulties faced by MATCL in ensuring a high rate of

voter card distribution suggest that more effective alternatives may be employed in the future. There were also many stories of voter card theft, indicating inadequate controls over the security of the supply of voter cards and raising the possibility of vote fraud on election day. The entire process of voter card distribution should be reviewed to facilitate pre-election distribution of voter cards and to ensure adequate security of the cards.

**Distribution of election materials**: MATCL needs to improve its ability to supply, warehouse, and distribute election supplies to ensure that all polling stations are able to open on time with all necessary election materials.

**Training of polling officials**: In some districts polling officials received additional training between the first and second rounds of the elections. The benefits of this training were evident in the improved conduct of the polling and counting during the second round. MATCL and other partners should re-examine their recruitment and training techniques for future elections to build on the lessons learned.

Polling station logistics: The Center was favorably impressed that a maximum of 700 voters was assigned to each polling station, thereby facilitating the work of polling station officials and party or candidate agents. However, given the high number of candidates and the fact that Mali's electoral law does not provide for a single ballot paper, many polling stations were of insufficient size to accommodate secure layout of the ballot papers or the number of persons (election officials, voters, party agents, and other observers) inside the polling station. Moreover, many polling stations lacked electric lighting, and the provided candles often proved to be inadequate.

**Voter identification:** Voters are required to present identification in addition to their voter card on election day. However, this requirement was not always enforced, and in some cases voters without identification were not required to produce two witnesses listed on their polling station's voters list. Voter identification protocols must be clearly articulated to voters, polling station officials, and party agents alike. More vigorous civic education prior to election day may assist in this regard.

**Proxy votes**: Electoral authorities should re-examine the administration of proxy votes and ensure that reported abuses, particularly the circulation of blank proxy vote forms prior to the first round elections, are not repeated in the future.

Completion of forms: The amount of paperwork to be completed following the completion of the counting process is excessive and overly complex. Simple changes can go a long way towards easing the work of election officials and party agents who are already fatigued from a long voting day of work. For example, given the large number of presidential candidates, preprinted forms would have eliminated the time spent entering the list of 24 candidate names on the various forms. MATCL should ensure that all results are posted at each polling station following completion of the count and that all party agents (and possibly observers) receive a signed copy of the final statement of the poll.

**Tabulation process**: Mali's tabulation process is excessively cumbersome, repetitive, and slow. The Center welcomes the decision to include candidate and civil society representatives on the various commissions that deal with the tabulation process. However, this approach to transparency in the tabulation process is flawed: Each level of tabulation commission replicates the work of the other, rather than each higher level serving only as a check on the work of the commission. The consequence is that results are slowly transmitted without any effective checks. Greater clarity and transparency in the receipt and processing of results – for example, through the creation of a national results center with access for candidate representatives, observers, and media – would enhance the quality of the tabulation process.

Communication of results: The absence of a clearly articulated and effectively implemented communications strategy raised suspicions about the results process. MATCL officials did not provide timely, appropriate, or full disclosure of partial provisional results.

**Constitutional Court:** The final, and only meaningful, tabulation of results takes place in the Constitutional Court in a process that is not open to observation or appeal. The consequence is that the Court effectively replicates the entire tabulation process

that occurs in the various levels of commissions. The government of Mali should review its electoral law in order to debate the most appropriate means to ensure both integrity and transparency in the tabulation process. The Court's role might be reassessed to retain its important oversight, without assigning it full responsibility for a complete tabulation of its own. If the Court continues to conduct a full tabulation, that process should be open to observation.

Announcement of results: Given Mali's two-round electoral system, the electoral law should be reformed to ensure that election officials and those candidates going through the second round have sufficient time to campaign effectively. The Constitutional Court, or whichever body may be tasked with the responsibility of the announcement of final results, should announce the final results within a legally specified short time frame to allow holding a second round two weeks after the first one. Given Mali's communication infrastructure and time needed to evaluate election petitions, it may be more practicable to allow for a longer interval between the two rounds.

Election petitions: Like many other countries, Mali relies exclusively on the courts to address election petitions. Mali is to be commended on the speed with which its Constitutional Court addresses these petitions. However, a growing number of countries in Africa and elsewhere have introduced alternative dispute resolution mechanisms that address complaints sooner and at lower cost. Mali should explore these options to ensure that the peaceful conduct of the 2002 presidential elections is repeated in the future.

**Election observers:** The Center was encouraged by the presence of domestic observers from political parties, candidates, civil society, the Constitutional Court, and others on election day. However, there were few indications of sustained domestic observation activity during the campaign period or tabulation process and the immediate postelection period. Where possible, The Carter Center sought to share information and collaborate with domestic and other international observers. However, the future role of domestic election observers may be enhanced through

capacity building, training, and ongoing international and domestic support to facilitate observation of all aspects of the election process.

Mali is at a critical point in its democratic development. The 2002 elections mark the alternation of executive authority through the peaceful conduct of multiparty elections. Despite the many irregularities outlined in this report, the people of Mali appear to have accepted these election results as a fair and legitimate expression of their will. It is clear that the people of Mali voted for change and expressed their support for a multitude of political parties and independent candidates.

However, Mali also faces a challenge now that it has elected a president without a clear identification with an established political party. The Center hopes that Mali's political institutions will operate effectively, while maintaining important checks and balances between the executive, legislative, and judicial branches of government. It might be useful if a functioning coalition of parties or some other means of facilitating interparty cooperation were established in order to enhance democratic governance and political stability during Amadou Toumani Touré's presidency.

#### Postscript: Mali's 2002 Legislative Elections

Mali conducted the first round of its legislative elections on July 14, 2002. A total of 23 seats (of 147 seats in the legislature) were won by absolute majority during the first round, with the remainder of the seats contested in the second round of elections on July 28.

First round results announced by the Constitutional Court indicated widespread irregularities in the conduct of the poll. Elections were cancelled in all itinerant polling stations, and overall, the Court cancelled more than 200,000 votes (more than 15 percent of all cast ballots) on account of fraud, corruption, and other irregularities. Following the first round of the elections, MATCL suspended four of Bamako's six mayors for three months for negligence in the case of 55,799 electoral cards that disappeared before the first round of the legislative elections. Voter turnout was a record low at 23 percent.

Following completion of the second round of voting, MATCL released the following provisional results:

- ARD coalition (led by ADEMA), 63 seats
- Espoir 2002 coalition (led by RPM), 51 seats
- ACC coalition (supports ATT), 12 seats
- Independent candidates, 8 seats

Once again the Constitutional Court was to have a major impact on the results. After examining more than 500 complaints, on August 9 the Court released the official results of the second and final round of parliamentary voting. Citing electoral irregularities, the Court annulled the election results in eight constituencies. The Court's tabulation of results also significantly changed the composition of the new parliament from the provisional results, placing Espoir 2002 in the lead but leaving parliament without a majority party.

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The final legislative election results were:

- Espoir 2002 gained 15 seats from the provisional results for a total of 66 seats.
- ARD lost 12 seats for a total of 51 seats.
- ACC lost 2 seats for a total of 10 seats.
- Party for African Solidarity (SADI) won a total of 6 seats.
- Independent candidates won 6 seats.

In total, more than 40,000 ballots were annulled in response to complaints and petitions from the various parties, plus the total invalidation of the polls in Sikasso and Tine-Essako. Voter participation was low, estimated at 14 percent or 700,000 total voters out of five million eligible voters.

The ongoing irregularities in election administration during the legislative elections reinforce the Center's assessment of the strong need for administrative and technical improvements to the presidential elections.

The central but nontransparent role of the Constitutional Court was again starkly evident. In theory, the Court might have corrected the administrative errors of the electoral authorities in a very positive sense, but in practice no one was able to observe or check the work of the Court to see if this was indeed the case. In fact, the Court's final statement of results dramatically altered the political standing of the parties in parliament as compared to the provisional results.

Continued low voter turnout is an additional source of serious concern and should be addressed, as such low voter turnout brings into question the ultimate legitimacy of the entire electoral process.

Stable and successful democratic governance in Mali now appears to depend on the ability of the party coalitions in parliament to find common ground with one another and with President Touré.

#### Acknowledgments

Special thanks are offered to the Carter Center delegates who volunteered their time, expertise, and insights to this mission. The delegates accepted a range of responsibilities without complaint, and given the relative size of this mission, often exceeded their normally expected responsibilities. In particular the Center wishes to thank Tore Rose, Sylvie Belanger, and Enrico Sborgi for their dedication to this mission and to the people of Mali. Special thanks go to Dr. Alfreda Meyers, diplomat-in-residence, for her willingness to share her experience with the Center and this delegation.

We are also grateful to Minister Ousmane Sy for inviting The Carter Center to observe the presidential elections in Mali. Thanks also to the National Independent Electoral Commission (CENI) and CENI President Moustapha Cissé and Vice President Abderhamane Niang for their openness and assistance.

The Center also wishes to thank Colonel Ismaïla Cissé, high commissioner for Bamako District, and Yaya A.I. Dollo, civil administrator for Bamako District, for their warm welcome and assistance. Their willingness to answer our questions and to grant us access to all aspects of the electoral process exemplified their commitment to transparent election administration.

The Carter Center field staff worked many long hours to make this mission a success. Thanks to field office manager Amy Hamelin, project assistant Annabel Azim, and Democracy Program intern Agnes Chaudron for their dedication.

The Carter Center's Democracy Program in Atlanta had overall responsibility for the project and was managed by Dr. David Pottie. Thanks are extended to all Carter Center staff in Atlanta who assisted with this project.

# **Appendix 1: CENI invitation**

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Bamako, le 05 AVR 2002

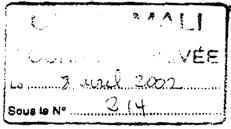


LE MINISTRE DE L'ADMINISTRATION TERRITORIALE ET DES COLLECTIVITES LOCALES

MONSIEUR LE REPRESENTANT DE THE CARTER CENTER PEACE PROGRAMS

Fax: (404) 420-5196

Objet : Envoi d'observateurs pour le suivi des élections générales de 2002.



#### Monsieur le Représentant,

Dans la perspective des élections générales de 2002, j'ai l'honneur de vous informer que le Couvernement malien souhaiterait recevoir des observateurs internationaux pour le suivi des différents senutins dont le premier est prévu pour le 28 avril 2002.

Lesdits observateurs doivent prendre attache avec la Commission Electorale Nationale Indépendante (CENI) qui est la structure responsable de leur gestion.

En vous souhaitant bonne réception, veuillez agréer, Monsieur le Représentant, l'assurance de ma considération distinguée.

AMPLIATIONS	
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Primature	1
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# Appendix 2: Mali 2002 Presidential Election Results, First Round

Registered voters	5,746,202
Cast ballots	2,201,154
Invalid votes	95,359
Annulled votes	541,019
Valid votes	1,564,776
Voter turnout	38.31%
Absolute majority	782,389

## Results by candidate (descending order)

Amadou Toumani Touré	449,176
Soumaïla Cissé	333,525
Ibrahim Boubacar Keïta	329,143
Tiébilé Dramé	62,493
Moutanga Tall	58,695
Moussa Balla Coulibally	50,211
Choguel Kokalla Maïga	42,469
Mamadou Sangaré	34,603
Mandé Sidibé	,
	31,389
Ahmed El Madani Diallo	25,584
Daba Diawara	17,156
Oumar Mariko	13,718
Madiassa Maguiraga	12,548
Youssouf Hassane Diallo	12,455
Mamadou Gakou	11,505
Mady Konaté	11,302
Modibo Sangaré	11,667
Modibo Kane Kida	9,722
Mamadou fit Maribatoutou Diaby	9,101
Almamy Sylla	8,851
Habibou Dembélé	7,964
Sanoussi Nancassé	7,829
Ibrahima Diakité	6,899
Abdoulaye Sogolomba Konaté	6,771
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Source: Mali Constitutional Court, May 9, 2002

# Appendix 3: Mali 2002 Presidential Election Results, Second Round

Registered voters	5,746,202
Cast ballots	1,723,210
Invalid votes	30,248
Annulled votes	268,216
Valid votes	1,424,746
Voter turnout	29.99%
Absolute majority	712,374

# Results by candidate (descending order)

Amadou Toumani Touré	926,243
Soumaïla Cissé	498,503

Source: Mali Constitutional Court, May 23, 2002

#### **About The Carter Center**

The Center is a not-for-profit, nongovernmental organization founded in 1982 in Atlanta, Ga., by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University. The Center has helped to improve millions of lives in more than 65 countries by waging peace, fighting disease, and building hope. We work directly with people threatened by war, disease, famine, and poverty to solve problems, renew opportunity, and create hope. A key to our success is the ability to make detailed arrangements with a nation's top leaders and then deliver services to thousands of villages and family groups in the most remote and neglected areas.

The Center has about 150 employees, based primarily in Atlanta, Ga. The Center is financed by private donations from individuals, foundations, corporations, and international development assistance agencies. The 2000-2001 operating budget, excluding in-kind contributions, was approximately \$34 million. The Carter Center Inc. is a 501 (c)(3) charitable organization, and contributions by U.S. citizens and companies are tax-deductible as allowed by law.

The Carter Center is located in a 35-acre setting 1½ miles east of downtown Atlanta. Four circular interconnected pavilions house offices for President and Mrs. Carter and most of the Center's program staff. The complex includes the nondenominational Cecil B. Day Chapel and other conference facilities. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration of the federal government. The Center and Library are known collectively as The Carter Presidential Center.