

# OBSERVING POLITICAL CHANGE IN VENEZUELA: THE BOLIVARIAN CONSTITUTION AND 2000 ELECTIONS

## FINAL REPORT

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# OBSERVING POLITICAL CHANGE IN VENEZUELA





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**LIST OF DELEGATES - MAY  
THE CARTER CENTER  
VENEZUELAN ELECTIONS 2000**

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**The Honorable Jimmy Carter**, 39<sup>th</sup> President of the United States and Council Chair, USA  
**Mrs. Rosalynn Carter**, former First Lady of the United States, Carter Center Vice Chair  
**The Honorable Rodrigo Carazo Odio**, former President of the Republic of Costa Rica  
**Estrella Zeledon Lizano**, former First Lady of the Republic of Costa Rica  
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THE CARTER CENTER

OBSERVING POLITICAL CHANGE IN VENEZUELA

RICK DIAMOND

*May delegation*



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**LIST OF DELEGATES – JULY  
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VENEZUELAN ELECTIONS 2000**

**LEADERSHIP TEAM**

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**Mrs. Rosalynn Carter**, former First Lady of the United States, Carter Center Vice Chair  
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## FOREWORD

On Dec. 6, 1998, Venezuelans clearly proclaimed their intense desire for change in their political life. The Carter Center observed those elections and concluded that they were a true expression of democracy. Since then, the majority of Venezuelans continued to support the radical reform program of President Hugo Chávez through five more elections and referenda. Other sectors, however, expressed concern that their voices were not being heard, and that the authorities charged with overseeing the elections and any disputes were not neutral. We, therefore, accepted the invitation of the Venezuela Electoral Council and the presidential candidates to return to Venezuela to monitor the 2000 electoral process.

We enlisted the support of the Council of Presidents and Prime Ministers of the Americas and were fortunate to have Luis Alberto Lacalle, former president of Uruguay, and Rodrigo Carazo, former president of Costa Rica, join us for pre-election visits and co-lead with me the election delegations. Rosalynn and I prepared to go for the scheduled May 28 elections and were en route when the Supreme Court announced its suspension. We felt that was a wise decision and decided to continue our trip, in the hopes of ensuring that all sides would calmly accept the ruling and Venezuelans would work together to address the problems necessitating the postponement.

We promised to return for the newly scheduled elections and were joined by a second group of dedicated international delegates, many of them

returning after the May suspension. As always, the Venezuelan people, as well as their official representatives, warmly received us. Although we concluded that the presidential election legitimately expressed the will of the people, we found serious flaws throughout the electoral process, beginning with the pressure to conduct the May elections prematurely and concluding with the continued delays in resolving the appeals for disputed elections. We urge the National Electoral Council to resolve these appeals as soon as possible.

As Venezuela concludes a two-year period of intense electoral and political activity, we expect that the country and its leaders will turn their attention to the serious economic and social needs of its people. We hope that Venezuela will renew its democracy with strong and independent institutions, and that the voices of all its citizens will be heard so that Venezuela can serve as a model for a true participatory and representative democracy. ■

President Jimmy Carter  
Chairman  
The Carter Center



## ACKNOWLEDGMENTS

**D**r. Jennifer McCoy, director of The Carter Center's Latin American and Caribbean Program (LACP), initially led the Carter Center Venezuela project. When Dr. McCoy went on maternity leave in May 2000, Senior Program Associate Laura Neuman took over project leadership. We survived the 1999 floods, the May suspended elections, Laura's working all hours and Jennifer's birth to baby Grace, and together, we want to thank all those who assisted in making this project a great success.

The Carter Center mission in Venezuela was made possible through the hard work of many dedicated people. We appreciate the political and electoral insights of our staff in the field: Michael Penfold, Andrés Araya, and Jaquelyn Mosquera. Michael Penfold provided informed analysis of the constituent assembly process beginning in August 1999 and continuing through the suspended May elections. His reports provided the background for the section on the Constituent Assembly. Andrés Araya spent countless hours advising the Civic Audit Committee, an innovative role for Venezuelan civil society in elections. When the elections were suspended, Andrés graciously agreed to remain in Venezuela the additional three months to head our office in Caracas. Without Jaquelyn Mosquera, the Carter Center mission could not have functioned. Jackie did it all – from logistics to graph drawing to researching obscure electoral rules. We were blessed to have her. Finally, we would like to thank Maria Isabel Zambrano who assisted us during the May elections.

During the May and July elections, we were lucky to have many “veterans” assist us in running the expanded Carter Center Venezuela field office, working with the delegates, and preparing the parallel vote tabulation. First and foremost, we must recognize the tireless efforts of Faith Corneille,

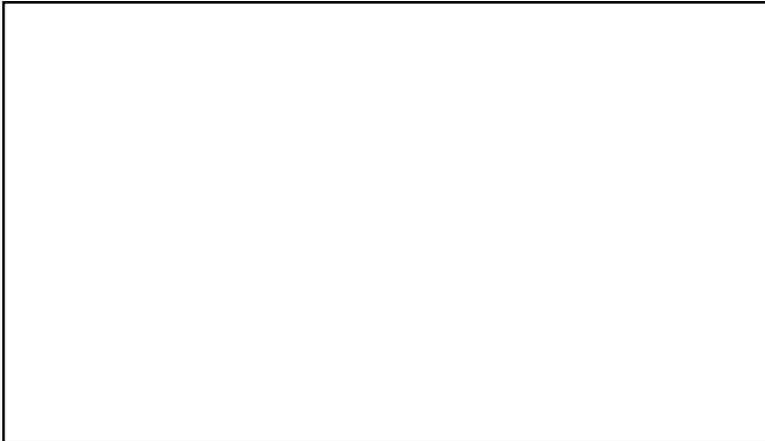
LACP program assistant. Faith organized the field office staff for the July elections, managed much of the preparations leading up to each election, wrote all of our budgets, and consistently remained cheerful and upbeat. Working alongside Faith were Debbie Palmer and Victoria Wigodsky, former LACP interns. Debbie, who never seemed to sleep, prepared the quick count, and accepted any task that came her way. Victoria, on loan from the Inter-American Dialogue, was an asset to our office with her perfect Spanish and fantastic disposition. Dr. Shelley McConnell ran the office for the May elections. We are thankful to have had her calm head and years of experience when the May elections were suspended. Finally, we want to thank Alexander Bick and Penelope Spain for their assistance in the office, interest, and dedication to the project.

The LACP interns once again proved vital to our mission's success. From traveling with us on pre-election assessment missions, to assisting during the election, editing the briefing books and this final report, and keeping us apprised of the daily happenings in Venezuela, we rely heavily on our interns' intellect and energy. We want to thank all of them, those who traveled with us and those who kept things going back home, from the fall 1999 class through spring 2001. Heather Sullivan, a former intern who stayed on to keep our Atlanta office running, deserves particular mention for her fortitude in making all the airline reservations and willingness to give up her whole summer to work on Venezuela. Also to be commended for her stamina is Paula Colmegna who translated the report, even while studying for her master's exams.

The Venezuela project would not have been possible without the dedication and commitment of all Carter Center staff, including those who traveled with us: Deanna Congileo, Curtis Kohlhaas,



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JOAN PUCKETT

*Carter Center staff Laura Neuman, Tanya Mújica, Faith Corneille, Alexander Bick, Gordon Streeb, Mistye Godsey, Curtis Kohlhaas, Debbie Palmer, Penelope Spain, and Deanna Congileo.*

Nancy Konigsmark, Kent Spicer, and Tanya Mújica. Those who stayed in Atlanta and worked just as hard were: Becky Castle, Tom Eberhart, and Iris Frank. Additionally, Ambassadors Dennis Jett, Carter Center ambassador-in-residence, and Gordon Streeb, associate executive director, lent us their wisdom and counsel throughout the missions.

The Carter Center is home to the Council of Presidents and Prime Ministers, a group of 35 present and former Latin American and Caribbean heads of state. Members of the Council often join President and Mrs. Carter on missions to Latin America. In this case, we were honored by the presence and insights of former President of Costa Rica Rodrigo Carazo, his wife Estrella, and former President of Uruguay Luis Alberto LaCalle.

The Carter Center mounted 10 assessment missions and observations. On each of these missions, superb electoral and political experts, including Harold Trinkunas, David Myers, Marcel Guzman de Rojas, Eduardo Sterling, Patricio Gajardo, Roy Saltman, and Luis Alberto Cordero joined us. The Carter Center also would like to acknowledge the people behind the lens, Rick Diamond and Joan Puckett, who took great pictures that have allowed us to share our mission with

others. Lastly, preparing and running a parallel vote tabulation is a difficult and often thankless job. Therefore, we want to take this opportunity to recognize Mansour Fahimi, who in a very short period of time, prepared a statistically splendid sample and to whom we will always be indebted.

The Carter Center was fortunate to have united two groups of experienced and professional delegates. Therefore, we want to thank our May and July delegations for taking the time out of their lives to join us in Venezuela for this meaningful experience.

The mission was funded through generous grants from the UNDP, U.S. Agency for International Development/LAL/RSD, the British Embassy, and the Ford Foundation. We also received in-kind support from BellSouth, Coca-Cola, and TelCel. All of the views found in this report are those of The Carter Center and do not necessarily reflect the opinions of our donors.

Finally, we want to thank the Venezuelan Electoral Council for its responsive answers to all our requests for information, the *Red de Observadores Nacionales* for working with us on the parallel vote tabulation, and all of the candidates and government officials who met with us and kept us informed. We are grateful for the warm reception we received in Venezuela and congratulate all Venezuelans on their demonstrated desire for democracy in their country. ■

Jennifer McCoy  
Director, LACP  
The Carter Center

Laura Neuman  
Senior Program  
Associate, LACP  
The Carter Center



## KEY ELECTION TERMS AND ABBREVIATIONS

Acción Democrática	Democratic Action party. The traditional social democratic party in Venezuela.
Acta en cero	The initial tally sheet printed by every voting machine at the start of the voting process. It is supposed to indicate that the voting machine registers no votes for any party.
Actas (de Escrutinio)	Tally sheets printed out or hand-written at the end of the voting process at each voting table.
Automatización	Generic name given to the automation of the voting process.
Boleta Electoral	Electoral Ballot.
Centro de Totalización	An automated vote tallying center. There is one of these per state (23), plus one for the Federal District, and a national tallying center that aggregates results from regional centers. In these elections, they are managed by the Spanish company Indra.
Centro de Votación	A voting center, typically established in a school to serve the surrounding neighborhood. It usually has multiple voting tables clustered into groups of three which share a voting machine.
Circumscripción	Voting district. Important for the regional elections, but less so in the presidential elections.
Comandante de Guarnición	The local garrison commander that controls troops deployed for the <i>Plan República</i> in a given area.
Comité de Auditoría	A group of seven nongovernmental, civil society organizations that handled the process wherein private companies bid to audit Venezuela's automated voting system. This is expected to include an audit of the machines' operations in the polling sites, the transmission of the tally sheet results to regional and national counting centers, and the summation of those results for each candidate.



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Consejo Nacional Electoral	The five-member and five alternates of the National Electoral Council (CNE) which organizes and monitors the voting process across Venezuela.
COPEI	Traditional Christian democratic party in Venezuela.
Material Electoral	Materials used at the voting tables, excluding the ballots. Includes pens, folders, ink, stamps, labels, and privacy booths.
Cuaderno de Electores	Register of voters assigned to a specific voting table.
CUFAN	<i>Comando Unificado de las Fuerzas Armadas</i> (Armed Forces Unified Command) which controls the 70,000 troops deployed as part of the <i>Plan República</i> .
Encuentro Nacional	New political group supporting Claudio Fermín for the presidency.
ES&S	Election Systems and Software, a private company based in Omaha, Neb., that made the machines used to collect and count ballots and transmit results in Venezuela's elections.
Impresora	Computer printer used by each voting machine to print the tally sheets at the beginning and end of the voting process.
Izquierda Democrática	New political party backing Francisco Arias Cárdenas for the presidency.
Junta Electoral Regional (JER)	Regional Electoral Council. Charged with supervising elections on the state level, as well as tallying and confirming local electoral results.
La Causa R	Party based on independent union movement. A strong national party after the 1993 elections, it has a more limited regional presence today and supported Arias for the presidency.
Maquina de votación	Vote tabulating machine.



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MAS	Traditional socialist party in Venezuela. Part of the electoral coalition supporting candidate Hugo Chávez, although it backed its own candidates in other races.
Mega-elecciones	The elections planned for May 28, 2000, that were postponed. These elections represent only a part of those that were to be held in the mega-elections.
Mesa Electoral	A voting table, officially consisting of five poll workers who sit at a table to administer the vote. A voting center can have from one to nine voting tables, typically clustered in groups of three, sharing a voting machine.
Miembro de Mesa	Poll worker, many of whom will have worked in the 1998 election.
Miembro principal	Primary poll worker, selected by the CNE.
Miembro suplente	Alternate poll worker selected by the CNE to replace any primary poll worker who fails to appear on election day.
Movimiento Quinta República	Fifth Republic Movement. Party of candidate Hugo Chávez. It has its origins in the <i>Movimiento Bolivariano Revolucionario</i> , the group of military officers that supported the 1992 coup attempts.
Patria Para Todos (PPT)	Leftist party that split from the <i>La Causa R</i> party. Supported Hugo Chávez in the 1998 presidential race, as part of the <i>Polo Patriótico</i> , but for 2000, the party ran its own candidates in several states.
Plan República	Refers to both the plan and the personnel of the armed forces electoral security operation. <i>Plan República</i> are deployed at all polling sites, and although many are young soldiers, each polling center has an officer in charge. This plan has been implemented in every election since 1963 and is a source of pride for the Venezuelan military.



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Polo Patriótico (Patriotic Pole)	An electoral alliance that brought together several new and old left and left-center parties to support candidate Hugo Chávez in 1998. The MVR remained the key player in the alliance and replaced references to the <i>Polo</i> in most public discourse in the 2000 campaign. Included the MAS and PPT, though the latter split in several states.
Presidente de Mesa	The presiding officer of a voting table.
Secretario de Mesa	The secretary of a voting table. The second-ranking officer.
Tarjeta PCMCIA (“flashcard”)	Electronic memory card that stores the electoral software for each voting machine and keeps track of votes cast. The card is inserted into the machine when the polls open and an <i>acta en cero</i> prints to show the card has not registered any votes as yet.
Tarjetón	Alternative name for an electoral ballot.
Testigos Políticos	Party witnesses to the voting process. These should have free access to the polling sites during the electoral process.
Urna	Ballot box.



## EXECUTIVE SUMMARY

**1 Overview:** Venezuela under President Hugo Chávez undertook a bold experiment to revamp its political system and address economic inequities and poverty. The country held seven votes in two years as voters chose Hugo Chávez to lead them in December 1998 and then supported his radical reform program, beginning with a new constitution. A Constitutional Assembly was elected in July 1999 to draft a new constitution, which voters approved in December 1999. Every elected position in the country was then presented to the voters again in a two-stage election in July and December 2000. While we do not believe that the election irregularities would have changed the 2000 presidential results, the significant politicization of the elections and organizational deficiencies contributed to a lack of confidence in the process and the nonpresidential results, thus leading us to characterize the July 2000 elections as flawed.

**2 Carter Center role:** The Carter Center monitored this entire process, beginning with the regional and presidential elections in the fall of 1998, continuing through the work of the Constitutional Assembly in 1999, and concluding with an international delegation for the July 2000 elections and observation of recounts and appeals resolution. We maintained one or more representatives in the country during this two-year period to report to us regularly, and we hosted 10 additional study missions and interim delegations to report on preparations for and dispute resolution following each election.

**3 Voting Process:** Venezuela changed its voting system in 1998 with the introduction of the world's first nationwide electronic network to

transmit voting results to central authorities immediately after the polls close. The automated process, in which optical scanners receive and count ballots and then transmit the results to central headquarters via modem, involved some 7,000 voting machines for 92 percent of the voters, while 8 percent still voted manually.

**4 The Constituent Assembly:** In 1998, then-candidate Hugo Chávez campaigned on a promise to rid the country of the corrupt politics that he argued had deprived the majority of Venezuelans of their birthrights in this oil-rich nation. His strategy to accomplish political change centered on the call for a new constitution, although at the time, he did not clarify what type of changes he deemed necessary. In April 1999, Venezuelans approved a referendum question calling for a Constituent Assembly, and on July 25, 1999, they elected that assembly. The governing coalition (*Polo Patriótico*) won 122 seats out of 131. The "opposition parties" won only six seats, even though they received 38 percent of the vote, due to an atypical plurinominal electoral system, the high level of coordination within the governing coalition, and the disorganization and discrediting of the opposition. Finally, an unusually high number of null votes began to raise questions in voters' minds about the voting machines' performance and accuracy.

**5 Writing the New Constitution:** The Constituent Assembly initially focused on intervening in the legislative and judicial branches, declaring itself to have superior authority. It severely curtailed the activities of the Congress elected in November 1998 and began to investigate and suspend judges deemed to be unfit or corrupt.



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Although its mandate was six months (until Jan. 31, 2000), the assembly set a Nov. 15 deadline to finish the draft constitution. Working in 20 commissions, the assembly received many proposals from society, as well as one from President Chávez. Under pressure to finish ahead of time, the assembly eventually had to curtail debate on the individual articles as it moved to approve entire blocks of chapters presented by the Constitutional Commission of the Assembly. The assembly finished its deliberations Nov. 19 and scheduled a popular referendum to approve the new constitution Dec. 15, 1999.

**6 Constitutional Referendum and Floods:** Four “opposition” assembly members, the Catholic Church, and the private sector umbrella organization, *Fedecamaras*, led a growing “No” vote against approval of the draft constitution. The campaign grew nasty, and voter confidence in the machines eroded as the reports of the problems of the null votes in the July 1999 election grew. The Organization of American States (OAS) and The Carter Center sent small technical teams to study the referendum in preparation for the expected elections the following year. The Carter Center recommended that the National Electoral Council (CNE) conduct an audit of the voting machines immediately following the referendum vote to raise voter confidence regarding the machines. The council agreed to carry out a limited audit two days after the referendum, but was thwarted by the worst flooding in a century in Venezuela. Voters approved the referendum 72 percent to 28 percent, with a turnout of 45 percent of registered voters.

**7 The New Constitution:** The major changes from the 1961 constitution included: immediate presidential re-election and expansion of the presidential term from five to six

years; a move from a bicameral to a unicameral legislature; a new appointed post of vice president; a new Federal Council to decide on national resources to be distributed to the states and municipalities; the creation of two new branches of government – electoral and “citizen’s” (anti-corruption); a reinvigorated state role in providing for the social well-being of citizens; an introduction of popular referenda; reduced civilian control of the military; and a new name for the country – the Bolivarian Republic of Venezuela.

**8 The *Congresillo*:** In a controversial move, the Constituent Assembly appointed new “transitory” members of the Supreme Court, National Electoral Council, and the Citizen’s Power – attorney general, ombudsman, and comptroller general. Critics viewed these appointments as partisans of the president. The assembly then dissolved itself on Feb. 1 and appointed a smaller legislative committee, the *Congresillo*, to legislate until the new National Assembly was elected. Although the new constitution became effective Dec. 31, 1999, the country lived in a transitory legal state for all of the year 2000, as the temporary appointments made by the Constituent Assembly remained in place.

**9 May “mega-elections”:** The vote for all of the elected positions in the country was set for May 28, 2000. With more than 33,000 candidates for 5,000 positions, these would be the most complicated elections ever witnessed by The Carter Center. The Carter Center sent two staff delegations in January and March to view preparations, opened a field office in April, and sent a pre-electoral delegation in early May to assess the campaign conditions. These missions found growing skepticism about the neutrality and the technical preparedness of the CNE, as the complexities of preparing a database of 33,000 candidate names, creating more than 1,200 unique types of ballots



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and printing 40 million ballots, and programming commonly called burning a special “flashcard” (electronic memory card) for each of the 7,000 voting machines began to overwhelm the council.

**10 The Audit:** The Carter Center proposed to the CNE that international observers conduct an audit of a small sample of voting machines on the night of the election to boost the deteriorating confidence in the technical aspects of the election. The council responded with its own proposal to form a Civic Audit Committee to write the terms of reference and choose a private company to conduct the audit. The Carter Center agreed to serve as advisors to this committee. Delays in forming the committee, however, meant that its work could not be completed in time and the committee suspended its activities days before the scheduled May elections.

**11 The Campaign:** President Chávez faced two opponents – former AD leader and Caracas mayor Claudio Fermín and fellow 1992 coup-conspirator Lt. Colonel Francisco Arias Cárdenas. Arias Cárdenas was a popular governor of the oil-producing state of Zulia and had split with his former comrade. Although President Chávez maintained his lead in the polls, Arias Cárdenas soon displaced Fermín as the second-place runner, garnering middle- and upper-class support. The campaign became tense as clashes occurred and intimidation of candidates, election workers, and media was reported.

**12 Postponing the Elections:** An appeal filed by two nongovernmental organizations led to Supreme Court hearings on the preparations for the elections, specifically the failure to educate voters on the candidates and the voting procedures. The CNE finally admitted on May 25 that it would not be

ready for the elections. The Supreme Court ordered the elections suspended, three days before the scheduled vote. The Carter Center had already mounted its international observer mission, with 40 delegates, including President and Mrs. Carter and former Costa Rica President Rodrigo Carazo and Mrs. Carazo, on the ground. The delegation leaders met with the presidential candidates and urged calm and an open debate to decide on the new election date, whether the elections should be separated into two parts, and the potential re-composition of the CNE.

**13 Preparations for the July Elections:** The national legislative committee, the *Congresillo*, appointed new election authorities and set July 30 for the national, governors, and mayoral elections, and Dec. 3 for state legislature and local council elections. The Civic Audit Committee renewed its efforts to select a private company to perform the electoral audit, and The Carter Center continued to advise the committee and prepare for another international delegation. Questions about the technical preparedness continued, however, as the election date was set earlier than electoral technicians had recommended. Lack of voter education, failure to conduct public simulations of the voting system, and insecurity of the voting machines and electoral materials after the May postponement raised uncertainty about the July elections. Finally, the CNE ruled that the audit of the machines planned for immediately after polls closed would not start until the following afternoon.

**14 Election Day:** Carter Center observers monitored the elections in 16 of the 23 states, as well as the Federal District. The delegation found voters participating enthusiastically, though waiting in long lines, political party witnesses in 75 percent of the voting centers visited, and problems or malfunctions with



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20 percent of the machines observed. Voter turnout was 58 percent, somewhat higher than recent Venezuelan elections. President Chávez was re-elected with 59 percent of the vote to Arias Cárdenas' 37 percent, and Fermín's 3 percent. A Carter Center quick count confirmed these results.

**15 Audit:** The Carter Center observed the audit of the voting machines carried out by a private firm selected by the Civic Audit Committee. The Center found inconsistencies in methodology, erratic hours, and incomplete audits. Although we witnessed deficiencies in the portions of the audit observed, we were unable to evaluate the entire audit process. The firm contracted to complete the audit reported a confidence rate of 95 percent in the electoral process, with a 2.5 percent margin of error.

**16 Appeals and Protests:** Violent protests broke out in four states, disputing the governors' and mayoral elections, and more than 300 appeals were filed, including those from presidential candidate Arias Cárdenas and 21 gubernatorial candidates in 18 states. The most common complaints were assertions of pre-marked ballots, inconsistencies between the number of voters listed as having voted and the number of votes recorded, and an excessive number of null votes. As of January 2001, the CNE had decided only 38 percent of the appeals. Still pending were the appeals of the presidential candidate and two of the most visible governors races.

**17 Assessment of the Elections:** While we do not challenge the legitimacy of the presidential election, we did find serious shortcomings throughout the electoral process. The 2000 elections began under a cloud of legal controversy with the naming of a new CNE and a new electoral statute in a manner

inconsistent with the new constitution. The May elections were suspended due to the CNE's failure to complete the necessary tasks. Political pressure to schedule the elections early and include all posts led to an extremely complex election in which a novice council, perceived as partisan, was unable to meet the challenges. The July election continued to demonstrate deficiencies as the CNE neglected to educate voters and poll workers in a timely manner, failed to conduct appropriate national tests and simulations that could have exposed automated machinery glitches, and continued to delay the resolution of pending appeals.

**18 Dec. 3 Election and Referendum:** Local and state legislative elections were held Dec. 3, along with a controversial referendum calling for the suspension of national labor leaders and new direct labor elections to be held within six months. Although the referendum passed easily, turnout was only 23 percent. Labor leaders claimed the referendum violated the constitution, which protects union leaders from state intervention. Threats of international sanctions for potential violations of international labor codes dissipated as the national labor leadership voluntarily resigned following the referendum and negotiated with the CNE on the terms of the new election.

**19 Recommendations:** Following the 1998 election observation, The Carter Center provided a number of recommendations to advance the Venezuelan electoral process. They included: more emphasis on educating the voters, enhanced training of poll workers, improving the electoral registry, re-engineering the voting process to reduce congestion in the voting center and long waits to vote, clarifying the substitution rules for candidates, and reducing the ballot complexity. The Carter Center continues to urge these modifications. Throughout



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the observation of the 2000 elections, The Carter Center privately and publicly provided suggestions and recommendations to the CNE. Most of these were not employed.

With the goal of contributing to the advancement of the Venezuelan electoral process, The Carter Center continues to urge the above reforms, as well as: a) extensive national simulations, open to the parties and observers, of the automated system; b) pre- and post-hoc audits of the system and electoral registry as a routine part of the electoral process; c) extensive consultation in the selection of the CNE directors to ensure wide confidence in their neutrality and capacity; and d) timely resolution of appeals.

**20 Elections and Democracy:** Venezuelan political leaders argue that they are developing a strong participatory democracy. Indeed, the government has consulted its citizens multiple times in the past two years on questions of national import. Nevertheless, the representative nature of democracy requires strong and independent institutions that can withstand the shifts in popularity of individual politicians. The selection of perceived partisan officials for the transitory posts of justices and election authorities in 2000 and the failure to follow the constitutional provisions once again in the naming of those positions in 2001 weakens institutional independence and citizen confidence. Venezuela's task as it renews its democracy is to ensure that the representative and republican dimensions of its democracy match the participatory dimension. ■



## INTRODUCTION

The Carter Center has been engaged in electoral observation in Venezuela since 1998. We maintained one or more representatives in the country during this two-year period to report to us regularly, hosted 10 additional study missions and interim delegations to report on preparations for and dispute resolution following each election, and observed two presidential elections. During this period, we witnessed a marked difference in the political climate in which the 2000 elections were held, including fewer consensuses on the designation of the members of the CNE, the dates of the elections, and the design of the elections. Lack of transparency, neglect of voter education, and continued failures to conduct national simulations undermined public confidence in the process.

While we do not believe that the election irregularities would have changed the presidential results, the significant politicization of the elections and organizational deficiencies contributed to a lack of confidence in the process and some of the results, thus leading us to characterize these elections as flawed.

## HISTORICAL BACKGROUND

Venezuela has been a democracy for four decades, beginning with the transition from the authoritarian regime of General Marcos Pérez Jiménez in 1958. From 1959 to 1993, it held nine presidential elections and experienced four peaceful transfers of power between opposing parties. The election results for these offices were generally accepted and viewed as legitimate, although it was widely acknowledged that small-scale fraud occurred episodically.<sup>1</sup>

Until 1993, democratic transfers of power occurred exclusively between the two traditional parties, social democratic *Acción Democrática* (AD) and Christian democratic *Comité de Organización Política Electoral Independiente* (COPEI), which together had garnered over 90 percent of the votes in every election since 1973. During the 1993 elections, this pattern of a strong, two-party system began to collapse, resulting in the election of a former president, Rafael Caldera, with the backing of a heterogeneous group of political parties. Remarkably, his supporters did not include the party he had founded, COPEI. Although the populace accepted the election of Rafael Caldera as legitimate, there were suspicions of electoral fraud concerning the allegedly low vote totals for a new left-labor party, *La Causa R*. President Caldera took office during a tumultuous period, which followed the indictment and ouster of a president and two failed coup attempts. His term in office was marked by the collapse of the financial system, the periodic

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<sup>1</sup> The Venezuelan phrase “*acta mata voto*” refers to the widespread perception that AD and COPEI, occasionally along with the third party-MAS-would divide up the congressional votes received by smaller parties in order to maintain the dominant position of the larger parties. The changed vote tally (*acta*) at a voting table, would thus “kill” the vote (*mata voto*).



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suspension of constitutional guarantees, and a deep and persistent economic crisis.

This pattern of political uncertainty sustained itself in the 1998 elections, as evidenced by the dramatic shifts in public opinion polls during the first nine months of the election year. In December 1997, Irene Sáez, the mayor of the Chacao district of Caracas, led in the polls with 40 percent of voter preference, followed by Claudio Fermín, a former leader of AD with 35 percent. Following her decision to accept the backing of the traditional party, COPEI, Irene Sáez's popularity began to decline in March. By April 1998, she had dropped to 18 percent in voter preferences. Meanwhile, Hugo Chávez, a former lieutenant colonel in the Venezuelan army and a leader of one of the failed 1992 coup attempts, began his dramatic ascent. Henrique Salas Römer, a former governor of Carabobo state, also began to receive popular support. These shifts in popular opinion and the fact that both front-runners were independents created a high degree of uncertainty surrounding the outcome of the 1998 elections.

Adding to the uncertainty, a new electoral law mandated the automation of the voting system and the selection of a new, nonpartisan CNE. These steps were taken to reduce the possibilities for electoral fraud and increase the transparency of the 1998 elections. The 1998 legislative elections were held in November and the presidential elections followed in December. It was at these elections that Hugo Chávez surged ahead to win the presidency with 56.2 percent of the vote. His closest competitor, Henrique Salas Römer, received 39.97 percent of the popular vote.

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To help reduce some of the uncertainty surrounding the process, the CNE decided to take the unprecedented step of inviting international observers to witness the 1998 elections. In September, Dr. Rafael Parra Pérez, CNE president, invited former U.S. President Jimmy Carter and the Council of Presidents and Prime Ministers of the Americas to participate as electoral observers during the elections. In December 1998, President Carter led a delegation of 42 international observers, which concluded that the presidential election met international democratic standards.<sup>2</sup>

Following the election, President Chávez began implementing the cornerstone of his plan for change, a new constitution. Beginning with the Constituent Assembly election, The Carter Center stationed a representative in Venezuela to monitor the political climate, follow the constitution drafting, and provide in-depth analysis. With a study mission to the Dec. 15, 1999, referendum, The Carter Center began its 2000 electoral observation mission. We returned to Venezuela three times in as many months and in April 2000 opened a field office staffed with an international elections expert, a Venezuelan elections expert, and an assistant. The field office provided daily updates to the Atlanta staff and advised the civil society organizations in constructing the terms for an open and competitively contracted audit of the Venezuela electoral system.

The Carter Center again mounted a 40-plus-person delegation for the May 28 elections, only to have the election suspended after the arrival of all

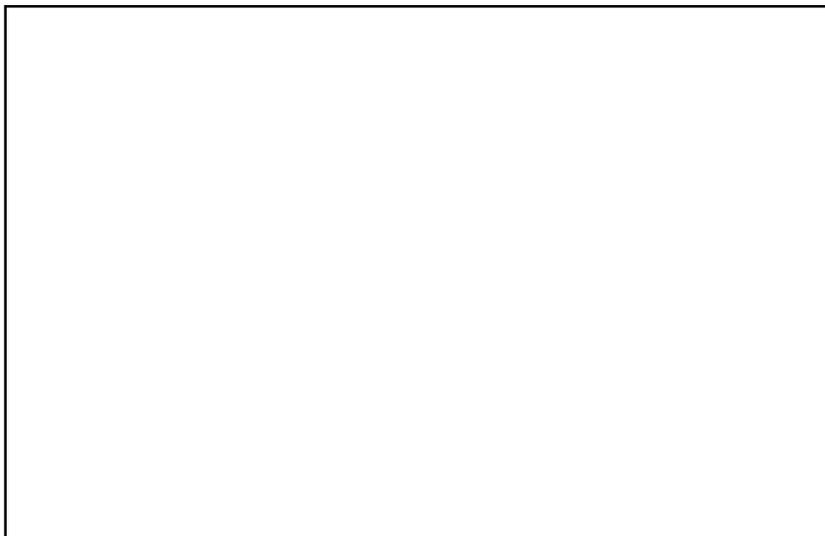
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<sup>2</sup> See Carter Center Special Report Series: *Observation of the 1998 Venezuelan Elections*, by Harold Trinkunas and Jennifer McCoy.



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our team members. The field office remained open throughout the subsequent period in which yet another newly appointed CNE prepared for the most complex election in Venezuela's history. We sent an assessment team to Caracas in early July and Carter Center technical experts arrived 10 days before the July 30 election. Monitoring the July 30 election were 43 international delegates led by President and Mrs. Carter, former Costa Rica President Rodrigo Carazo, and former Uruguay President Luis Alberto Lacalle. Although our field office was officially closed in mid-August, we continued to have a presence in Venezuela with an elections and political expert monitoring the appeal process and the Dec. 3 local elections and referendum. Finally, we sent a Carter Center study mission in November 2000. ■



RENATO CAPPELLETI

*Dr. Jennifer McCoy confers with President Carter during the December 1998 presidential elections.*



## VOTING BACKGROUND IN VENEZUELA

The National Electoral Council, *Consejo Nacional Electoral* (CNE), administers elections in Venezuela. The CNE is comprised of five directors and five substitutes. A president, vice president, and second vice president are chosen from among the directors. The CNE is responsible for the organization of the entire process, including educating the voters, enforcing the electoral law, and determining appeals.

Venezuela, with a total population of 24,169,807 people, is divided into 23 states in addition to the Federal District of Caracas. For electoral purposes, each state and the Federal District is subdivided into districts. Each district has at least

one voting center, with the larger districts having many more. Nationally, there are 8,403 voting centers that accommodate the 11,720,660 registered Venezuelan voters. The voting centers are generally located in central locations such as schools and churches, which also provide for ease of supplies and security. Each manual voting center may have up to 10 voting tables (*mesas*), and each automated center has a maximum of three tables. In total, there are 10,556 voting tables. At each table, there is a maximum of 1,800 voters.

Venezuela's election administration is one of the most complex in the world, as 92 percent of the registered voters use an entirely automated process. For the automated voting centers, the election balloting is done by filling in ovals on a paper ballot

and inserting the ballot into a machine that optically scans the ballot for the voter's selections. At the end of the day, the machine electronically transmits the results from that voting center to a central location in each state and Caracas, where yet another machine totals all of the results. The other 8 percent of voters rely upon manual voting using the same ballot. Nationally, there are 4,857 voting centers using more than 7,000 automatic

**Table 1**

Population	24,169,807	
Registered Voters	11,720,660	Venezuelans
	74,780	Non-citizens who had lived in Venezuela for at least 3 years (municipal election only)
Voting Centers	4,849	Automated
	3,554	Manual
Voting Tables ( <i>Mesas</i> )	6,998	Automated
	3,558	Manual

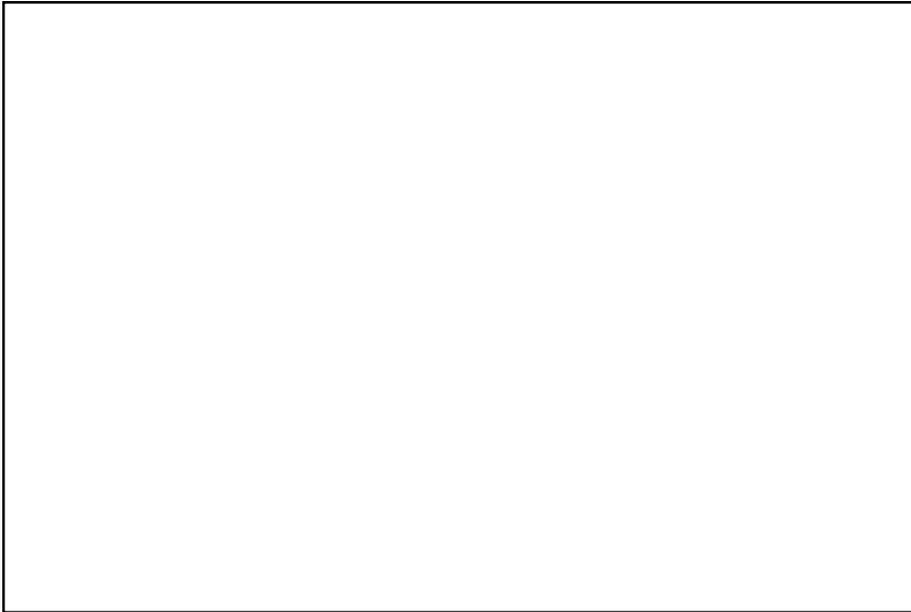
voting machines. The machines were originally manufactured and sold to the CNE by U.S.-based Election Systems and Software (ES&S). Indra, a Spanish-based company, has assisted the CNE in managing the automated process since its inception in 1998.

The vote tabulating machines are designed to scan ballots as they are introduced into the ballot boxes, keeping a running tally of the votes cast on a removable PCMCIA memory card, commonly called the "flashcard." This card is programmed with software that only reads the ballots assigned to that specific voting station.

The voting centers and electoral materials are guarded by soldiers, approximately 80,000 of whom mobilize nationwide under the *Plan República* – an



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ELIZABETH MINA

*Automated voting machine used in Venezuela since 1998.*

electoral security plan routinely used in Venezuela elections. In addition to guarding the materials, the officers of the *Plan República* deliver all of the voting materials and electoral machines and are stationed at each voting center to insure order on the day of election. ■



## ELECTION OF CONSTITUENT ASSEMBLY

In his 1998 campaign for president, Hugo Chávez ran on a platform of change including re-writing the 1961 constitution. He came through on that campaign promise when in April 1999 a referendum on the question of a new constitution was put to the voters and approved.

On July 25, 1999, 6,600,196 Venezuelans, representing 54 percent of registered voters, went to the polls to choose drafters for the new *magna carta*. This represented the fourth vote in only six months: the 1998 legislative and presidential elections and the April 1999 referendum on whether to write a new constitution. The results of the July 25, 1999 election of a Constituent Assembly demonstrated the desire of the Venezuelan people to support President Chávez's radical political reform program. The *Polo Patriótico*, a coalition of political parties supporting the Chávez government, including the *Movimiento Quinta República* (MVR), *Movimiento Al Socialismo* (MAS), and *Partido Patria para Todos* (PPT), obtained 122 seats out of 131. The candidates of the opposition<sup>3</sup>, most of whom ran on an individual basis without the support of established political parties, obtained only six seats. The remaining three seats were assigned to representatives of indigenous groups who were elected through a different electoral procedure. Although the "opposition parties" received approximately 38 percent of the total votes, they won only six seats.

These electoral results left an opposition with virtually no political presence in the Constituent Assembly. Consequently, the opposition could only

influence decisions regarding the new constitutional design through public opinion and the ability to persuade their opponents of the convenience (or inconvenience) of a particular constitutional reform. In contrast, the members of the *Polo Patriótico* had absolute dominion over the Constituent Assembly with a 93 percent representation. This situation left the Chávez government free of almost all obstacles to influence the decisions of the Constituent Assembly.<sup>4</sup>

The explanation for this lopsided electoral outcome is threefold. First, the electoral preferences of most Venezuelan voters clearly favored the convocation of an assembly according to the terms fixed by President Chávez. This situation facilitated the transference of public support from the president, and his proposal to elect a Constituent Assembly, to those candidates running with an official backing.

Second, the electoral system that was adopted did not allow for some of the votes obtained by the opposition to be transformed into Constituent Assembly seats. The electoral system, originally designed by the Presidential Commission for the Constituent Assembly (COCO) with participation of groups from civil society, was a "plurinominal" system. This system intended to personalize the vote by allowing the electorate to vote for individuals rather than party lists. In theory, the electoral system was not a first-past-the-post system because there was more than one seat for the national and regional districts.<sup>5</sup> In practice, however, it had the same majoritarian effect over the way votes were

<sup>3</sup> It is important to note that the term "opposition" in Venezuela refers to individuals who do not support Chávez's government. It is not appropriate to talk about an organized opposition as such in Venezuela. Rather, the opposition is not a party nor a movement, but a group of unlinked individuals.

<sup>4</sup> As it will be explained below, there is some evidence that the *Polo Patriótico* is a heterogeneous group, complicating President Chávez's ability to easily dominate the Assembly.

<sup>5</sup> There were 23 regional districts with seats varying between two and 13 and a national district with 24 seats.



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Table 2

COMPOSITION OF THE CONSTITUENT ASSEMBLY		
Party	Members	Party Coalition
MVR	53	<i>Polo Patriótico</i>
<i>Chavistas</i> (Running on an Individual Basis)	36	<i>Polo Patriótico</i>
MAS	12	<i>Polo Patriótico</i>
PPT	12	<i>Polo Patriótico</i>
PCV	2	<i>Polo Patriótico</i>
27-N (Military)	2	<i>Polo Patriótico</i>
Opposition	6	
Indigenous Groups	3	
Others	5	
Total	131	

counted: In districts with more than one seat, the candidate with the most votes was elected. Furthermore, the electoral system did not include a proportional formula of any sort for the representation of the minorities.

The third reason for the sweeping success of the *Polo Patriótico* in the Constituent Assembly elections was the effectiveness of its candidates to coordinate the vote to diminish its dispersion. The candidates from the *Polo Patriótico* were very well organized and managed to reduce the dispersion of their vote by limiting the number of candidates, thus augmenting their electoral support even more.

On the other hand, most candidates from the opposition suffered in the electoral process because they were linked to the weak economic and political performance of Venezuela's democracy during the last 20 years. The electorate was unable to perceive these candidates as agents promoting political and economic change. The poor reputation of the long-established political parties, AD and COPEI, deterred these candidates from seeking their support, thus creating for most candidates of the opposition a political dilemma. They did not want to be linked to these traditional parties but

still would have favored some organizational support to compete against the *Polo Patriótico*. Most of them did not accept the support from these traditional political parties due to the huge electoral costs that this decision would have entailed. So, they decided to run on an individual basis, thus fragmenting the vote. Further, the opposition candidates were concentrated in Caracas with many more candidates than seats available.

The effect of the electoral system, combined with the efficient coordination of the vote of the *Polo Patriótico* through the widespread use of the *chuleta*<sup>6</sup>, as well as the

dispersion of the vote of the opposition, jointly explains the overwhelming majority presence of the *Chavistas* in the Constituent Assembly. The *Polo Patriótico* was able to coordinate the vote by distributing a *chuleta*, including the slate of *Chavista* candidates, among their electorate to assist them when casting their votes on election day. The opposition, reluctant to identify themselves with party labels, was unable to provide voters with similar *chuletas*. Only at the regional level did some governors of the opposition decide to provide support to a few independent candidates by distributing their *chuletas* among regional voters. The political effect of the *chuleta* can explain the unintended effect of an electoral system that, despite attempting to personalize the vote, only managed to motivate the creation of electoral lists for each party.

In states such as Anzoátegui, Cojedes, Falcón, Lara, Miranda, Monagas, Portuguesa, Yaracuy, Zulia, Amazonas, Delta Amacuro, and Vargas, the

<sup>6</sup> The *chuleta* (meaning in Venezuelan slang, notes from which to copy in exams) provided voters with the list of the official candidates for which they were to vote at the regional and national level.



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ALEX BICK

*Chavez's Movimiento Quinta República (MVR) and alliance candidates won 93 percent of the seats in the Constitutional Assembly.*

opposition was not able to obtain a single seat, despite having received at least 40 percent of the vote. At the national level, the opposition obtained four seats solely because the number of candidates included in the official *chuleta* was lower (it included only 20 candidates) than the district magnitude of 24. Certainly, it is unreasonable to deny the significant support of the Venezuelan electorate for the official candidates. But it also would be a mistake, nonetheless, to overlook the effect of the electoral system that, unintentionally, exacerbated the presence of the *Polo Patriótico* within the Assembly.

Following the July 25, 1999, Constitutional Assembly election, serious questions were raised regarding the electoral machines and overall electoral system because an unusually high number of null votes<sup>7</sup> were detected. Miriam Kornblith, a CNE board member, led an investigation into the

irregularities encountered during the July 25 elections. Although Kornblith claims that these irregularities would not have changed the electoral results, and therefore did not affect the final composition of the Constituent Assembly, the investigation revealed important technical problems related to electronic deficiencies in the optical scanners' reading of the ballots. After auditing the electoral machines and counting the effective number of votes in a selected number of electoral centers, the investigation concluded that there were a substantial number of null votes that should have counted as

legitimate votes. These irregularities were detected in electoral centers throughout the country, except in the state of Delta Amacuro. The states with the highest average of irregular null votes included Distrito Federal, Aragua, Amazonas, Apure, Lara, Monagas, and Yaracuy. These same phenomena were observed in different municipalities within each of these states.

The main hypothesis adopted by the CNE, Indra, and ES&S to explain the irregularities was failure to properly maintain the glass optical scanners. The CNE rejected the possibility of electoral fraud. The July 1999 election was the first in which Indra undertook responsibility for all components of the election, including machine maintenance. The CNE requested documentation from Indra to explain the machine failures and asked that it examine and repair all of the 7,000 electoral machines before the next election. Finally, hearings were held before the Congress to ascertain the source of the errors and whether they affected the election's final outcomes. ■

<sup>7</sup> A null vote can include undervoting, where there was no mark on the ballot, and overvoting, whereby an elector voted too many times for one position. Null votes are also those not read properly by the election machine's optical scanner.



## FUNCTIONING OF CONSTITUENT ASSEMBLY

The Constituent Assembly, with a six-month mandate to complete the drafting of a constitution, began its work soon after the July 1999 election. However, it soon became apparent that the dominant position of the *Polo Patriótico* would create several problems for the functioning of the Constituent Assembly. The lack of an opposition, for instance, served to reduce the quality of debates and quantity of varying proposals. The opposition that existed was fragmented and those political actors who were not fully represented in the Assembly felt that because of the lack of wide participation, they were

unable to influence the rules to be designed to regulate the future democratic process. To curb the growing discontent, the *Polo Patriótico* gave

members of the opposition, such as constitutional lawyer Allan Brewer-Carias, important positions within the Assembly and created a public office to receive proposals for reforming the constitution presented by nongovernmental organizations (NGOs), political parties, and civil associations. The perception of most of these groups, however, was that they remained unable to influence the debate in a specific way.

The Constituent Assembly, presided over by Luis Miquilena, was organized into 20 commissions dealing with issues that included executive powers, territorial organization, human rights, economics, legislative powers, moral branch, armed forces, administration of justice, and decentralization. Each member could choose which commission to participate in but could not sit on more than two. The

organization of the different commissions and initiation of debates was slow, primarily because of the lack of administrative support and low level of participant preparation on the constitutional topics. One of the most important characteristics of the Assembly was the lack of technical and legal advice available to each of these committees.

Meetings of the various Constituent Assembly commissions were open to the public, although necessitating advance accreditation, and televised daily. The public was offered the possibility of informing the debate by submitting proposals or

concerns, and there continued an atmosphere of freedom of speech and press, further increasing the Assembly's transparency.

The first act of the Constituent

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*The first act of the Constituent Assembly was to declare itself the "original source of the popular will and expression of the people's sovereignty..."*

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Assembly was to declare itself the "original source of the popular will and expression of the people's sovereignty," thus making the other branches of power, particularly the judiciary and legislature, subordinate to the decisions adopted by the Assembly. According to this decision, the Assembly could intervene, reform, or terminate any of the existing political powers. From its inauguration in early August, the Assembly focused less on the various constitutional designs and more on the creation of emergency commissions to evaluate the performance of the judicial and legislative branches. For example, the Constituent Assembly declared a situation of "judicial emergency." The decree established the creation of a Commission of Justice, which was charged to present within 20 days a series of reforms, including the removal of "corrupt"



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*Isaías Rodríguez,  
Constituent Assembly  
member and Venezuela's  
first vice president, speaks  
with Jennifer McCoy and  
Laura Neuman.*



THE CARTER CENTER

judges from their positions. This resulted in the resignation of the president of the Supreme Court, Cecilia Sosa, and a confrontation (physical and verbal) between the Congress and the Constituent Assembly.

The Congress, too, was subject to the Constituent Assembly's decrees when the latter mandated a partial suspension of the activities of the legislature and prohibited its ordinary and extraordinary meetings. The Constituent Assembly met in the Congressional building for half the day, while the Congress met the other half. The Constituent Assembly limited the number of areas in which the Congress' Standing Committee, Finance Committee, and Comptroller Committee were able to act. This decree led to a violent confrontation between the members of the Congress and the Assembly. The party leaders of AD and COPEI claimed that the decree was the initiation of an authoritarian regime. President Chávez and members of the Assembly argued instead that the Assembly had the right to claim its *originario* (originating) powers, intercede in the other branches of government, and deepen the process of democratization which they

claim had been hindered by the traditional AD and COPEI parties. In the end, the Congress voluntarily agreed to suspend its activities and the Constituent Assembly continued its work in the Congressional Building.

At one point in its early deliberations, the Constituent Assembly considered suspending not only the National Congress but also the governors and mayors. After resounding criticism from within and outside the country, including a letter from former President Carter to President Chávez, the Assembly withdrew this suggestion.

The members of the Assembly discussed various draft constitutions, including one presented by President Chávez. President Chávez's proposal introduced several significant political reforms to the 1961 constitution. Among them: creating new moral and electoral branches, introducing the figure of a vice-president, deepening the process of administrative decentralization while strengthening national fiscal control, creating a Federal Council to authorize financial transfers to local entities, introducing four different types of referendums, giving complete control to the president over the armed



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forces, relaxing the requirements to introduce constitutional reforms, incorporating the re-election of the president and extension of his term from five to six years, and extending the period for governors from three to four years with re-election.

Time was the most important constraint during the drafting process of the new constitution. In an attempt to meet the timetable imposed by President Chávez and approved by presiding chair Luis Miquilena for approval of the new constitution by November 15, 1999, the Constituent Assembly was forced to amend the rules to shorten the time for debate and discussion. This effort to accelerate the discussion process diminished the quality of the new constitution in numerous ways: articles were approved without sufficient debate, others were approved despite being inconsistent with the rest of the constitutional text, and attempts by civil society to participate in the process suffered from the haste to finish deliberations.

As a result, the Constitutional Commission, a subgroup of assembly members, attempted, in a very short period of time, to make the initial draft presented by the different commissions consistent and more concise. The power attributed to the Constitutional Commission to reduce and change the content of the articles, in order to present a coherent version to the floor, was highly contested. Some members of the Constitutional Commission believed that it was necessary to modify the draft; others thought that the Commission did not have that authority. Conflict escalated to such heights that two key member resigned from the commission. The final draft that was presented to the floor for discussion had almost 400 articles, compared to the initial draft containing 800 articles.

The floor decided to discuss the draft presented by the Constitutional Commission “article by article”. However, the time constraint imposed by President Chávez soon forced the assembly to change this rule. Discussions under the “article by article” rule were very slow and left most members

exhausted. The assembly had managed to approve only 80 articles in two weeks, despite having discussion sessions that lasted more than 15 hours. To accelerate the process, the new rules determined that the floor would only discuss in blocks the chapters of the draft presented by the Constitutional Commission as well as those articles considered highly controversial (e.g. freedom of press, bicameralism vs. unicameralism of the Congress, and presidential reelection). This change of rules certainly achieved its goal, namely, to accelerate the approval of the new constitution, but the cost may have been a sacrifice in the quality and consistency of its content. ■



## CONSTITUTIONAL REFERENDUM AND FLOODS<sup>8</sup>

The Constituent Assembly completed its work Nov. 19, 1999. Although the public should have had at least 30 days to review the constitution, the referendum remained on its previously scheduled date, Dec. 15, 1999.

Because of the rushed nature of the debate, Venezuelans were not quite sure what the final provisions entailed. Although the Assembly tried to fully inform the public about the content of the new constitution, there were no institutional mechanisms in place to incorporate corrections once the reactions from civil society were heard.

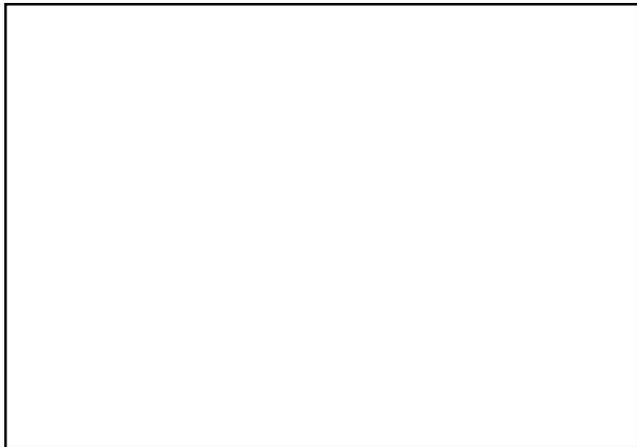
As analyses became available, a movement to reject the constitution grew, led by four opposition Assembly members, including respected constitutional lawyer Allan Brewer-Carias and political leader Claudio Fermín. Criticism of the constitution ranged from its incoherence and logical inconsistencies to its failure to prohibit abortion, and from its relaxation of civilian control over the military to its reinstatement of statist social security and labor provisions. Organizations from the

Catholic Church to the private business confederation *Fedecamaras* came out in favor of the “no” vote.

The debate turned nasty as President Chávez campaigned for the “yes” vote and aggressively attacked his opponents. Critics charged that the government was using state resources to support the “yes” vote, and fear of electoral fraud grew. Opponents were increasingly focusing on the unusually high number of null votes in the July 1999 election, raising suspicions that the new electronic vote counting machines used successfully in the 1998 elections were either not functioning properly or were being manipulated to affect the vote count. Confidence in the machines and the National Electoral Council (CNE) was suffering. The group *Juntos por el No* publicly questioned the referendum’s transparency and called for neutral international and national observers.

### THE CARTER CENTER OBSERVATION OF THE REFERENDUM

The Carter Center sent a small team, including Dr. Jennifer McCoy, director of the Latin American and Caribbean Program (LACP), Laura Neuman, LACP senior program Associate, election experts Roy Saltman and Patricio Gajardo, IFES, political consultant Dr. Michael Penfold, and LACP intern Beth Mina, to study the December referendum. Before arriving, we requested that the CNE consider performing a simple audit of the election machinery immediately



ALEX BRCK

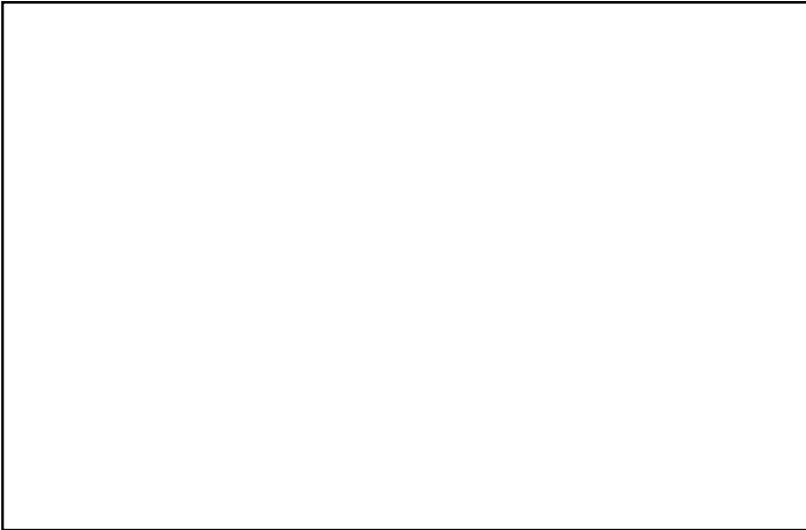
*Discarded leaflets urge Venezuelans to vote “yes” for the new Bolivarian Constitution.*

<sup>8</sup> This section draws on “Democratic Autocracies? Venezuela’s Hugo Chávez,” Jennifer L. McCoy, *Current History*, February 2000.



OBSERVING POLITICAL CHANGE IN VENEZUELA

THE CARTER CENTER



*Top – Bottom: Laura Neuman, Patricio Gajardo, Elizabeth Mina, Roy Saltman, and Jennifer McCoy observed the December 1999 constitutional referendum.*

following the referendum. This audit would include a manual count of randomly selected automated tables and a comparison with the results generated by the machine. In this way, the CNE could insure that the machines were correctly reading the ballots and raise the confidence of the electorate.

The Carter Center felt it particularly important that the audit exercise be open to the public and media, and it be completed as soon after the election as possible to deter any question of tampering. The CNE agreed and tentatively scheduled the audit for two days following the elections.

The day of the referendum, heavy rains, and failure of the election workers to arrive, delayed the opening of many polls, but by 10 a.m., 85 percent of the voting stations were open and their machines reporting to central headquarters. The polls were to close at 4 p.m., but by late afternoon, voter turnout was estimated at only 40 percent. Shortly before 4 p.m., the president of the Constituent Assembly, Luis Miquilena, appeared on national television to call for an extension of the vote. The National Electoral Council quickly met and at 4 p.m. announced a two-hour extension to allow more people to vote. By the time the voting centers

received the news, 12 percent of the polling stations had already transmitted their results and closed. Another group reopened and had to do a separate tally sheet counting the additional votes manually. Others stayed open until 6 p.m. In the end, the turnout increased to only 45 percent, consistent with recent Venezuelan elections.

The Carter Center team visited 25 *mesas* and saw six openings of the voting tables and four closings. The majority of locations that the Carter Center representatives visited opened late due to the rains and had little or no line of voters waiting to cast their ballots.

At the voting centers, we found that most of the poll workers had been selected by the random lottery system begun in 1998 and were thus trained on voting procedures by the CNE. However, where there were not enough workers present, party witnesses assumed the roles. At the tables that the Center visited, it found predominantly witnesses for the “yes” vote. Those supporting the “no” vote were monitoring less than half of the voting tables.



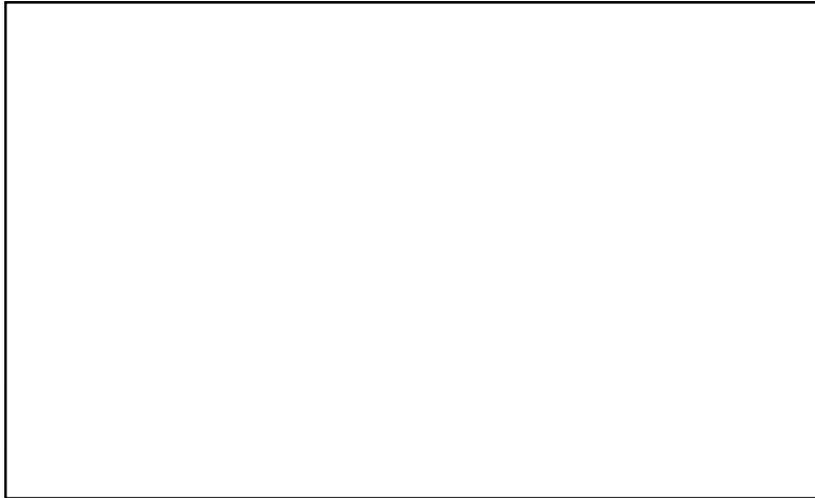
ELIZABETH MINA

*Pollworker demonstrates constitutional referendum ballot on Dec. 15, 1999.*



## OBSERVING POLITICAL CHANGE IN VENEZUELA

LAURA NEUMAN



*When the voting machine would not accept her ballot, this voter cast her ballot manually.*

As The Carter Center had found in previous elections, the polling officials appeared to understand the procedures and *Plan República* guards were stationed at each site. Limited observations indicated that the voting machines were functioning properly except for difficulties accepting the ballots, which may have been a result of the high level of moisture. To address this difficulty, some voting centers stopped using the machines and instead had the voters place their ballots in a cardboard box. The electoral workers then performed a manual count of the ballots.

The Carter Center teams reported seeing almost no independent observers, either national or international. This is in accord with CNE statements before the elections that due to the short period of time given for the organization of the referendum, it would be very difficult to inform and have sufficient independent monitors in the different electoral centers. As a consequence, during the referendum the monitoring process relied more on party members than on independent citizens.

## THE NEW CONSTITUTION

The final vote tally, with 45 percent voter turnout, was 72 percent in favor and 28 percent against the constitution, with 4 percent null votes. The new constitution both reassured and alarmed people. In many respects, it was not as radical as some had predicted. In other respects, it appeared to maintain and even deepen centralized, presidential control in Venezuela, along with a statist approach to economic affairs, while reducing civilian control over the military.

The major political changes from the 1961 constitution included immediate presidential reelection (previously reelection was allowed after 10 years) and expansion of the presidential term from five to six years, thus giving Hugo Chávez the potential to be in office 13 years. It changed the Congress from a bicameral to a unicameral National Assembly and created a new appointed vice president. With regard to decentralization, it maintained the federal structure with elected governors and mayors, but created a new Federal Council to decide on national resources to be distributed to the states and municipalities. It further restricted revenue-raising authority of those entities.

In an attempt to replace the centralized “partyarchy” that had grown up in Venezuela in recent decades, the new constitution ended the state subsidies that had helped the dominant parties build extraordinary hierarchical organizations. On the other hand, it reinstated the proportional representation electoral rule that, while normally allowing for more diverse representation, in Venezuela had strengthened the control of the party headquarters, as leaders determined the slates of



## OBSERVING POLITICAL CHANGE IN VENEZUELA

candidates and candidates became accountable to those leaders rather than to constituents.

In economic terms, the constitution continued to protect private property rights, but it gave the responsibility to the state for the social well-being of its citizens, including the right to health and housing. The new constitution obligated the Central Bank to report to the National Assembly, raising fears among some of reduced Central Bank autonomy. It protected the petroleum industry from privatization, though allowing other sectors to be privatized.

The new constitution widened from three to five the public powers: executive, legislative, judicial, electoral, and citizen's powers. The latter is aimed at controlling corruption and consists of a Citizen's Council made up of the public prosecutor, the comptroller general, and the newly-created ombudsman (public defender). The citizen's power is also vested with the authority to nominate the members of the Supreme Court and National Electoral Council from lists presented by civil society organizations, who are ultimately ratified by the Congress.

The new constitution moves toward more direct democracy by establishing the possibility of popular referenda that can be called either by the president or by 10 percent of the eligible voters signing petitions, with the power to revoke legislation and recall elected officials.

The constitution does a good job of protecting human rights, though an initial draft raised the ire of the media when it called for the citizens' right to "truthful and opportune" information. At the last minute, a clause was added to read: "truthful, opportune, and impartial, without censure."

Finally, the new constitution gave the military the right to vote, in contrast to the previous consti-

tution, and reduced civilian control over the military. For example, the Congress no longer approves promotions within the military, which had been an attempt at civilian oversight in the previous constitution but which had also resulted in politicization of the armed forces. More noteworthy, perhaps, are the obligations that the new constitution omits: the apolitical and nondeliberative character of the military, leading some to fear the military would begin to make political pronouncements; and the duty to respect the constitution and defend the stability of democratic institutions. It further gives the armed forces authority in matters of police administration and investigation.

Opponents to the constitution in the private sector argued that it reverses progress in the labor and social security provisions by reinstating onerous employee dismissal compensation and by reducing the possibilities of private pension plans. The Catholic

Church opposed it for not guaranteeing the protection of life since conception and appearing to give the state control over education. Others opposed it for reversing the trend toward decentralization and strengthening, instead, presidential control. With the referenda provisions allowing the president to call for the repeal of legislation through a referendum, the provision for the National Assembly to delegate unlimited decree powers to the president<sup>9</sup>, and the weakening of civilian control over the military, the new constitution appears to give the president disproportionate powers to the other branches of government, particularly the legisla-

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*The new constitution moves  
toward more direct democracy ...*

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<sup>9</sup>Venezuelan presidents have traditionally been delegated special decree powers in finance and economic powers by the Congress (*Ley Habilitante*), but the new constitution granted this delegated power in virtually any legislative arena.



OBSERVING POLITICAL CHANGE IN VENEZUELA

ture.<sup>10</sup> Finally, opponents opposed the change in name of the country to the Bolivarian Republic of Venezuela for being both expensive and partisan.

THE FLOODS

The rains that began in the days before the referendum continued throughout election day. These heavy rains led to massive flooding in the northern coastal states, particularly the state of Vargas. Though final death tallies may never be known, it was estimated that 400,000 Venezuelans had lost their homes and as many as 50,000 may have died in the flooding and ensuing mudslides.

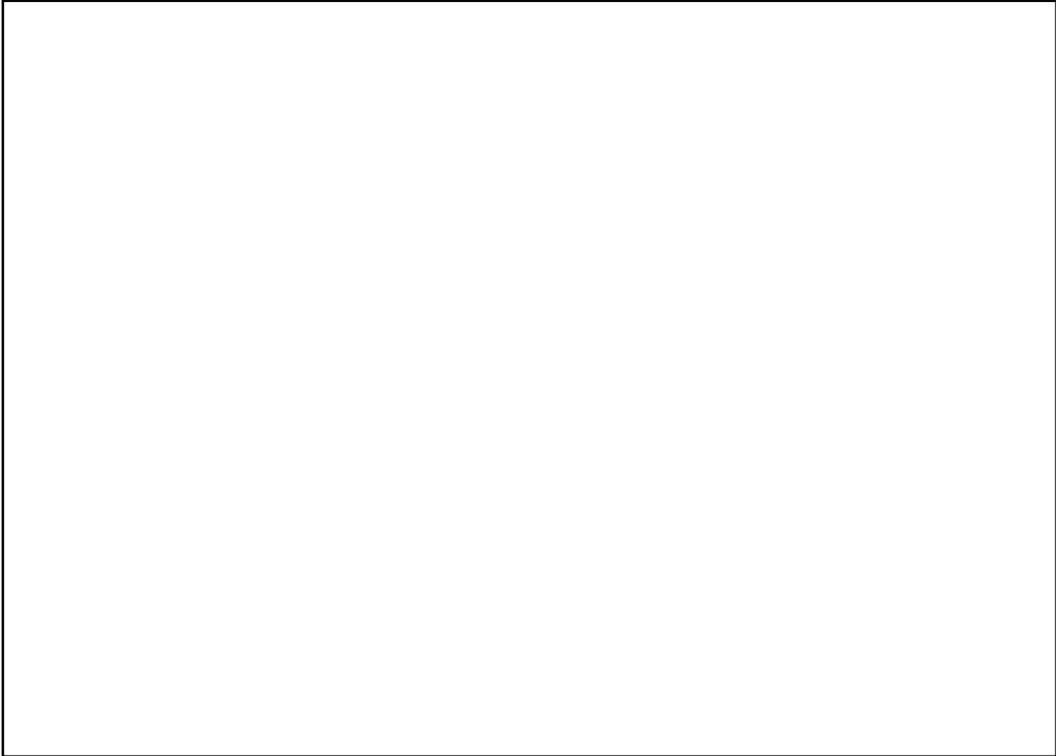
The natural disaster was Venezuela's worst in decades. Ecologists and urban planners attributed it

to the unusual weather patterns produced by *La Niña* and the decades of unplanned urban growth and unapproved squatter settlements on the coastal mountainsides. Torrents of water came rushing through the alleyways among the houses of the rich and poor, and mudslides buried whole neighborhoods. The international airport on the coast was closed for nearly two weeks, and nine states were declared disaster zones. The audit scheduled for two days after the election was postponed indefinitely.

Politics soon entered the picture as critics argued that the Chávez government had ignored warnings of the impending disaster as late as the day of the referendum to maximize votes for their prized new constitution. Although news on Dec. 15, 1999, did focus on the referendum rather than the rains, the main reason for the disaster lay in the decades of illegally built unplanned housing.

President Jimmy Carter sent a letter to President Chávez and the Venezuelan people expressing his concern and calling on the international commu-

<sup>10</sup> If the National Assembly votes to remove the presidentially appointed vice president three times, the president can dissolve the Assembly.



*Storm clouds loom over Caracas, the day before flooding killed an estimated 50,000 Venezuelans.*

ELIZABETH MINA



## OBSERVING POLITICAL CHANGE IN VENEZUELA

nity to come to the aid of Venezuela. And aid did come. However, the Venezuelan government accepted only some of it. In a public slap in the face, Minister of Foreign Relations José Vicente Rangel rejected the assistance of hundreds of American military engineers who were already on their way to help. Nonetheless, the United States and other governments, as well as countless individuals and NGOs sent millions of dollars in aid relief.

Although successfully passed by a large margin with a respectable voter turnout, there remained

controversy as to the substantive terms of the 1999 constitution approved via popular referendum. According to some critics, the constitution was substantially changed during a reprinting in March 2000 when edits were made, thus creating impermissible ad hoc constitutional amendments. An attorney general report released in December 2000 demonstrates hundreds of substantive modifications and revisions from the popularly approved constitution. This issue will likely continue on the forefront with numerous legal challenges. ■

### HUMAN RIGHTS

**T**he new constitution provides a more modern scheme for the protection of human rights in Venezuela. The constitution virtually includes in its text most international treaties on human rights and creates new institutions that will be responsible for protecting human rights.

Nonetheless, human rights abuses have remained in the forefront of Venezuela elections and politics. During the 1999 flooding in the state of Vargas, military and security forces were deployed to maintain the peace and security in the affected areas. However, witnesses claimed that some of those forces illegally entered homes, attacked, detained, and even killed alleged looters in the week following the floods. Although the state criminal court threw out cases brought against the security forces, the Supreme Court in August 2000 agreed to review the charges. As of January 2001, there were at least four forced disappearances from this period that have not been resolved and the ombudsman's office continues to request Supreme Court action.



## THE CONGRESILLO<sup>11</sup>

Following the approval of the new constitution, its implementation began with the liberal use of “transitory articles.” These transitory laws provided authority to the Constituent Assembly to determine the next election date and electoral system and dissolve the present Congress. In one of its last acts, the National Constituent Assembly appointed by decree: the members of the Supreme Court; the three members of the Citizen’s Power—the attorney general, the ombudsman, and the comptroller general; the directors of the National Electoral Council; and the National Legislative Commission, popularly known as the *Congresillo* (the little Congress). All of the persons chosen to fill these positions were widely considered strong *Chavistas*.

Critics argued that the Constituent Assembly’s appointments violated many provisions of the new constitution. For instance, the constitution established the following nomination process to appoint the members of the Supreme Court: 1) a commission is to be formed comprised of academics and members from civil society to delineate a list of new candidates; 2) the list would be presented to the “Citizen’s Power” (*Poder Ciudadano*), which could veto any name on the list; 3) and then the final slate would be submitted to the National Assembly to choose the officials with a 2/3 vote. Instead, the Constituent Assembly disregarded these procedures and, in less than three days, appointed all members of the Supreme Court in a “transitory” manner.

In addition, the Constituent Assembly used this same process to name the new CNE members. After the culmination of the national referendum, the CNE board was retired and the Constituent Assem-

bly replaced it with people widely perceived to be close to the *Polo Patriótico*. The opposition openly rejected these designations, claiming that new CNE members were not independent, and that these appointments violated the new constitution. Finally, the challengers believed that the constitution’s transitory provisions only allowed the Constituent Assembly to select the new post of ombudsman and not the other two Citizen’s Power positions.

To all of these concerns, the government responded that these were only temporary assignments and that following the May 2000 national elections, the positions would be filled permanently and through the mechanisms outlined by the Bolivarian Constitution. As of December 2000, these important posts were still filled “transitorily.”

The Constituent Assembly ceased functioning as a body following the selection of the newly formed National Legislative Commission, commonly called the *Congresillo*. The *Congresillo*, which officially began Feb. 1, 2000, was comprised of 21 members, 10 chosen from the ranks of the popularly elected Constituent Assembly and the others simply picked by the *Polo Patriótico* leadership of the Constituent Assembly. Initially, it was thought that the *Congresillo* might limit its activities to those specifically designated in the transitory law, such as authorizing credits, approving contracts, and providing permission for President Chávez to travel outside of Venezuela, and to act as a safeguard of the status quo. This was not the case. Rather, the *Congresillo* presided over by Luis Miquilena, one of President Chávez’s closest advisors, emerged as a substitute for the popularly elected Congress and worked on such key legislative acts as a new criminal code and local and municipal government reforms. ■

<sup>11</sup> This section draws on “Defining the Bolivarian Revolution: Hugo Chávez’s Venezuela,” Jennifer McCoy and Laura Neuman, *Current History*, February 2001.



## PREPARING FOR THE “MEGA-ELECTIONS”

### ELECTORAL REFORMS

The new constitution altered the Congress from two houses (bicameral) to one (unicameral), changed the terms for governors and the president, and called for a new system of selecting state legislatures. Therefore, another election was called. Although presidential elections were not mandated by the new constitution, President Chávez proclaimed himself a candidate, thus indicating his intent to run for office under the terms of the new Bolivarian Constitution in order to “re-legitimate” his position. The first act of the new CNE was to determine the date by which it could administer the “mega-elections,” thus called because it included the election of all popularly chosen posts from president to governors to local community council member. Initially, a date in June was discussed. Both the *Congresillo* and the government, however, urged the CNE to prepare for even earlier elections. Although portending the complexity of an election that would include more than 5,000 posts, the CNE committed itself to assuring the entire electoral process would be completed in one day and as soon as possible. In the final days of January, the CNE announced it could be ready by May 28, 2000, and the Constituent Assembly ultimately chose and ratified this as the official election day.

Meanwhile, on Jan. 28, 2000, just before dissolving, the Constituent Assembly promulgated the new electoral statute that would govern the upcoming mega-elections. Almost immediately, cases were filed before the Supreme Court challenging both the new electoral statute as well as the May election date. The arguments put before the Supreme Court included: 1) that the new constitu-

tion states that laws regulating the electoral process cannot be modified within six months of the election, and in this case, it was a mere four months; 2) the Constituent Assembly did not have the authority to pass a new electoral law or choose the election date; 3) the new electoral law was in violation of the terms of the 1999 constitution; and 4) the actions of the Constituent Assembly violated the plaintiffs’ rights to political participation and suffrage. The plaintiffs asked that the electoral statute be nullified and the elections postponed. On March 28, the Supreme Court denied all claims, finding that the *Congresillo* had “super-constitutional” powers. The CNE continued its preparations for the election.

In addition to the legal challenges, there were also questions raised about the impartiality of the CNE. Opposition members accused the CNE directors of being *Chavistas* hand-picked by the president himself. Fears of manipulation and fraud were increasingly being voiced.

### CARTER CENTER JANUARY MISSION

The Carter Center was invited to return to Venezuela in January to meet with the new CNE and observe the postponed audit of the December referendum. Dr. Jennifer McCoy and Laura Neuman traveled to Venezuela Jan. 19 - Jan. 22, 2000, for a series of meetings with the directors and technical advisers of the CNE, leaders of the Constitutional Assembly, political party members, and representatives of the private sector and nongovernmental organizations. They concluded that international observation of the upcoming mega-elections may be appropriate as there was a



## OBSERVING POLITICAL CHANGE IN VENEZUELA

growing perception that public institutions and oversight mechanisms were increasingly being controlled by the governing coalition and that the legal framework was on a provisional, or transitory, basis. This led to some uncertainties and an erosion of confidence in the electoral process.

Moreover, it was clear from the beginning that the May elections would be the most complicated elections of Venezuela's history. This, in combination with a newly appointed CNE with little or no election experience, a technically complex automated system, and a very short period to prepare, indicated that international election observation could be appropriate. Finally, The Carter Center received the welcome of the CNE and Constituent Assembly for election monitoring and auditing proposals.

In addition to the meetings, the team observed the audit of a select number of voting tables from the December referendum. The ballots had been placed in cardboard boxes following the referendum and stored in army barracks. The Carter Center observed the manual counting of ballots at Fuerte Tiuna, Caracas. Although the Center observed only a very small sample of less than five boxes audited, some conclusions may be drawn.<sup>12</sup> First, the persons executing the manual count were not well trained. This led to disorganization and some confusion over whether a mark was to be considered a valid vote or null. Second, the process of counting all of the ballots manually is time and energy intensive. Third, auditing the results of the automated machines by simply counting the ballots manually and comparing the manual result to that of the machine is simple and effective and may be used to raise the confidence of the voters. Lastly, the audit needed to be open to the public and media to diminish the likelihood of perceived manipulation.

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<sup>12</sup> Newspaper reports indicated that 76 polling tables were audited nationally. The full results of the audit were never made available to The Carter Center, despite numerous requests.

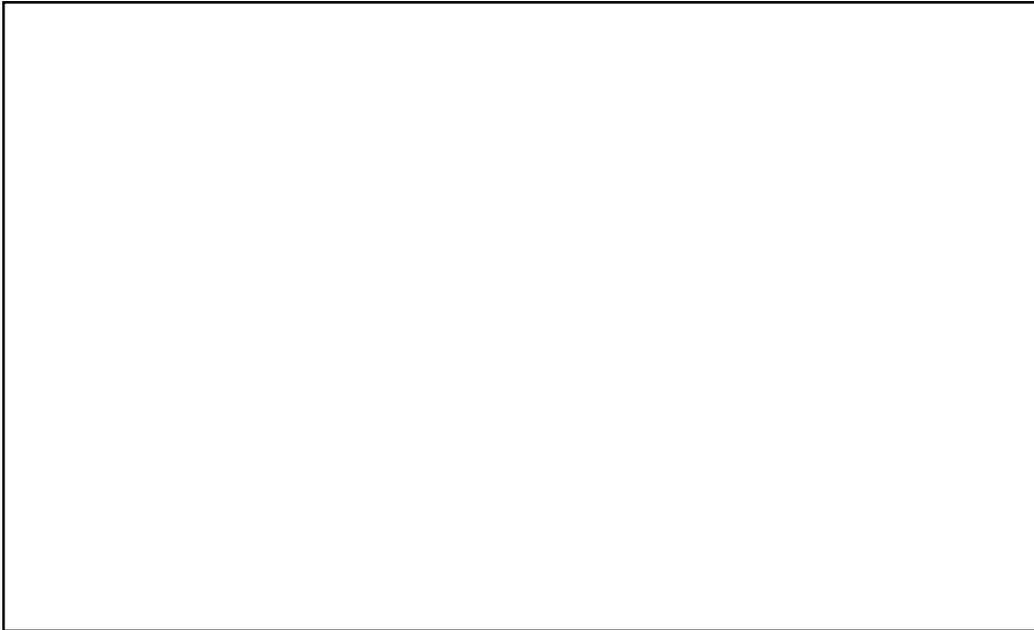
## CONTRACTING OUT THE ELECTION PROCESS

To increase transparency, the CNE followed the practice in place since 1998 and opened the automation process bidding in early February. In the past elections, Indra had received the bulk of the work as integrator of all the various election components, including coordinating candidate postulations, totaling the results, providing logistics and information, and placing staff at each automated polling location.

For the mega-elections, the CNE divided the tasks amongst a variety of mostly foreign-based companies. Indra was contracted to place staff at each voting center, total the results, and disseminate the final tallies. ES&S was hired to play a much greater role than in previous elections, including maintaining the voting machines, providing ballot production quality assurance, and programming the electronic memory card—the “software” that keeps track of votes cast and stores the information for each machine. The card is unique for each district, as it contains the names of the candidates specific to that locale, is inserted into the voting machine at the opening of the polls, and remains in the machine until the results have been electronically transmitted at the close of voting. UNYSIS was contracted to manage all of the candidate nominations and Continental Web received the bid to print more than 1200 unique ballots for a total of more than 40 million ballots. The CNE, for the first time since implementing the automated process, chose to assume the role of integrator.



OBSERVING POLITICAL CHANGE IN VENEZUELA



*Laura Neuman and Jennifer McCoy meet with presidential candidate Arias Cárdenas and his team.*

THE CARTER CENTER

### CANDIDATES AND ALLIANCES

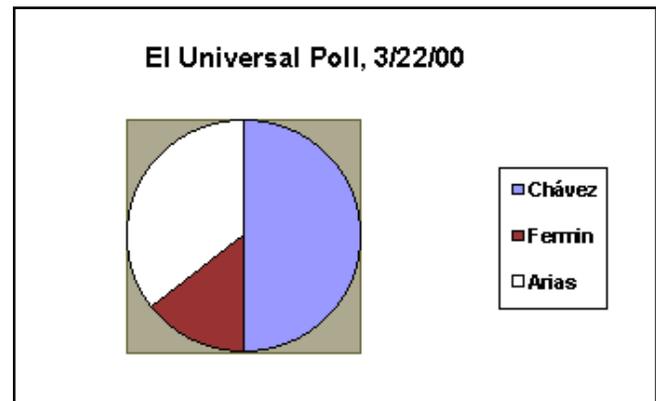
Initially it appeared that there would be only two candidates running for president—Chávez representing the *Polo Patriótico* and Claudio Fermín running on the ticket *Encuentro Nacional*. Fermín was a former Caracas mayor and presidential candidate. Although he did not officially announce his candidacy until mid-March, for months it had been widely presumed that he would be the leading opposition candidate to Chávez. On March 10, 2000, however, Lt. Colonel Francisco Arias Cárdenas announced his intention to run. Arias Cárdenas, then governor of the state of Zulia, was a co-leader with Chávez of the Feb. 4, 1992, coup attempt. Other leaders of the 1992 coup, including Yoel Acosta and Jesus Urdaneta, joined Arias Cárdenas in his new party. They chose to run for governorships and assist Arias Cárdenas in his campaign for president. How could “brother-in-arms” split so significantly?

Arias Cárdenas and his followers explained their decision to leave the Chávez alliance on ideological

grounds. According to Arias Cárdenas, Chávez had betrayed the revolution by surrounding himself with corrupt “old guard” politicians, such as Luis Miquilena. In their view, Chávez had turned his back on their ideals. They also feared his extremist rhetoric, his continued battles with groups such as the church and the media, and his close relationship with Cuba’s Fidel Castro. Chávez, on the other hand, blamed the split on his refusal to name Arias Cárdenas as the new vice president.

With Arias Cárdenas’ entry into the three-man race, Claudio Fermín became the sole civilian

**Table 3**





## OBSERVING POLITICAL CHANGE IN VENEZUELA

**CHARGES OF CORRUPTION**

**T**he *Polo Patriótico* and Chávez's close circle of friends were beginning to unravel in early 2000. The first sign of a break came when Jesus Urdaneta Hernández, former director of the state intelligence agency DISIP, filed charges of corruption against Luis Miquilena. Urdaneta, a member of the 1992 coup attempt with Chávez, publicly stated that Chávez's government was behaving as corruptly as the traditional political parties that they had fought against. The Supreme Court ultimately dropped all counts against Miquilena. Urdaneta also accused Jose Vicente Rangel, Venezuela's foreign minister, of patronage in naming key military posts and scheming to dismantle DISIP. Urdaneta called on President Chávez to rid himself of corrupt advisers and continue the fight against patronage and corruption. In response, Jesus Urdaneta, himself, was accused of illicit enrichment and President Chávez began to speak out against his former brothers-in-arms, particularly Zulia Governor Francisco Arias Cárdenas. Chávez himself was not immune from charges of corruption when Arias Cárdenas accused him of using government funds to cover campaign costs. On March 5, 2000, the split of the "coupsters" was finalized and the *Polo Patriótico* alliance appeared to be crumbling.

running and also the long shot to win. Arias Cárdenas was a popular and strong governor and known for his moderate economic views. This made him an attractive and viable candidate for the middle and upper class, a population that Fermín had courted. Moreover, smaller parties, such as the labor party *La Causa R*, were moving to back Arias Cárdenas. As Arias' polling points went up, Claudio Fermín's dropped. Within less than one month of his announcement, Arias Cárdenas enjoyed a popularity rating of 36.7 percent to Chávez's 49.1 percent.

In addition to Arias Cárdenas' breakaway in March, President Chávez's party received more bad news. The Patriotic Pole alliance, which brought Chávez to power, splintered even further when one of their primary allies, *Patria Para Todos* (PPT) revealed that it would be leaving. The PPT was upset that the MVR party selected the list of candidates to be fielded without previous consultation, and subsequently announced its own nominees for many positions. These candidates were placed on the ballot opposite the MVR.

**CARTER CENTER MARCH MISSION**

**I**n February and March 2000, The Carter Center continued to receive contacts regarding the perceived partisanship of the CNE and the suspected failures of the automated system. To further raise the confidence in both the CNE and the electoral system, the Center suggested a more comprehensive audit be designed to occur immediately following the close of voting on May 28, 2000. Although the Center had not heard formally from the CNE, there appeared to be support of the audit from members of Venezuelan society. Specifically, The Carter Center proposed an audit to effectively assess all aspects of the automated system. Through a manual count of the presidential or governor's ballots in a statistically selected sample of machines, a comparison could be done with the voting machines' calculations and the electronically transmitted results. To affirm that the results were totaled correctly, the presidential results from a statistical sample of voting tables



## OBSERVING POLITICAL CHANGE IN VENEZUELA

could be projected to verify the official presidential results. At the state level, all automated tables' governor's results could be added to check final governor tallies.

Dr. Jennifer McCoy and Laura Neuman returned to Venezuela March 18–21, 2000, to assess whether the conditions were appropriate to form an observer mission and the feasibility of The Carter Center's proposed audit. Since the January trip, the president of the CNE had changed. Thus, it was unclear whether the new CNE president Estanislao González was interested in international observation or an election day audit.

The Carter Center first met with the CNE and found President González enthusiastic about the possibility of both an international observation mission and an audit of the election system machinery. At that meeting we received a formal invitation to observe the mega-elections, as well as an

invitation to join a Civic Audit Committee comprised of Venezuelan non-governmental organizations (NGOs).

Initially, The Carter Center had proposed that it and the OAS perform the audit. The CNE, however, suggested the formation of an audit committee composed of three Venezuelan NGOs and The Carter Center. The committee was to be vested with the responsibility of designing the audit, managing the competitive bidding process, selecting a private auditing firm, and supervising the firm's implementation of the audit.

In addition, the Center met with President Chávez and Vice President Isaias Rodriguez, Claudio Fermín, and Francisco Arias Cárdenas, all who welcomed its involvement as international election observers.

### AUDIT COMMITTEE

The Carter Center agreed to serve as advisors to the Civic Audit Committee, rather than members, provided the committee was given sufficient autonomy and resources. The Center set up a field office in April and hired Andrés Araya as director. Araya, a well-known elections expert from Costa Rica, immediately began assisting the committee to develop a plan for the audit and draft the terms of reference. The various civil society organizations met daily for several weeks, debating among themselves who would join the committee and under what terms. At the last minute, the CNE proposed several new members, thus forcing the Civic Audit Committee to waste precious time determining the merits of the new members. The committee was formally installed on April 24, a mere month before the elections and five weeks after it had first met.

From its initial meetings, the committee received assistance from a number of voluntary and informal advisers with various specialties, such as

JOAN PUGRETT

*Presidential candidate Claudio Fermín pauses after meeting with The Carter Center team.*



## OBSERVING POLITICAL CHANGE IN VENEZUELA

statistics, information systems, technology, and elections. The consultants helped prepare the terms of reference for the bidding process and evaluate the proposals that the committee received. With so little time and a number of CNE roadblocks placed in its path, the Civic Audit Committee determined that the few proposals that were submitted were too expensive and that the cost of the audit under these conditions outweighed the benefits. The committee suspended its activities as attention was diverted to the delays affecting the technical preparations for the mega-elections.

### TECHNICAL ELECTION PREPARATIONS

**T**he election, designed to choose the president, new unicameral legislature, governors, mayors, Latin American and Andean parliamentarians and all local posts, was quickly dubbed the mega-elections. The mega-elections were technically the most complex of Venezuela's history. They involved more than 33,000 candidates running for more than 6,000 positions on 1,371 distinct ballot types. The CNE had exactly four months to organize the entire operation.

The first step in preparing the elections was the candidate nominations. The "postulations" were to be completed by midnight on March 16. As that time neared, the CNE announced an extension of the candidate registration deadline to March 18, at which time the candidates must have submitted the required signatures of 1 percent of their constituency. Although the official deadline was March 18, by some accounts, the CNE continued to accept registrations and substitutions of candidates as late as May. Once the registration deadline expired, a database of candidate names was to be generated.

The database of candidates is essential for the production of ballots, education of voters and completion of electoral materials, programming of

the hardware that runs the electoral machine, the "flashcards" that store and transmit the data, and the totaling of the results.

The timetable that was constructed allowed no time for delays or mistakes. From the start, the election preparations were riddled with both. According to the schedule prepared by the directors of the automation department, the database must have been completed, corrected, and published by May 1. However, delays in finalizing the database, perhaps politically motivated, meant that the database was not ready until May 18. In fact, ES&S claims that the CNE continued to request data changes as late as May 24.

The ballot preparation was conducted in Chicago, Illinois. To assure that the "flashcard" was programmed to correctly read each ballot, tests and simulations of each ballot type were necessary. The CNE timetable called for all ballots to be printed and delivered to Caracas by May 3. These were delayed 14 days and when most were received, they were not viable due to mistakes in printing, intermingled districts, or changes in the database.

The flashcards, in turn, were to be completed by May 10 and delivered to the CNE, which would then forward them to Indra for the final phase of the electoral preparations. This never occurred.

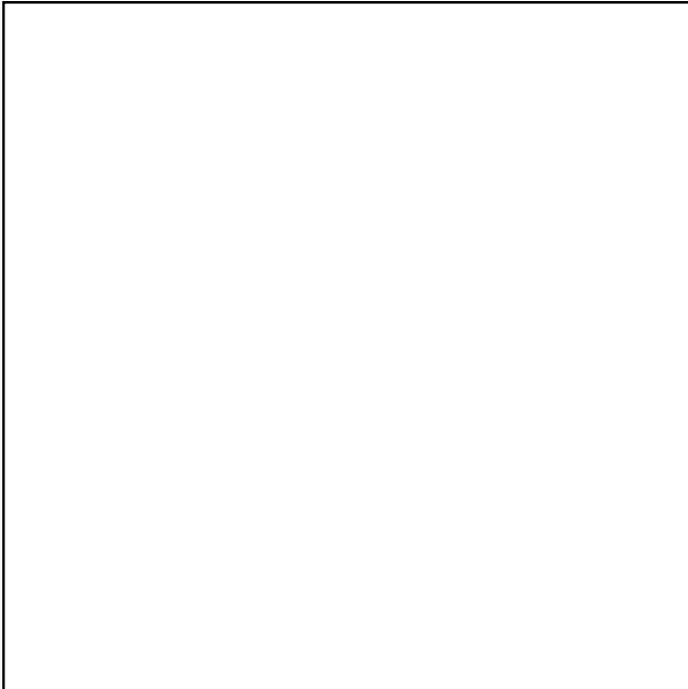
### CAMPAIGNING BEGINS

**T**he CNE announced that the campaign period would commence May 2 and conclude, in accordance with Venezuelan law, 24 hours before election day on May 27. These 25 days would make the 2000 campaign season the shortest in Venezuelan history. The definition for campaigning, however, was quite liberal. For example, the CNE determined that only messages directly asking for a vote were considered a campaign piece. This decision was considered to favor incumbent candidates, such as the president,



## OBSERVING POLITICAL CHANGE IN VENEZUELA

JOAN PUCKETT



*A MVR party banner hangs over the streets of Chacao.*

Chávez supporters reportedly threw eggs and waste at Arias Cárdenas, while in another, supporters of the leading presidential candidates clashed.

Following similar incidents and a critique by The Carter Center pre-election assessment mission, the CNE called on the candidates to sign an agreement against violence in the elections and reduce violent verbal attacks against each other. This pact of nonaggression was to be signed May 10. The *Polo Patriótico* parties and other smaller political organizations agreed to sign the pact, although some continued to deny that there was a political climate of intimidation or violence. Presidential candidates Claudio Fermín and Arias Cárdenas refused to sign, claiming they were not the aggressors and it was a waste of time since the pact would not be respected.

who could still use the press to expound on their achievements and plans for the future, as long as they did not include an invitation to vote for them before May 2.

Nonetheless, the first sanction the CNE meted out was to Chávez for using the state-owned TV station and national radio for the transmission of a March 16 meeting in the Caracas plaza. Estanislao González, president of the CNE, said that the meeting was clearly an act of the anticipated electoral campaign. Chávez was told to pay the costs incurred for the broadcast out of his campaign funds.

The CNE ratified campaign finance policies to prohibit anonymous contributions to candidates. It also obligated the candidates to inform the CNE 15 days before the beginning of the official campaign period the name of their financial manager and bank account numbers.

As the campaigns geared up, their rhetoric quickly turned nasty and violent. In one skirmish,

### CARTER CENTER MAY MISSION

A team composed of former president of Uruguay Luis Alberto Lacalle, Dr. Jennifer McCoy, Ambassador Dennis Jett, Laura Neuman, and Dr. Harold Trinkunas visited Caracas from May 1 to May 5, 2000. Andrés Araya and Venezuela expert Dr. Michael Penfold joined the group. The delegation attended a broad range of meetings with the key political actors to assess the climate for the mega-elections. Meetings were also held with the CNE directors and central CNE technicians, as well as the Civic Audit Committee, the press, representatives of the Catholic Church, and pollsters.

In general, The Carter Center found a very polarized society with the supporters and detractors of the president taking quite different points of view about the elections. The government was moving ahead quite confidently that the elections would be well run. The opposition voiced fears of CNE ineptitude and potential fraud.



OBSERVING POLITICAL CHANGE IN VENEZUELA

### CHÁVEZ AND THE CHURCH

**A**s early as 1999, relations between President Chávez and the Catholic Church began to crumble as they fought over the definition of life in the new constitution. Tensions flared again during the May 2000 election when the Catholic Church published an open letter asking the president to moderate his language and stop using the word “God” in vain. Chávez had criticized members of the Catholic Church, especially Baltazar Porras, president of the bishop’s conference (*Conferencia Episcopal Venezolana*, CEV). The church in turn questioned the transparency of the elections, and the CEV accused Chávez of trying to divide the church, of misusing biblical quotations and demonizing his enemies. The CEV also criticized members of the CNE for being biased and asked that the CNE be opened to members from other parties and civic organizations.

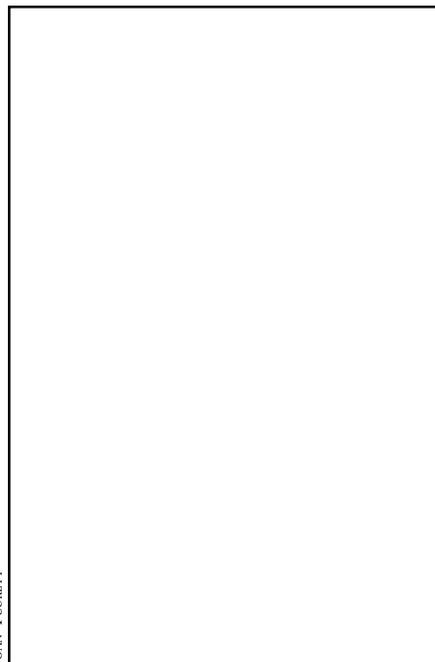
Following the July 30 elections, the relationship hit a low when Porras was accused by the new governor of Merida, a member of Chávez’s MVR, of corruption in his administration of the public hospital, and the church’s contract was cancelled. Additionally, the government suspended the public school religious curriculum, but only in Porras’ own state, Merida. The struggle with the church continues, both in the media and the courtroom.

Some of the tension surrounding the elections was attributable to the fact that they were the first held in Venezuela in which re-election of the incumbent president was permitted. Additionally, the provisional nature and legal uncertainty of the electoral framework caused much apprehension. The Supreme Court had ruled that the new constitution, which bars modification of the electoral rules within six months of an election, was not in effect and that the country was in a “state of transition” until after the elections. However, the topic most commonly voiced was distrust of the CNE.

As the issue of presidential re-election was new, the use of media and state resources was particularly important. During the campaign period The Carter Center was informed of several situations that could undermine equal access to the media, including undue pressures to owners and journalists and the inappropriate use of state resources. A discussion with The Carter Center’s electoral observation group, combined with a fine for a five-hour televised speech, led President Chávez to suspend his weekly radio program “*Aló Presidente*” and end presidential inaugurations of public works for the

duration of the campaign to avoid the impression of inappropriate campaigning.

Another matter receiving attention was the role of the *Plan República*. In past elections, the soldiers of the *Plan República* were considered highly capable and professional and had stimulated confi-



JOAN PUGRETT

*Former president of Uruguay, Luis Alberto Lacalle (left), and Carter Center field office director Andrés Araya discuss election preparations.*



## OBSERVING POLITICAL CHANGE IN VENEZUELA



VICTORIA CARCAMO

*Plan República* soldier votes for the first time.

dence on the electoral process. In the 2000 elections, however, the military, including members of the *Plan República*, was to vote for the first time. Suffrage for the military caused many to challenge the expectation of military neutrality. Equally disconcerting to many was that the two leading candidates had strong military ties. There was much speculation as to whether the different branches of the armed services would get drawn into the political battlefield.

At the conclusion of the assessment mission, the Center provided a variety of observations. Among them, it encouraged the CNE to continue its efforts to address the distrust generated by the manner in which it was chosen and by suspected partisan affiliations. On the other hand, the Center praised the CNE's openness to an external audit, in spite of

the delay in installing the Civic Audit Committee, and urged Venezuelans to evaluate the CNE based on its behavior and decisions and not just its origin. The Center spoke of the complexity of the elections, the number of ballots that voters would need to complete (up to six), and the short time to prepare for the elections. For those reasons, The Carter Center again advocated for national observation groups and political party observation of the election preparations, voting day, and post-electoral audit. ■



## THE MEGA-ELECTIONS

Throughout April and May, the CNE continued to proclaim its capacity and readiness to administer the mega-elections. However, warning signs emerged, as the CNE was unable to meet any of its electoral calendar deadlines. By mid-May, the programming of the flashcards, scheduled to be completed by May 10, had not yet begun. The full array of ballots had not yet arrived and those that had were rife with errors.

Although national tests and simulations had been planned, these could not fully be completed, as the electoral materials were not ready. Electoral experts declared that there would not be enough time to detect possible errors, those most likely to occur in such complex elections.

As time grew short, two additional issues were raised. First, even if the electoral materials such as the ballots and flashcards could be completed, was there sufficient time for the *Plan República* to deliver them? And second, none of the *Gazettas*,

the official paper that listed the candidates for each locale and taught voters how to properly exercise their right to vote, had been distributed. In some cases, they had not even finished the printing. Though concerns mounted, the CNE directors continued their mantra that the elections would be successfully held May 28, 2000.

Behind the scenes, the CNE technicians and contracted companies, such as Indra and ES&S were singing a different tune. These groups, well aware of the difficulty in completing their assigned tasks, began to vocalize the possibility of a failed election.

The atmosphere in Venezuela was charged with tension, as question after question arose relating to the technical preparations and the accuracy of the electoral registry, while at the same time the candidates were furiously campaigning and organizing their spectacular close of campaign rallies.

*Days before the May elections, ballots remain undelivered and unsecured.*



OBSERVING POLITICAL CHANGE IN VENEZUELA

**REPORTS OF HARASSMENT**

**I**n the week preceding the election, The Carter Center received numerous reports of harassment and intimidation of election workers. There was speculation that CNE workers and the international companies preparing the elections were trying to sabotage the election, and thus purposefully not working fast enough. To combat this suspected sabotage, the CNE directors called on Disip, the Venezuelan intelligence agency. The Carter Center was told that Disip agents forced CNE workers to remain on the job for 48 hours straight on May 20 and 21 and would not let these technical workers leave their post. The Center also received reports that Disip agents were intimidating international ES&S workers, seized their passports and computer hardware and software, and even placed a gun in one worker's mouth. The U.S. Embassy lodged a formal complaint with the Venezuelan government. Disip denied these reports.

**THE CARTER CENTER DELEGATION**

**T**he Carter Center fielded a delegation of 40 international election observers, led by President Jimmy Carter, his wife Rosalynn, former Costa Rica President Rodrigo Carazo, and his wife Estrella. The Carter Center staff began to arrive May 17 to set up the larger field office and to prepare for a joint parallel vote tabulation with the Organization of American States.

On May 22, the Carter Center team of political and elections experts met with the CNE, ES&S and Indra representatives, the political parties, and candidates, and heard repeated stories of delays and missed deadlines. CNE technical personnel were warning the directors that the delays and inability to perform a complete test of the system made it impossible for them to guarantee the success of the elections.

The CNE had instituted a procedure in which candidates and one representative of each political party would meet with the CNE manager of automation to discuss issues and learn of the CNE's

progress. Also attending meetings were other CNE workers, such as the manager of information and political parties, as well as members of the audit committee and domestic election monitoring groups. As the mega-election drew near, the meetings became biweekly and took on a clear sense of foreboding.

Meanwhile, to better monitor the progress of preparing the flashcards, 10 days before the elections, the CNE directors ordered ES&S to move its programming operation from Omaha, Nebraska, to Caracas. ES&S initially resisted this, arguing that it would slow down the process, as all of their equipment and manpower were in Omaha, and that it could allow for inappropriate external pressures. In the end, President Chávez called U.S. Ambassador to Venezuela John Maisto and asked him to direct ES&S to move its operations. President Chávez also sent a military plane to "facilitate" the move, albeit later than at first anticipated. ES&S bowed to the pressure and sent a handful of technicians and computer equipment to Venezuela.

The full array of the Center's delegation, except President and Mrs. Carter, arrived on May 24. At the time of the delegates' arrival in Caracas, doubt



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*Carter Center delegates watch the director of Queremos Elegir announce the suspension.*

RICK DIAMOND

was mounting as to whether the mega-elections would actually occur. The atmosphere was tense but relatively calm. The CNE directors, though receiving many opportunities to postpone the elections, continued to proclaim their readiness. The government was publicly supporting the CNE decision to go forward, though behind closed doors may have been weighing other options for a dignified postponement. The government was in an awkward position in that it was perceived as having selected the CNE directors, without political consensus, and pushing for a short preparation period for the elections. Yet, a postponed election may be politically costly as Arias Cárdenas continued to climb in the polls and a delay might mean a closer race. Likewise, the opposition was in a quandary. If they continued to call for a suspension and it was granted, they would have more time to campaign, but they were already out of money and resources. On the other hand, a failed election on May 28 may provide them the scenario to defeat the *Polo Patriótico* if observers proclaimed fraud or such serious irregularities that the elections could not be certified as meeting international standard and the elections were held again.

The Carter Center issued a statement May 24 emphasizing that the problems it observed were technical and that “we found no single cause, but many causes, for the complications” that arose in the electoral preparations. Because of the daily changing dynamics, confusion and uncertainty, the Center urged the CNE to make frequent reports to the parties and the public. The Center also encouraged the political sector not to take advantage of these complications to incite political unrest. Finally, The Carter Center commended all Venezuelans for remaining calm.

### SUPREME COURT RULES

In response to the CNE's failure to adequately prepare for the mega-elections, two civil society organizations, *Queremos Elegir* and COFAVIC, filed an appeal in the Supreme Court to suspend the elections, mainly based on the failure to inform voters as to their candidates and the process for correctly casting a ballot. The technical and political problems came to a head May 25, 2000,



## OBSERVING POLITICAL CHANGE IN VENEZUELA

when the CNE attorney in oral arguments notified the Supreme Court they were not, in fact, prepared for the elections. The head of the CNE automation department echoed these findings when he said that they could not guarantee that the technology would perform on the day of the election.

On May 25, just three days before the scheduled mega-elections, the Supreme Court ruled to postpone the election and suspended all electoral campaigning. In its decision, the magistrates found the technical conditions did not exist that could ensure the reliability and transparency of the elections and that there was not sufficient information provided to the electorate as to the candidates and proper procedure for voting. The mega-elections now came to be known as the *mega-fracaso* (mega-failure).

### PRESIDENT CARTER'S ARRIVAL

The Supreme Court was meeting as President and Mrs. Carter's plane departed Atlanta. Even knowing the strong likelihood the elections could be postponed, the Carters decided to proceed to Venezuela to urge calm in this time of political uncertainty. The canceling of the mega-elections so close to election day could have been used as justification for violence or even to topple the government. Though demonstrations did occur, President and Mrs. Carter's presence in Venezuela at this time of crisis has been cited by many as a leading reason that peace prevailed. The Carter Center's continued observation demonstrated that the international community supported the wise decision to postpone these elections.

RICK DIAMOND

*Crowds outside the CNE wave a banner thanking The Carter Center.*



OBSERVING POLITICAL CHANGE IN VENEZUELA

President Carter, along with the delegation's leadership team, met with the three presidential candidates, the CNE, and civil society organizations. The discussions centered on the next steps, such as the new election date and whether the elections should be separated into two parts. For each of these items, we urged open debate and decision-making based on consensus and cooperation.

In a statement made on May 27, 2000, President Carter "commended the Venezuelan people for recognizing the wisdom of a postponement and for working together to calmly and constructively prepare for a satisfactory process." He also provided a number of recommendations such as the restoration of the Civic Audit Committee, pre-election day tests and national simulations, post-hoc audits of the electoral system, and the "free and full flow of information from the electoral authorities and their contracted firms regarding the state of preparations for the upcoming elections." Finally, he renewed the call for the development and dissemination of electoral educational materials and the appropriate training of election workers. ■



## PREPARATION FOR JULY ELECTION

Following the electoral failure, questions emerged as to whether the CNE, politically chosen by the National Constituent Assembly without consensus, was incompetent or whether they had received pressures to continue allowing candidate registration and substitutions well past the deadline, thus creating innumerable changes in the computer database and ballots. The CNE directors and even President Chávez had tried to place the blame for the *mega-fracaso* on U.S.-based ES&S. As of January 2001, the rumors of sabotage and conspiracy were still being investigated by the attorney general's office, but no lawsuits had been filed against the international service providers.

Immediately after the suspension of the elections, CNE directors began their "voluntary" resignation. By May 29, 2000, all the CNE directors had resigned their posts. The citizens remained calm in the face of the electoral disaster and preparations began anew.

### CONGRESILLO DECISIONS

The National Legislative Commission, popularly known as the *Congresillo*, selected in January and initiated on Feb. 1, was to remain active only through the election of the new unicameral legislature. As the May elections were postponed, the *Congresillo* continued in its role as decision maker. On June 3, it replaced the old CNE with 10 new directors. Learning from the past, the National Legislative Commission selected members through a more consensual method. Civil society organizations, academic and professional associations, and

individuals nominated more than 300 candidates for the CNE directorship. From this initial list, the *Congresillo* narrowed the field to 23 and then to the final 10. Although the nomination process was significantly more open than the past selection, there was still concern that the politically chosen *Congresillo* only selected those CNE members that they could control.

A second major difference from the previous



JOAN PUCKETT

*Carter Center leadership team meets with the new CNE directors.*

CNE was the background of the new directors. The directors chosen to prepare for the new elections had experience in elections, computer technology, business, and information systems.

CNE technicians began the process of restructuring and assessment. They worked to understand their failures and determine the time necessary to mount a successful election. Initially, they reported that it would take a minimum of three months to resolve the technical problems and prepare for the elections. *Congresillo* president, Luis Miquilena,



## OBSERVING POLITICAL CHANGE IN VENEZUELA

claiming that Venezuela could not wait that long, urged the CNE to find a viable solution that would allow for an accurate and timely election. He stressed that the elections should occur in July.

The new CNE directors held innumerable planning sessions and debated several possibilities. On June 21, they presented their official report to the National Legislative Commission suggesting the mega-elections be split into two parts, along with a timetable that would allow for election of president, governors, National Assembly, Andean and Latin American Parliamentary representatives, and mayors on July 30, 2000, and state legislatures and local councils at a later date. The *Congresillo* debated the CNE proposal and on June 23, 2000, agreed with their recommendations. The first of the separated elections would be held July 30.

There was significant resistance to the *Congresillo's* decision. In a poll done by Datanálisis and published in *El Universal* newspaper, 71 percent of Venezuelans preferred one election. In addition, many opposition parties and civil society organizations opposed the separation of the election and the new date. They argued that these decisions lacked consultation and political consensus, and they enumerated constitutional and legal reasons to contest the *Congresillo's* mandate. There were claims that the election date benefited the government as it was the beginning of Venezuela's month-long vacation and many middle-and upper-class citizens, considered to be supporters of Arias Cárdenas and Fermín, would not be in town to vote. Moreover, by separating the elections, opposition parties would lose the support they hoped to gain by having the local elections, where their strength lay, simultaneous to the federal and state elections. Finally, there were concerns that July 30, even with the elections split, would not provide sufficient time to resolve the technical issues or properly educate the electorate.

## TECHNICAL PREPARATIONS

For the July 30 election, the CNE chose to return to its old formula of Indra, acting as integrator and main service provider. ES&S, still stinging from all the accusations, did not actively participate in the July 30 election process. They did, however, allow Indra to purchase use of its legally protected software. A new company, Communication Graphics, assumed ballot production.

Much debate went into the question of whether new ballots were necessary for all positions. It was well known that the now-infamous database needed "sterilizing," but what was unclear was how many of the already printed ballots this would affect. Reports have stated that the failed election cost more than \$80 million U.S. dollars, and the CNE was loath to expend more than absolutely necessary. On the other hand, civil society groups were calling for a re-design of the ballots as they considered them confusing. In addition, it was unclear where all the ballots distributed in anticipation for the May election were stored and whether some had been misappropriated. Notwithstanding these arguments, the CNE chose to use the presidential ballot printed for the May mega-elections.

For all the other ballot types, the CNE provided a small window period for the political parties and candidates to verify that the ballots containing their names and parties were correct and to make whatever necessary amendments. Unfortunately, very few candidates took advantage of this opportunity. Among those who did, the most common mistakes in the ballots were the omission of names, the colors of the party logos, and the size of the logos.

In addition to correcting the database and reprinting the ballots, the flashcards needed to be reprogrammed, the totalization software completed, and the education of voters and the training of poll workers begun. The CNE found itself behind



## OBSERVING POLITICAL CHANGE IN VENEZUELA

**THREATS OF A COUP**

Continuing rumors about bias in military promotions, budget cuts, and increasing politicization led to concern over the mindset of the armed forces. In late June, a videotaped message was released. Seen speaking was the representative of a group from within the armed forces called *Junta Patriótica Venezolana*. The statement, directed to President Chávez, listed their grievances and said that their mission was clear: “to protect the sovereignty of the state and Venezuela’s international image,” which they felt Chávez was tarnishing. While the spokesman, Capitan Garcia Morales, said that they would not create an armed opposition, the threatening tone of the video led some to believe that violence could ensue. Chávez blamed the *Frente Institucional Militar* (FIM), a group of retired military officers, for starting the rumors of unrest. President Chávez denied any friction within the armed forces.

schedule, again, even before they had really started their tasks. Their response: They changed the timetable.

One of the greatest weaknesses of the old CNE was its inability to manage and control the preparations. The new CNE made many changes to strengthen its organizational capacity and limited the number of actors to, primarily, Indra. These changes helped simplify and insure a smoother development of the electoral process.

**CAMPAIGNING**

The election campaigning, suspended by the May 25 Supreme Court decision, was scheduled to begin again on July 16 and last through July 27. However, the period was jumpstarted when on June 29, Arias Cárdenas officially declared his candidacy and gave a short campaign speech. Two days after his impromptu speech, the CNE declared the campaign period officially open. Both President Chávez and Claudio Fermín denounced Arias Cárdenas’ strong-arm tactics.

During the campaign period, President Chávez continued to suspend his radio program, “*Aló Presidente*”. However, he used his campaign plat-

form to discuss his current projects and used his office to pressure the *Congresillo* to pass certain reforms, for which he was reprimanded by the CNE.

Claudio Fermín continued to request that the candidates focus on the issues and called for a public debate. Neither President Chávez nor Arias Cárdenas agreed to such a forum.

Nonetheless, the mood of the campaign was quite different from May. There were significantly fewer verbal and physical attacks amongst the political parties and their candidates. The one exception was the disclosure of a purported military coup.

**CIVIC AUDIT COMMITTEE**

Following the suspension of the mega-elections, the Civic Audit Committee, still convinced of the need for an audit, reconstituted and once again began designing and developing an audit of the electoral process. The membership of the committee had changed some as one organization resigned, claiming that there was not sufficient time to organize an audit, and the representative of the *Fedecameras*, the Venezuelan Chamber of Commerce, had been selected as a director of the new CNE.



OBSERVING POLITICAL CHANGE IN VENEZUELA

*Presidents Carter and Carazo meet with members of the Civic Audit Committee.*



RICK DIAMOND

During this second phase of its work, the Civic Audit Committee focused on adapting the terms of reference to the new situation, incorporating the experiences gained from the May failure. It consulted with national and international experts on the technical areas and started the bidding process earlier. Throughout its reincarnation, the Civic Audit Committee enjoyed greater autonomy and control.

The Civic Audit Committee, after analyzing the needs and capabilities, divided the audit into three distinct parts and allowed companies to bid on any or all of the three sections. The first part of the audit, to be completed before the election, was focused on CNE's management of the electoral process. Z. Pedraza, a Venezuelan company, completed this phase of the audit. The results were generally favorable although some concerns were raised.

The second stage of the audit was related to the voting machines and transmission of results. The Central University of Venezuela (UCV) was

selected to perform this audit. As with the first audit, this assessment was concluded before the start of the election. UCV found that the machines could properly read up to 5,000 ballots before needing maintenance. After that amount, there is a risk that the optical scanner will not accurately read the ballots. Among other recommendations, UCV suggested preventative maintenance and corrective maintenance before any election, better security of the flashcards and the telephone lines, and verification of the quality of ballot paper. Notwithstanding the above recommendations, UCV concluded that the machines were functioning correctly.

The third audit, and the most interesting to The Carter Center, was the reading of the ballots and the system of totalizing the results. DFK, an international auditing firm with a small office in Caracas, received the contract to perform this audit. Part of the terms of reference suggested that the audit company observe the tests and national simulation run by Indra and the CNE. DFK Co., however, was not hired until after all of the purported tests took



## OBSERVING POLITICAL CHANGE IN VENEZUELA

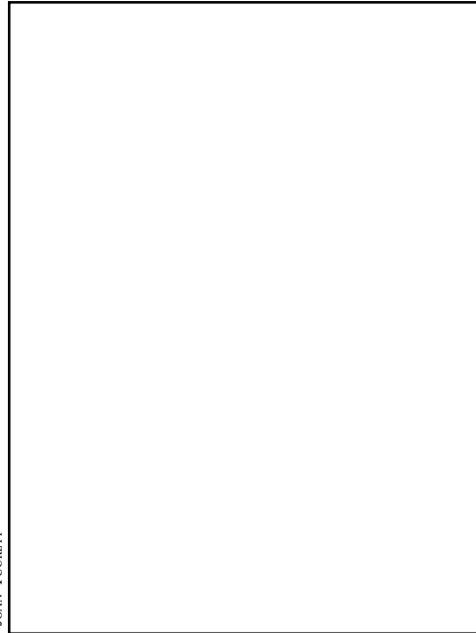
place. Therefore, the bulk of this audit was completed after the election.

Throughout the drafting of the terms of reference and negotiating with the CNE on the bidding process, The Carter Center continued to support and advise the Civic Audit Committee.

### THE CARTER CENTER JULY ASSESSMENT MISSION

**A** Carter Center assessment delegation returned to Venezuela July 12–15 to attend meetings and assess the preparations for the July 30 elections. The pre-electoral delegation included former Costa Rican President of Rodrigo Carazo, Dr. David Myers, Carter Center field office director Andrés Araya and Laura Neuman, and supported by Jaquelyn Mosquera.

On this trip, the Center met with the CNE, Indra, the candidates, political parties, Vice President Rodriguez, and the Civic Audit Commission. The new CNE immediately impressed the Center as being better organized and more technically capable than the previous one. The opposition political parties and candidates, though still expressing a lack of confidence, viewed the CNE as more neutral than the previous CNE directorate.



JOAN PICKETT

*David Myers (left) and Andrés Araya prepare for a July 14 press conference.*

However, they complained of continued delay of key components of the electoral process. For example, as late as July 14 the CNE still had not approved the Civic Audit Committee's choice for the third audit, nor signed the necessary contracts. Moreover, there were still unacceptable delays in the civic education of voters and poll workers.

Representatives of the government and government party told the delegation that the CNE was impartial and working well, and they expressed confidence in the electoral process. The MVR

### ROLE OF ELECTION MONITORS

**F**oreign Minister José Vicente Rangel went before the Organization of American States (OAS) assembly on June 29 and requested regulating international election observers. Ostensibly in response to the May 2000 Peruvian elections, whereby international election monitors, including the OAS and The Carter Center/National Democratic Institute refused to observe due to failures in the electoral process, Foreign Minister Rangel requested a rule that forbid international observers from making public statements about elections they observed. He argued that international observation delegations have bordered on interference in a country's sovereignty. Rangel's resolution was soundly defeated.



## OBSERVING POLITICAL CHANGE IN VENEZUELA

**FREEDOM OF SPEECH**

**F**reedom of speech continued to be an issue throughout the election period. The opposition interpreted the arrest of the editor of “*La Razón*” as a form of censorship and on July 10, Arias Cárdenas visited the editor in a show of solidarity and denounced the government for not respecting fundamental liberties. Venezuelan journalists have claimed that they are increasingly affected by government censorship or self-imposed censorship. Attacks by President Chávez on his weekly radio program against the media and individual media personalities have led to increased threats and harassment. Chávez, on the other hand, argues that freedom of expression is thriving in Venezuela and that the media have the continued ability to respond to his concerns and shape public opinion.

representatives and Vice President Rodriguez again welcomed The Carter Center in its observation of the July 30 elections.

The opposition political parties were concerned that the abstention rate would be very high because of voter fatigue and a sense in the electorate that it was not worth it to vote. They felt that the government was encouraging this sentiment, as a high abstention rate would favor the *Polo Patriótico*. And, according to the opposition parties, the failure of the CNE to begin a timely educational and get-out-the-vote campaign would enhance the likelihood of low voter turnout. They felt that in addition to needing more propaganda to increase the number of voters, the CNE also should take steps to increase the role of the political parties within the CNE.

The CNE for its part felt confident that the election would run smoothly. They had completed purifying the database and the ballots were to be completed by the week of July 17. The CNE and Indra were planning to perform tests of the machinery and software over the weekend of July 15 and 16. In addition, they had ratified an expansive regulation relating to electoral observation and were pleased that The Carter Center was mounting another delegation. The CNE assured us that we

would have access to all components of the electoral process.

At a July 14 press conference, The Carter Center assessment mission provided a number of recommendations, including re-doubling the effort at educating voters as to their candidates and how to properly complete the large number of ballots. The Center suggested using the media, offering voters the opportunity to verify their voting location, and more thoroughly explaining the formulas for proportional and nominal representation, used to determine representatives for the National Assembly. In addition, the Center emphasized the need for national tests and simulation of the electoral machinery with sufficient profundity to demonstrate their effectiveness. These tests should be done publicly to raise voter confidence in the process. Finally, the Center again urged the CNE to immediately approve external audits. ■



## JULY 30, 2000, ELECTIONS

As the July 30 elections drew near, questions remained as to the quality of the electoral preparations. With the elections split into two parts, the July 30 election included only 6,000 candidates, as the majority of candidates and seats are local and were to be determined at the later election. Rather than six ballots, there was a maximum of four ballots that any one voter needed to complete. Although significantly smaller in number of candidates, posts and ballots, concerns continued to surface.

First, although the CNE and Indra stated that tests and national simulations had been completed, neither the public nor the press were allowed to observe. Moreover, the reports were not immediately available to the public. Rumors abounded that the telephone lines had not been properly changed from the May election and, therefore, during the testing of the election result transmission capabilities, few transmissions actually took place.

Second, the issue of voter education and poll worker training remained a constant source of speculation. Although the Supreme Court had suspended the May election specifically due to a lack of information available to voters, many stated that this facet of the preparations was again wanting. The educational campaign did not begin until July 16, and many of the states did not receive the *Gazettas* until just days before the election.

Another blow to the confidence in the process occurred two weeks before the election when the CNE announced that it would not allow the third phase of the electoral process audit to take place the night of the election. In the terms of reference that the Civic Audit Committee elaborated, the audit of the machine's ability to correctly read the ballots and the transmission of the results was to take place immediately after the election. In this

way, there would be no accusations of tampering with the machines or the ballots. Nevertheless, on July 16, the CNE ruled that in order not to affect the smooth running of election day, the audit would begin the following afternoon, on July 31.

Fourth, one week before the election, the CNE was still short 30,000 poll workers to reach the minimum amount necessary to administer the election.

Finally, there were serious questions regarding the security of the voting machines and electoral materials, including ballots, following the May "fracaso." When the election was suspended on May 25, voting materials had already been delivered to some centers. Following the Supreme Court decision, it is unclear how much time elapsed before *Plan República* soldiers went to these sites to collect the voting machines and ballots. Furthermore, the storage of the ballots was an issue discussed by many technical experts, as humid ballots are not as easily accepted nor read by the machines. Citizens' worst fears seemed to be coming true when stolen machines and stacks of ballots were found in people's homes in the state of Carabobo. Though the CNE quickly dismissed these as isolated incidences and not harmful, since theoretically these people did not have the secret codes to transmit "results," the damage to many voters' confidence was already done.

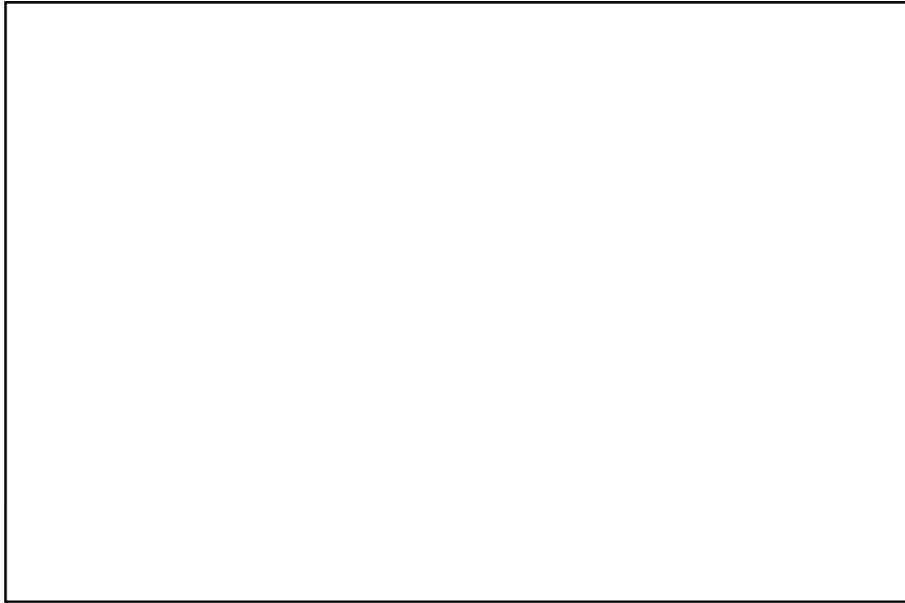
### THE CARTER CENTER ELECTION MONITORING

As with the May election, The Carter Center staff arrived early, in mid-July to expand the field office that had continued running through the work of Andrés Araya and



## OBSERVING POLITICAL CHANGE IN VENEZUELA

JOAN PUCKETT



*Omar Sánchez and technical consultant Eduardo Sterling listen as Luis Alberto Cordero asks a question at the delegates briefing.*

Jaquelyn Mosquera, prepare for the delegates and election day monitoring, coordinate with the domestic observer organization *Red de Observación Nacional* (RON) on a parallel vote count, and attend political meetings. Two technical elections experts who assessed the CNE's readiness and preparations for the July election joined Center staff.

### TECHNICAL EXPERTS

The technical experts, Bolivian Marcel Guzman de Rojas, and Costa Rican Eduardo Sterling, met with the CNE technical staff, the audit companies, information specialists in charge of the telephone lines on election day, and political party representatives. These consultants focused on the flow of information, the training of voters and poll workers, the electoral registry, the machines' capabilities vis-à-vis the number of voters, the ability of the machines and software to properly read the ballots and transmit the information, and the feasibility of the audits.

From their discussions, a number of concerns arose. The primary issue was the amount of time that voters would take to exercise their right of suffrage. The number of voters per table had been changed for the May election. Previously it was limited to 600 but for May, the CNE joined three tables into one, creating the possibility of 1,800 people voting at one table and with one machine. The new CNE did not change this arrangement. Moreover, because of earlier mistakes, some tables had as many as 2,400 voters enrolled. Based on the calculations of the Center's expert, it would take an aver-

age voter 40 seconds to feed the four ballots into the machine. Eighty-six percent of the machines had 1,800 voters or less registered. For these tables, if a 60 percent attendance rate was presumed, it would take up to 12 hours to complete the voting. At the tables where 2,400 voters are registered, it would take up to 16 hours. Moreover, this time did not include filling out the ballot, solely the physical act of introducing the ballot into the election machines. The problem? The polls were only scheduled to be open for 12 hours.

In addition to the time necessary to vote, there was a question whether the machines would continue to read ballots accurately after receiving such a large quantity of them. Center experts felt that the machines were well made and that most of them, if well maintained, would be able to function normally throughout the long election day.

Regarding the voter education, Center consultants felt that it was weak and needed intensifying. A voter campaign focusing on the proper way to complete the ballots, and demonstrating that each



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ballot has two sides which need to be marked, could serve to motivate voters and reduce the number of null votes. They also voiced concerns relating to the training of the poll workers. Realistically, it is at the tables that much of the voter education is accomplished. This is not possible without effectively training the poll workers. Moreover, Center experts identified weaknesses in the table workers' knowledge of opening and closing the polls that could affect the electorates' and political parties' confidence in the election.

Finally, they felt that the audit immediately following the election was vital in increasing voter confidence. By waiting until some time following the election, the CNE was reducing the audit's effectiveness to meet its goals.

### DELEGATES ARRIVE

The Carter Center delegation, comprised of 48 international political and electoral experts and led by President and Mrs. Carter, former Costa Rican President Rodrigo Carazo, and former Uruguay President Luis Alberto Lacalle, arrived in Caracas on July 26.

Before deploying throughout the country, the delegates received briefings in Caracas from the electoral commission, political parties, domestic monitoring groups, pollsters, civil society groups, and Carter Center staff. Each of the above speakers provided delegates information relevant to monitoring the election day, as well as background and a list of their individual concerns. The delegation learned how the voting machines function and the correct procedures table workers should perform when opening and closing the polls.

The delegates were split into teams of two, with some going alone, and given their general location for election day qualitative observation and the table at

which they were to complete the quantitative analysis. The Carter Center delegates, in coordination with the domestic observation group, RON, would be completing a parallel vote count of the presidential race. A parallel vote count is a statistically significant sample of voting tables that allows delegates to project the winner within a small margin of error. Observers watch the actual vote count (or machine tally), record the results, and call them in to a central location where the results can be projected, and thus serve to verify the official results. To successfully perform a parallel vote count, delegates needed a sufficient amount of data points at very exact locations. For that reason, our expert statistician Mansour Fahimi of Price-Waterhouse-Cooper drew the sample and told Carter Center delegates where they needed to be at the close of voting to gather the information – the number of voters, how many votes each candidate received, and the number of null votes. Each delegate received qualitative checklists to complete at each table on the day of voting, a table opening and closing checklist and the form for the quantitative parallel vote count.



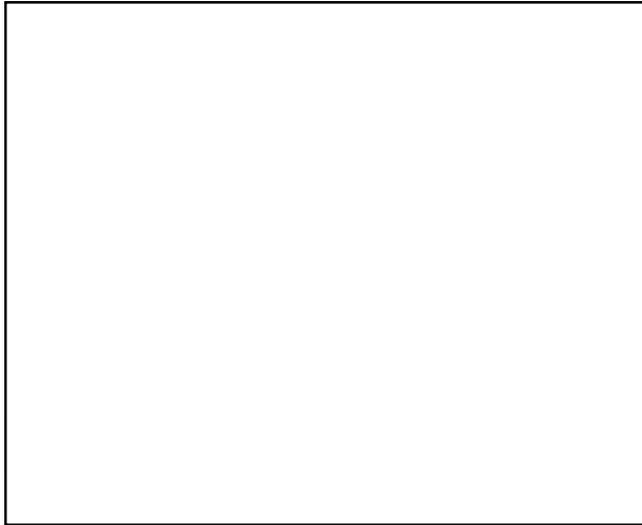
*Carter Center delegates Elisabeth Friedman and Francisco Diaz are briefed on ballots.*

JOAN PUCKETT



## OBSERVING POLITICAL CHANGE IN VENEZUELA

JOAN PUCKETT



*President Lacalle oversees Carter Center staff Faith Corneille and Jaquelyn Mosquera as they deploy delegates to the field.*

On July 28, Carter Center delegates were deployed to 16 states and the Federal District. The delegates spent the day before the elections meeting with local election officials, the local military and *Plan República* soldiers, the local political parties and candidates, and finding their specific poll opening and closing locations. In addition to The Carter Center, there were other election observers such as the Organization of American States and two domestic observation groups. Our delegates tried wherever possible to coordinate their activities with these other monitoring groups.

The leadership team, composed of the former presidents, mission director Laura Neuman and field office director Andrés Araya, spent the day before the election meeting with the CNE directors, presidential candidates and political parties, including President Chávez and the attorney general. The opposition candidates expressed concern that there had not been public simulations of the electoral process and that the audit had been postponed. There was a continuing lack of confidence in the CNE as a whole and the international companies that they had contracted to execute the election.

These candidates also were concerned about the deficiencies in voter education and poll worker training.

On the positive side, there had been no electoral physical violence leading up to the July elections or any indication that election day would become violent. The CNE proclaimed to be ready and indicated that a sufficient number of poll workers had been identified and trained. Delegates were told that the first results would be announced within two hours of the poll closing.

### **ELECTION DAY**

On July 30, The Carter Center teams arrived at the polls at 5:30 a.m. to witness the opening of the polls scheduled for 6 a.m. At more than 20 tables delegates observed, the majority did not open until between 7 a.m. and 8 a.m., generally because of missing poll workers or problems printing the *acta en cero*, the sheet demonstrating that the voting machine was starting at zero.

Carter Center delegates visited more than 270 tables throughout Venezuela, 214 of which were automated and the rest manual. Delegates found the Venezuelan people enthusiastically participating in the elections and were extremely impressed with citizens' desire to exercise their right to vote, as well as their patience and peacefulness. In some locations delegates visited, particularly urban areas such as Caracas, Venezuelans waited more than six hours to vote.

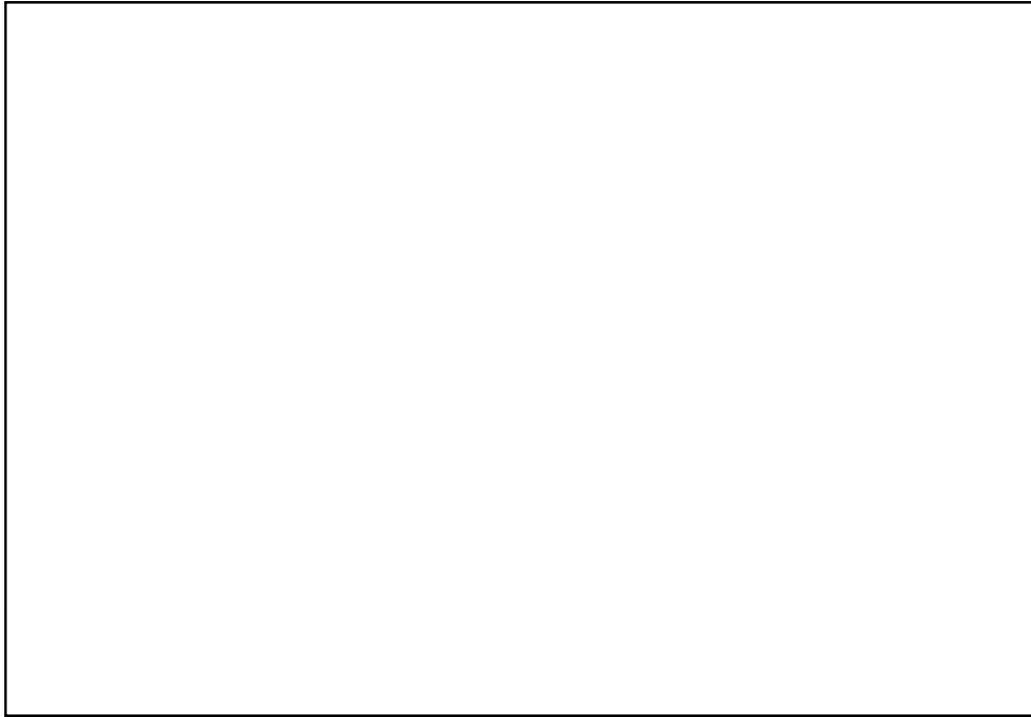
Delegates found political party witnesses in almost all voting sites, 75.5 percent of the centers they visited, representing a variety of parties at the national and local levels. In addition, the voting table workers had the basic knowledge necessary, worked diligently to instruct the voters on properly completing the ballots, and strived to overcome the difficulties of this complicated election process.

The main issues delegates encountered on election day were long delays and problems with



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*Voters wait up to six hours to vote on election day.*

the voting machines. In many cases, these two difficulties became intertwined. In approximately 20 percent of the automated tables that the Center visited, delegates observed problems with the voting machines. The problems ranged from machines that would not quickly accept ballots and needed the ballots to be “re-fed” many times, machines that would not accept any of a certain type of ballot such as the governor’s race or the presidential race, machines that would not print properly, to machines that totally failed. All of these problems led to voter delays and a faltering of confidence in the machine’s performance.

One of The Carter Center’s recommendations throughout the electoral process was to conduct complete and thorough tests and a national simulation. The CNE insisted that this had been accomplished before the July 30 election. However, the large number of machines that failed to accept either the presidential or gubernatorial ballots appeared to indicate their failure to properly test the machines’ functioning and calibration with

respect to the ballots.

Voter turnout was 58 percent, somewhat higher than recent Venezuelan elections. As predicted, voters took more time in completing their ballots. That, in combination with machine problems and the earlier mistakes of placing too many voters at one table led to the polls remaining open well past the 6 p.m. scheduled close time. In many tables that delegates observed, the closing did not take place until after 8 p.m.

The Carter Center, together with the national observer network RON, conducted a parallel vote count immediately after the tables closed and the results for that table printed. Delegates received a total of 53 data points from the statistically drawn sample. The parallel vote count indicated that President Chávez had won with 57.8 percent of the popular vote, Arias Cárdenas received 39.1 percent and Claudio Fermín finished third with 3.1 percent with a 2 percent margin of error. The delegates did not do a parallel vote count for the governorship, National Assembly, or mayors.



## OBSERVING POLITICAL CHANGE IN VENEZUELA

JOAN PUCKRETT



*President and Mrs. Carter complete their observer checklist.*

The CNE provided its first bulletin with results at 9 p.m. Before the CNE declared President Chávez the winner, the Arias Cárdenas camp believed that he had won. The delegates' parallel vote count provided the Carter Center mission the information necessary to confirm the CNE results. In the end, the CNE found that Chávez had won with 59.76 percent, Arias Cárdenas came in second with 37.52 percent, and Claudio Fermín received 2.72 percent of the popular vote.

Overall the MVR, with assistance from the PPT and *Polo Patriótico* alliance won 14 governorships out of 23. The candidates backed by a combined AD and COPEI won two governorships and the COPEI candidates won two other states. In the Federal District, the MVR candidates won both the Metropolitan and the Caracas mayoral races. A surprise came in the strength of a new young political party, *Primer Justicia*, whose five candidates won all of their races including mayor of Chacao and Baruta, both areas near Caracas, and three national assembly positions.

In the National Assembly races, the *Polo Patriótico* alliance of the MVR and MAS won 60 percent of the 165 seats. The MVR alone gained 93 seats. The next closest party was AD with 32 seats and *Proyecto Venezuela* with eight seats. This success brings the *Polo* alliance close to the two-thirds needed for approval of most pieces of legislation.

### **OBSERVATION OF AUDIT**

On July 31 at 1 p.m., the CNE began drawing the sample for the post-electoral audit to be conducted by DFK Company. DFK had agreed to audit 210 tables in coordination with

the CNE. The CNE/DFK plan was to draw the sample that afternoon and then immediately send teams to the selected voting sites to begin a manual count. All boxes containing the ballots and the electoral materials, such as the voter-signed electoral registry, were to remain at the voting centers. After the exact tables were chosen in the public lottery, televised on all Venezuelan channels, the *Plan República* was to collect those boxes that would not be a part of the audit. The rest were to remain guarded at the voting location until the audit was complete.

Unlike the audit that The Carter Center had initially proposed, which focused only on the president and governorships, DFK decided to manually count each ballot for each post. The first step was to separate all of the ballots, as they had been intermingled within the cardboard ballot collection box. The auditor, trained by DFK, then began counting the ballots as a CNE worker marked them on a separate sheet. These sheets were then sent to DFK in Caracas and compared to the

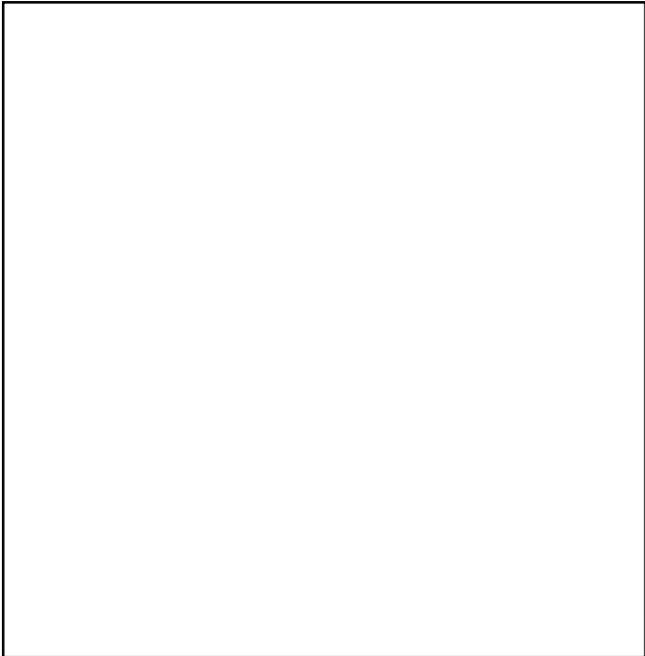


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original results printed by the voting machine on election night.

The Carter Center sent four teams to observe the audit at 24 sites in four states and the Federal District. At the majority of sites, delegates found at least one political party witness and election day table worker. There were reports by some parties and domestic observers that they were not allowed in to observe the audit process.

The Carter Center teams reported a number of observations to the CNE relating to the administration of the audit. Overall, delegates found that the DFK and the CNE auditors were committed to the process. However, it appeared that the methodology used at each table was quite distinct. At some of the audits delegates monitored, the workers were showing each ballot to the witnesses. At others, it was a much more closed process, whereby only the worker, either from DFK or the CNE, was able to see the ballot. All parties involved appeared to have received little or no training on how to determine a vote, how the party alliances were set up and how to organize the audit so that it ran smoothly.



JOAN PUCKETT

*Debbie Palmer prepares for Carter Center parallel vote tabulation.*

The audit took much more time than anticipated, in some cases because of violent protests around the voting center. The public's frustration with the election results, the perceived high number of null votes, and the continued lack of confidence in the voting machines led to large gatherings. The auditors in these cases expressed fear and concern for their safety. Some of the audits that delegates visited had been moved to safer locations.

On several occasions, Carter Center observation teams went to an audit location only to find that no one had arrived to begin the process. In a few cases, even the *Plan República* was not present, although the box of ballots was visible.

The Carter Center observers met with local CNE officials who guaranteed that the audit was completed in their geographic area. However, when Center teams went to visit these locations, they found the audit was still in progress or had not even begun. Moreover,

**Table 4**

<b>PRESIDENTIAL ELECTION RESULTS JULY 30, 2000</b>	
TOTAL REGISTERED VOTERS	11,720,971
VALID VOTES	6,600,196 56.50%
ABSTENTION	5,081,449 43.50%
NULL VOTES	348,698 5.25%



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*President Carter meets with re-elected President Hugo Chávez.*

JOAN PUCKETT

delegates had difficulty receiving accurate information from either the local officials or the CNE.

Finally, the DFK failed to audit 14 of the 210 tables. The CNE made a ruling that in cases where the boxes of ballots appeared to have been “violated,” i.e., there were indications that they may have been opened or the electoral registries were not present, the table was to be considered “not auditable.” In these situations, DFK was to substitute another table. The substitutions did not occur.

Although Carter Center delegates witnessed deficiencies in the portions of the audit that they observed, they were not able to evaluate the entire audit process. The DFK auditing firm provided a final analysis of the audit which found, with a margin of error of 2.5 percent, there was a confidence rate of 95 percent in the electoral process. In the end, the firm’s report states that it audited 196 tables in 129 voting centers with the assistance of more than 500 workers.

## APPEALS AND PROTESTS

**F**ollowing the July 30 election, violent protest broke out in the states of Merida, Anzoategui, Nueva Esparta, and Amazonas. Many of the protesters claimed that the CNE had committed a fraud.

Other states, likewise, had protests but without violent confrontations. In most of these cases, either the MVR or PPT candidates defeated the popular governors. To diffuse the situation, the CNE sent commissions to Merida and Anzoategui to meet with the candidates and the local electoral commissioners.

In Merida, the CNE was told of electoral machines failing and being moved to unknown locations for transmission of the results, of premarked ballots, and of official bulletins that supported then-Governor Davila’s win until the very last minute when candidate Florencio Porras (MVR) “leapt” ahead. Then-Governor Davila refused to leave the government palace, as he believed himself to be the rightful winner.

In Anzoategui, favored Andrés Velásquez of the political party *Causa R* refused to acknowledge the



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**SURPRISE RESULTS**

The results of the July 30, 2000, elections were a surprise in many ways. There was a higher voter turnout than the pundits predicted — and longer waits in line to vote. But more importantly, many of the pollsters' predictions proved false. In race after race, *Polo Patriotico* “underdogs” came from behind to win. In the Federal District mayoral race, for example, Ledezma polled as much as 50 percent ahead of MVR's Bernal in a July 2 survey, but lost on election day. AD's William Davila, running for re-election in Merida, and long considered an obvious win, was ultimately declared the loser (though as of January 2001 appeals are still pending).

Some speculate that the placement of the MVR candidates on the ballots in the right-hand corner had much to do with their success. For each ballot, in each locale and for each office, the MVR candidate was found in the exact same position. Thus, the MVR could simply teach their supporters to always place their vote in the top right-hand corner.

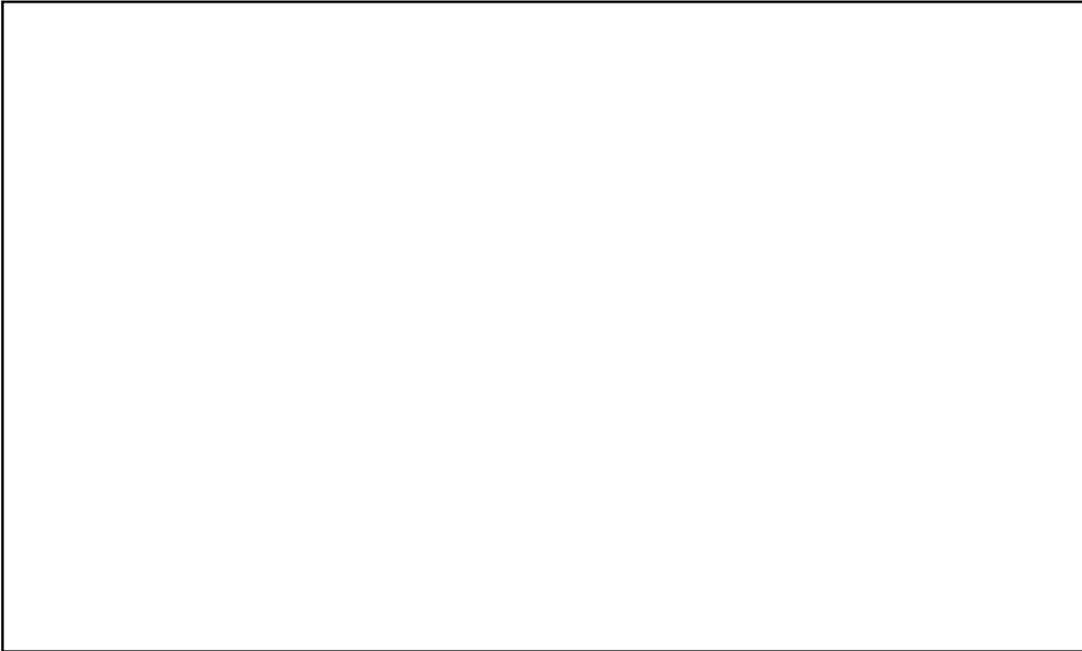
Others continue to believe that it was intentional manipulation that led to the unexpected results.

victory of David de Lima (MAS-MVR). In this state, there were 43,000 null votes in the governor race. However, the difference in votes between de Lima and Velásquez was a mere 3,280.

In total, more than 300 appeals have been filed, including an appeal by presidential candidate Arias

Cárdenas and 21 gubernatorial candidates in 18 states. A candidate has the option to file an appeal with the CNE or go directly to the Supreme Court. Only one candidate, a gubernatorial candidate from Amazonas, went directly to the Supreme Court.

Upon receiving an appeal, the CNE may admit

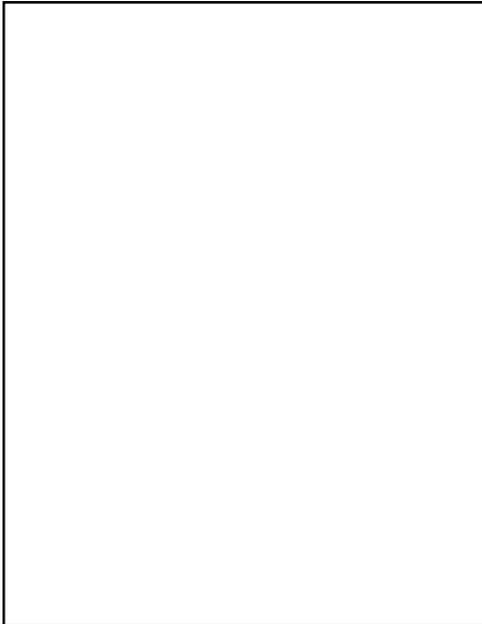


*Laura Neuman consults with President Carter and Rodrigo Carazo, former president of Costa Rica at a press conference.*



OBSERVING POLITICAL CHANGE IN VENEZUELA

*Military personnel stand guard.*



RICK DIAMOND

a variety of claims. Although the most common assertions were pre-marked ballots, inconsistencies between the number of voters listed in the electoral registry and the number of votes at an individual table, and an excessive number of null votes, additional appeals were filed based on an outdated and incorrect electoral registry and a claim of illegal alliances being formed after the deadline.

In the state of Amazonas, Liborio Guarulla, the PPT candidate for governor, filed an appeal with the Supreme Court claiming that foreigners and people living outside of Amazonas were allowed to vote and that there were inconsistencies between the official voter registry, which is signed by each voter before voting, and the documents that the workers fill out at the time of closing the polls. The inconsistencies appeared to indicate that there were more votes than persons who voted. Before the election, there had been concern over the electoral registry. The CNE conducted a small audit and found that there were people inappropriately listed on the registry. According to witnesses, a list was placed at each voting center of people not eligible to vote. Nonetheless, the PPT claimed that these

or not admit the appeal. An investigation is generally conducted to determine whether the appeal has a claim meriting “admission.” Once a claim has been admitted, the Electoral Law provides the CNE a 20-day maximum period to resolve the claim.

The appeals of the July 30 results were based on

**THE CASE OF MERIDA**

**T**he Carter Center returned to Venezuela in mid-November to observe the manual recount of more than 100 tables in the state of Merida. William Davila, the former governor of Merida, claimed inconsistencies in more than 100 voting tables and pre-marked ballots. He requested that he be named the rightful governor or that a new election be held.

The Center observed the CNE workers open the boxes and manually count the ballots. These results were then compared to the electoral registry signed on the day of the election and the voting machine generated results. There were indications that some electoral boxes may have been “violated” with as a knife and human excrement were found inside and mixed with the ballots.

The results of the recount were sent to the CNE in Caracas for analysis and a determination. As of February 2001, former Governor Davila continues to await a decision.



OBSERVING POLITICAL CHANGE IN VENEZUELA

excluded people were allowed to vote. The Supreme Court found in favor of the PPT candidate and directed the CNE to correct the situation. The CNE applied an obscure electoral law that invalidated the questionable tables and applied the votes from the next closest table on the theory that voters in the near vicinity would vote similarly. In other words, some votes were not counted and others were counted twice. When using this formula, the PPT candidate won. The AD candidate Bernabé Gutiérrez appealed this ruling, which effectively stripped him of his victory, in the Supreme Court. The Supreme Court found that the law applied by the CNE was unconstitutional and ordered a new election of the tables in question. These were scheduled for Feb. 11, 2001.

Yet another appeal that faced the CNE was that of former governor Alberto Galíndez in the state of Cojedes. Galíndez (AD party) received 39,687 votes to his nearest opponent Jonny Rangel (MVR) who received 39,606 votes. Nonetheless, Rangel was named the winner and Galíndez appealed. The CNE had added the 186 votes that Juan Bautista Pérez had received on election day to Rangel's votes. According to the CNE, Bautista Pérez had dropped out of the race and substituted Rangel's name. The CNE demonstrated that this substitution had been published in the official Gazette. Galíndez claims that this substitution was not legal as it occurred after the deadline. In the end, the CNE re-totaled the votes from the states electoral tables and found that Rangel won without the additional votes from Bautista Pérez.

As of January 2001, the CNE has decided only 38 percent of the appeals filed. Notable exceptions include the appeal of presidential candidate Arias Cárdenas and those of former Governor Davila and Velásquez. More than six months after the election, there still remain 191 cases to be determined. The

attorney general released a study relating to the July 30 election. On the day of the election, the attorney general's office received 484 claims of machines not properly functioning, 84 grievances related to electoral campaign material, 1,140 calls from people whose names did not appear on the electoral registry and 161 claims of pre-marked ballots. Miriam Kornblith, former CNE director, continues to privately investigate the assertions of pre-marked ballots and high null votes of the July 30 election.



## ASSESSING THE MAY AND JULY 2000 ELECTORAL PROCESS

The July 2000 elections were in some ways a step backward from those of 1998. In 1998, the legislative, governors and mayoral elections (called “the regional” elections), had technical irregularities, including delays and malfunctioning machines, but these were, for the most part, corrected before the 1998 presidential elections and they did not generate significant complaints of fraud. Indeed, the strong showing of political parties that did not control the electoral machinery and the victory of Hugo Chávez was testimony to the lack of partisan manipulation of the elections. The rapidity of the election results due to the automation and the presence of party poll watchers and observers increased the transparency of the elections, further raising confidence in the election results in a country accustomed to “*acta mata voto*.”

In contrast, the 2000 electoral process began under a cloud of legal controversy when the new CNE was named using methods outside of the new constitution and a new electoral statute was passed just four months before the election, rather than the minimum of six months described in the new constitution. The perceived partisanship of the CNE was reinforced when it bowed to political pressure from the government to schedule elections before it expected to be technically ready. The government argued, with good reason, that Venezu-

ela needed to move from its provisional legal status to more legal certainty by promptly electing officials who would implement the new constitution.

The trade-off was, though, a failed first attempt when the May elections were postponed and continued difficulties with another newly appointed National Electoral Council. In addition to the political pressures, several organizational factors contributed to the failures: a) scheduling on a single day every elected position in the country, overwhelming the capacity to organize a complex automated system; b) allowing substitutions of candidates and alliances beyond the deadline, which undermined an accurate database of candidate names and parties, and the ability to print the ballots and program the flashcards giving individual operating instructions to each machine; c) failure to conduct national simulations and appropriate tests; d) lack of ballot and machine security between May and July 2000; e) neglect of voter and poll worker education; and f) an unwillingness to permit an immediate post-election audit. All of these factors

*Venezuela voter  
tips his hat to  
The Carter  
Center.*





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contributed to eroded confidence in the process.

To its credit, the CNE in March agreed to a civic audit process and the new CNE named in June continued to support the committee. Unfortunately, under both CNEs, the delays and lack of time severely hampered the Civic Audit Committee. The CNE that administered the July 30 elections was considerably more professional and technologically prepared and opened a number of activities up to the political parties, such as the verifications of the data- base of candidate names in June and access to specialized computers on election day to track results.

Following the election, the CNE has been slow to resolve the pending appeals. The numbers of very close races, where null votes and other inconsistencies greatly exceed the difference between the candidates, raise questions that need to be fully answered.

The evaluation of an election ultimately depends on the acceptance of the legitimacy of the process and results by the political parties, the candidates, and the citizens of the country. Where significant actors do not accept the results because of lingering questions about the process itself, The Carter Center considers those elections to be flawed and not fully successful. The Center believes this to be the case in the July 2000 Venezuelan elections. The electoral authorities still have the possibility to redress this situation with a thorough investigation of the claimed irregularities. ■



## DEC. 3 LOCAL ELECTIONS AND REFERENDUM<sup>13</sup>

Finally, on Dec. 3, 2000, the electoral cycle was completed with local elections. Although previously expected to be held in October, the CNE put off these elections until December. In addition to choosing neighborhood representatives, voters cast ballots in a referendum to suspend trade union leadership. Voter fatigue and boycotts of the referendum led to less than 23 percent voter turnout<sup>14</sup>, the lowest in Venezuela history.

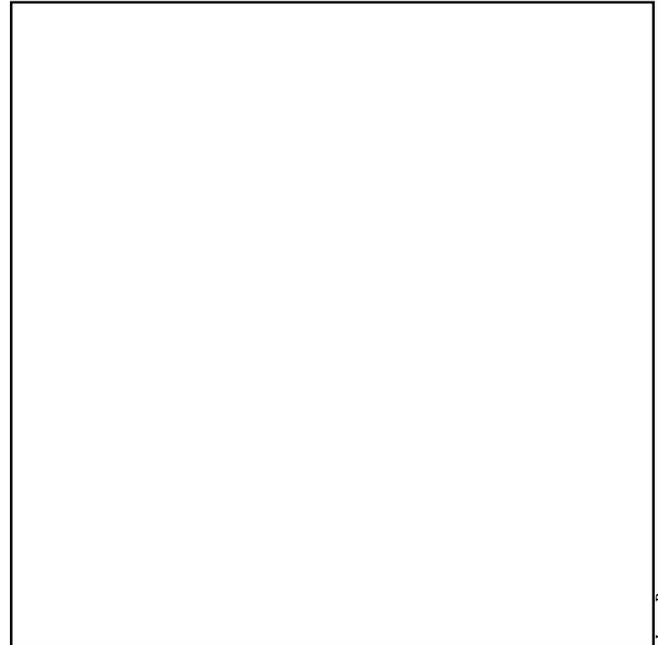
The National Assembly sent the referendum question to the CNE in early November. After the CNE directors reviewed the question to be posed to the electorate, they sent it back to the National Assembly for further clarification. The CNE informed the National Assembly that if it did not receive the proposed referendum question by Nov. 15, it would not be able to include it as part of the local elections.

On Nov. 15, the deadline set by the CNE, the question was passed by the National Assembly and re-sent to the CNE. The final version of the referendum question asked all citizens whether there should be a renewal of the labor union leadership in accordance with the principle of elections through direct, universal, and secret vote and called for the immediate suspension of all directors of the labor federations and confederations.

The referendum was challenged in the Supreme Court on the grounds that under the new constitution, the unions are not subject to government intervention, suspension, or dissolution. According to the opponents of the referendum, the question

<sup>13</sup>This section draws on "Defining the Bolivarian Revolution: Hugo Chávez's Venezuela," Jennifer McCoy and Laura Neuman, *Current History*, February 2001.

<sup>14</sup>The municipal elections had an official abstention rate of 74.14 percent and the referendum enjoyed an abstention rate of 76.57 percent.



JOAN PUGRETT

*Carter Center technical expert Marcel Guzman de Rojas discusses his findings.*

promulgated by the National Assembly was unconstitutional. Moreover, there were those who argued that any referendum relating to the unions, regardless of the content of the question, is solely in the province of the union workers and thus not open to a general, national consultation. The Supreme Court rejected these arguments.

International trade union organizations threatened sanctions against Venezuela as the referendum was considered contrary to international treaties and agreements of which Venezuela is a signature. As of February 2001, no international actions had been taken against the government of Venezuela.

From Nov. 9–16, 2000, The Carter Center sent a team of political and electoral experts, including Laura Neuman, Luis Alberto Cordero, and Marcel



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Guzman de Rojas to observe the preparations for the Dec. 3 local election and the manner in which the CNE was resolving the pending appeals. We again received the support of Jaquelyn Mosquera through political briefings and logistical assistance. We continued to emphasize the need for a broader informational and get-out-the-vote campaign, as well as additional training of poll workers. In response to the planned referendum regarding labor unions, we voiced our concern over the short period of time for Venezuelans to learn of the issues at stake and felt that more time should be allowed to develop a national debate over the themes of freedom of association, union liberties, and internal democracies. Nevertheless, the CNE determined on Nov. 16 to allow the referendum in December.

Of the 23 percent of the registered electorate that voted, 64.49 percent voted in favor of the referendum and 26.60 percent voted against it. With the election of the local commissions and the passage of the latest referendum, the long election cycle was finally over. ■



## RECOMMENDATIONS

**T**he Carter Center, in the spirit of international cooperation and assistance, again offers our own suggestions for improving the process and raising the likelihood of successful elections fully embraced by all Venezuelan citizens.

Following the 1998 election observation, The Carter Center provided a number of recommendations to advance the Venezuelan electoral process. We found that most of these recommendations had not been fully implemented. Therefore, we continue to recommend:

### INCREASED EMPHASIS ON VOTER AND POLL WORKER EDUCATION

**T**he May 2000 elections were suspended on the basis that the Venezuelan electorate had not been properly informed of their choices in candidates nor on the correct manner in which to vote. This lack of voter education may lead to increased abstentions and null votes. We believe that it is vital that the CNE, together with the media and civil society groups, conduct informational campaigns regarding the nature and function of each elected office and the candidates running for those offices. These informational campaigns must begin early and continue throughout the electoral cycle. In short, we recommend that informational campaigns be given top priority.

In addition to training the voters, the CNE must re-double its efforts to properly and fully train poll workers. In the July 2000 election, inconsistencies in the numbers of votes as compared to the number of voters who signed in to vote were blamed on poll worker errors. Closing of the polls

was not done consistently and a variety of mistakes were made. The poll workers appeared to be dedicated to the process and increased training will assist them in doing the best job possible.

### IMPROVING THE ELECTORAL REGISTRY

**I**n The Carter Center 1998 final election report, we recommended that the computerization of the electoral registry, begun in 1998, be expanded and the electoral registry made available to the political parties and candidates for revision. Regrettably, this was not accomplished. Due to the December 1999 floods and displacement of voters and migration across borders, the registry's inaccuracies were amplified. Moreover, in the July 2000 election, the electoral registry became the basis for a successful appeal, thus necessitating a re-vote at a number of voting centers. Therefore, we again urge attention be placed on editing and updating the electoral registry with political party involvement, so that all parties are satisfied with the electoral registry before elections are held.

### RE-ENGINEERING THE VOTING PROCESS

**C**ongestion in the polling sites was one of the main problems during the 1998 Venezuelan elections. This continued to be the case in 2000. Placing 1,800 voters at one table, and at some up to 2,400, created crowding and lines that were long enough to potentially discourage voters. We again suggest that the flow of voters through the polling sites be improved by adding more vote tabulating machines and reducing the numbers of voters corresponding to each machine.



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### CLARIFYING THE SUBSTITUTION AND ALLIANCE RULES FOR CANDIDATES

As with 1998, we found this to be a continuing problem. The continual substitution of candidates and alliances was a factor in the necessary suspension of the May elections. Moreover, it became the cornerstone of a number of appeals following the July election when substitutions were made without adequate notification to the candidates and electorate. Voters have the right to know in advance who the candidates will be so that they may learn about candidate qualifications and have time to reflect on their choices. By allowing a cascade of substitutions late in the process such that they do not appear on the ballot, the electorate is in essence deprived of its right to an informed choice.

### REDUCE BALLOT COMPLEXITY

In the July 2000 elections, voters received as many as four ballots with posts on each side of the ballot. The design of the ballot was difficult for many to read and understand. Moreover, the size and placement of the instructions for marking the ballot were inadequate, leading some voters to erroneously mark and therefore void their ballots. This problem was exacerbated in those cases where alliances had formed such that multiple voting for some candidates was valid, but other combinations voided the ballot.

The Carter Center recommends that all voters be limited to one vote per race and that the instructions be placed in a more prominent position on the ballot. Again, we encourage ongoing civic education to familiarize the electorate with the ballot and proper voting procedures.

Throughout our observation of the 2000 electoral process, The Carter Center provided additional recommendations, both publicly and privately, to the CNE. We continue to encourage the following improvements to advance the Venezuelan electoral process:

### NATIONAL SIMULATIONS AND TEST OF ELECTORAL MACHINERY

During the July 2000 elections, we observed malfunctions of the electoral machines that caused long delays in voting and eroded confidence in the system. These problems could largely have been avoided through national simulations that test all parts of the automated process. The timely performance of comprehensive simulations, open for scrutiny by political parties, candidates, media, and observer groups, will avoid errors on election day.

Problems identified through these simulations should be resolved and the tests re-run until the system operates within specified parameters. This implies planning to permit sufficient time in the electoral calendar for the simulations to be performed, when necessary, more than once.

### AUDITS OF THE SYSTEM

Pre- and post-hoc audits of the system are designed to demonstrate that the electorate's vote is being properly counted and tallied. In advanced electoral systems, audits are a routine part of the electoral system. We recommend that the use of pre- and post-hoc audits of the machines, electoral registry, and overall process be incorporated as standard practice in Venezuelan elections.



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### COMPETENT AND IMPARTIAL ELECTION AUTHORITIES

**E**xtensive consultation in the selection of the National Electoral Council directors to ensure wide confidence in their neutrality and capacity is vital to the success and acceptance of electoral results. The CNE chosen without consensus for the May elections suffered from a perception of partisanship and lack of managerial capacity. Venezuela made strides in the selection of the CNE directors to administer the July 30, 2000, elections. Nonetheless, a more careful adherence to the constitutional provisions for nomination of the CNE directors will fortify the legitimacy of the institution.

### SECURITY OF ELECTORAL MATERIALS AND BALLOTS

**C**ontrols over the electoral materials and ballots are vital to avoid practices that are alleged to have occurred in July 2000, such as disappearing ballots and machines, double voting, and pre-marked ballots. One simple option for control would include limiting the quantity of ballots delivered to the tables. A good rule of thumb is to deliver 5 percent to 10 percent more ballots than those persons registered to vote at that polling site, which is a sufficient quantity to accommodate all registered voters, *Plan República* members, and spoiled ballots. Before voting begins, the poll workers should count the ballots and mark the quantity on the official *acta*. At the end of voting day, the first task would be to count the remaining ballots and mark them with a stamp stating “unused ballots.” The poll workers should then give a full accounting of the disposition of all ballots—unused and used (valid, null, and spoiled). Serial numbers should be reinstated on the ballots

to permit tracking of ballot shipments. Finally, we suggest that the CNE routinely audit the security of all electoral materials and ballots.

### TIMELY RESOLUTION OF APPEALS

**C**omplicated elections such as those in July 2000 inevitably generate appeals. The number of cases undecided as of February 2001 still accounts for a majority of the appeals, which adds to the unease of the candidates and all citizens. Absent the timely and impartial handling of appeals, elections are reduced to an arbitrary exercise that may not be accepted as the will of the people. We strongly urge the CNE to redouble its efforts to resolve all pending cases and publish its decisions in the national media. ■



## CONCLUSION

President Chávez and the MVR were elected on the promise of ridding the country of a politics of hierarchy, corruption, and elitism. Dominated by two centrally controlled political parties for much of its democratic life, Venezuelans grew tired of poor public services and deteriorating living standards. The Bolivarian Revolution is attempting to define a new type of democracy based on participatory politics. But direct consultation of the people through votes and referenda is not enough to create a thriving democracy.

A strong democracy requires independent institutions that can serve as intermediaries between government and citizens. Otherwise, the political system may not weather the inevitable fall in popularity of a political party or an individual

leader. If political institutions such as the courts, the Citizen's Power, and the electoral branch become dominated by the president's partisans or fail to serve as a balance to executive power, Venezuela risks repeating the mistakes of the pre-Chávez years. Post-1958 Venezuelan democracy became rigid under a closed group of party leaders and eventually fractured. A confrontational style of politics also led to the breakdown of Venezuela's first attempt at democracy in 1945 to 1948, when significant sectors of the society felt they were excluded from decision-making.

Venezuela in the 21<sup>st</sup> century has the opportunity to become a model of participatory democracy that addresses the needs of its people, but only if it learns from its past. ■



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**APPENDIX A**



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**APPENDIX B**

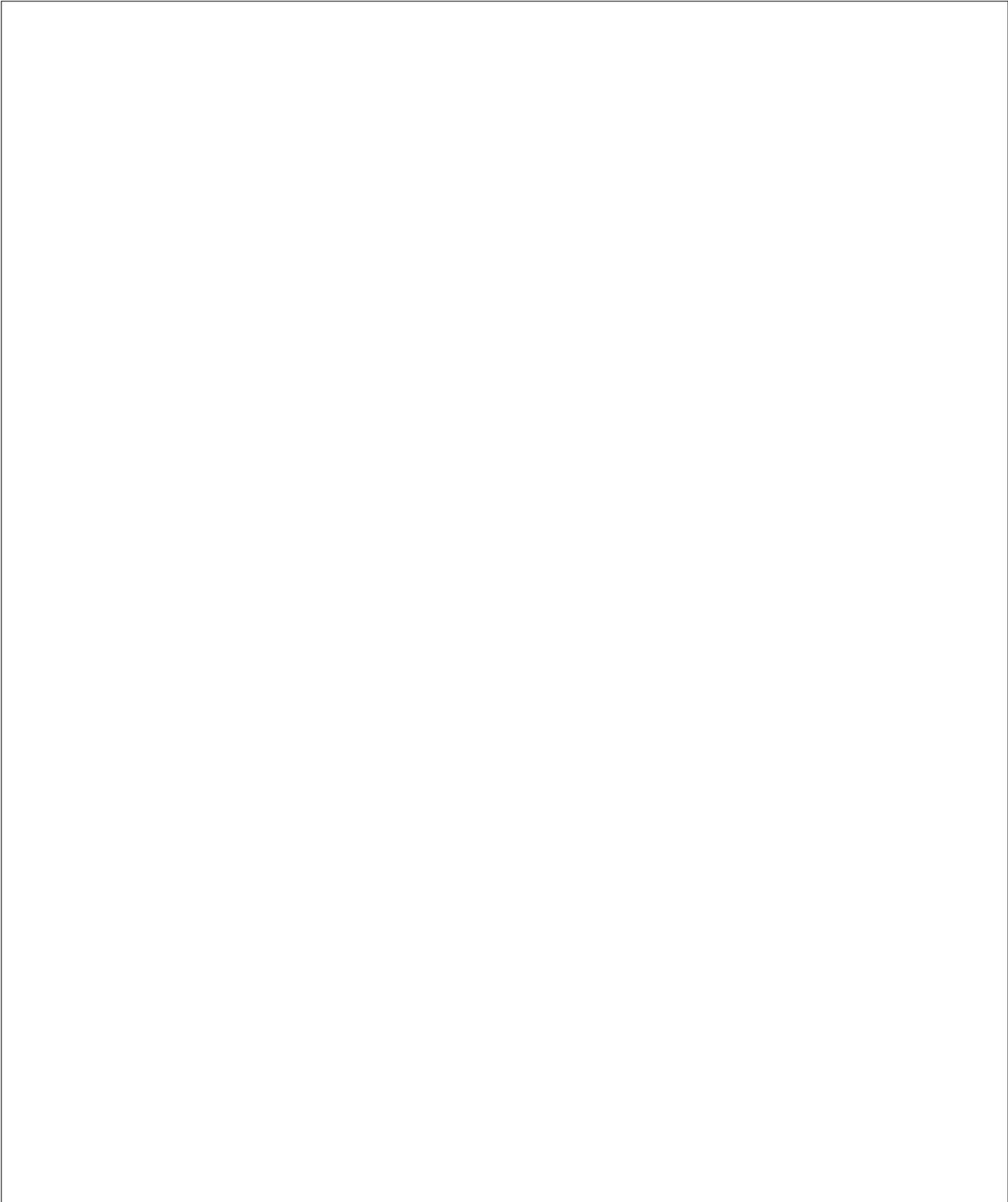


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**APPENDIX C**



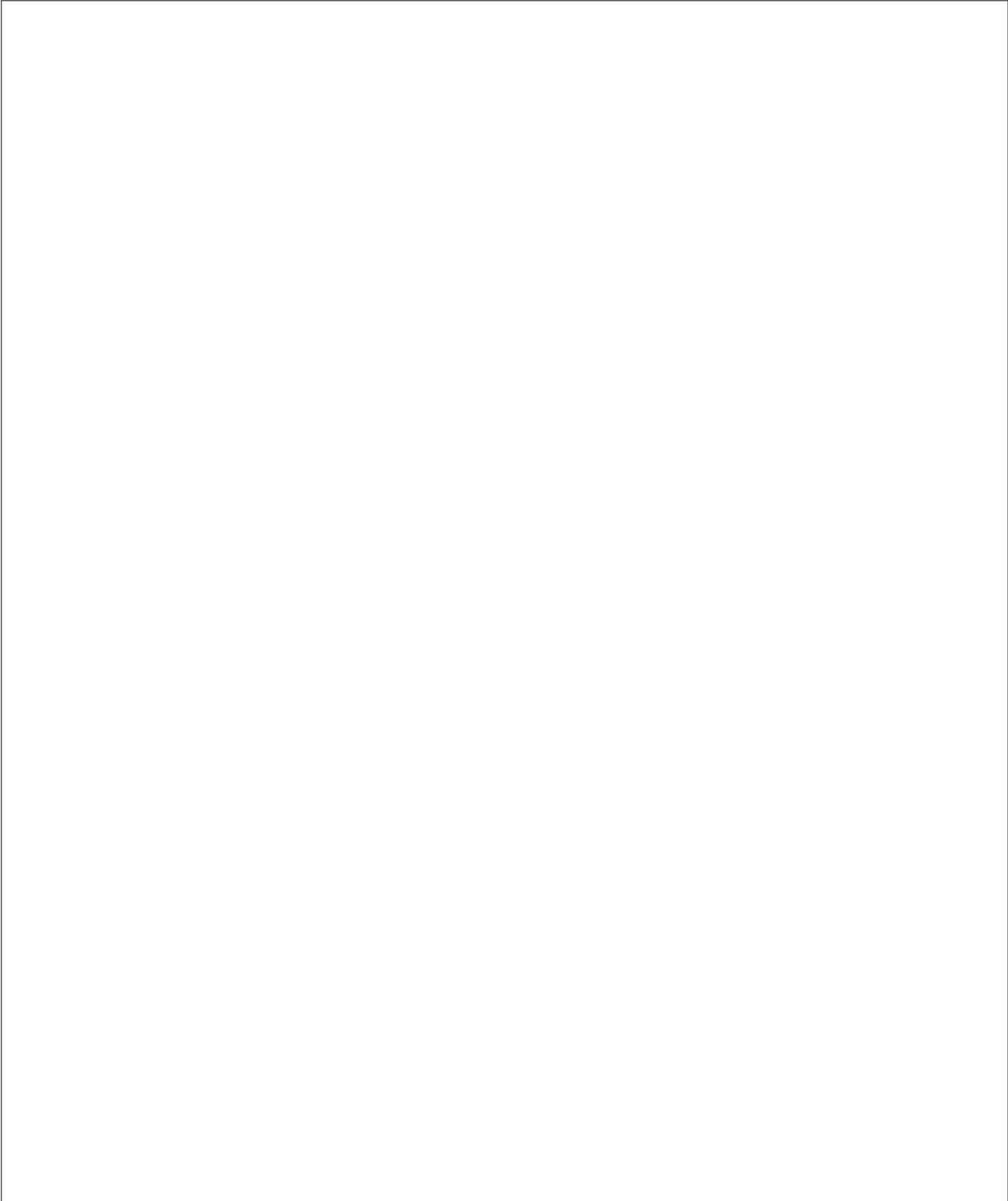
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**APPENDIX E**  
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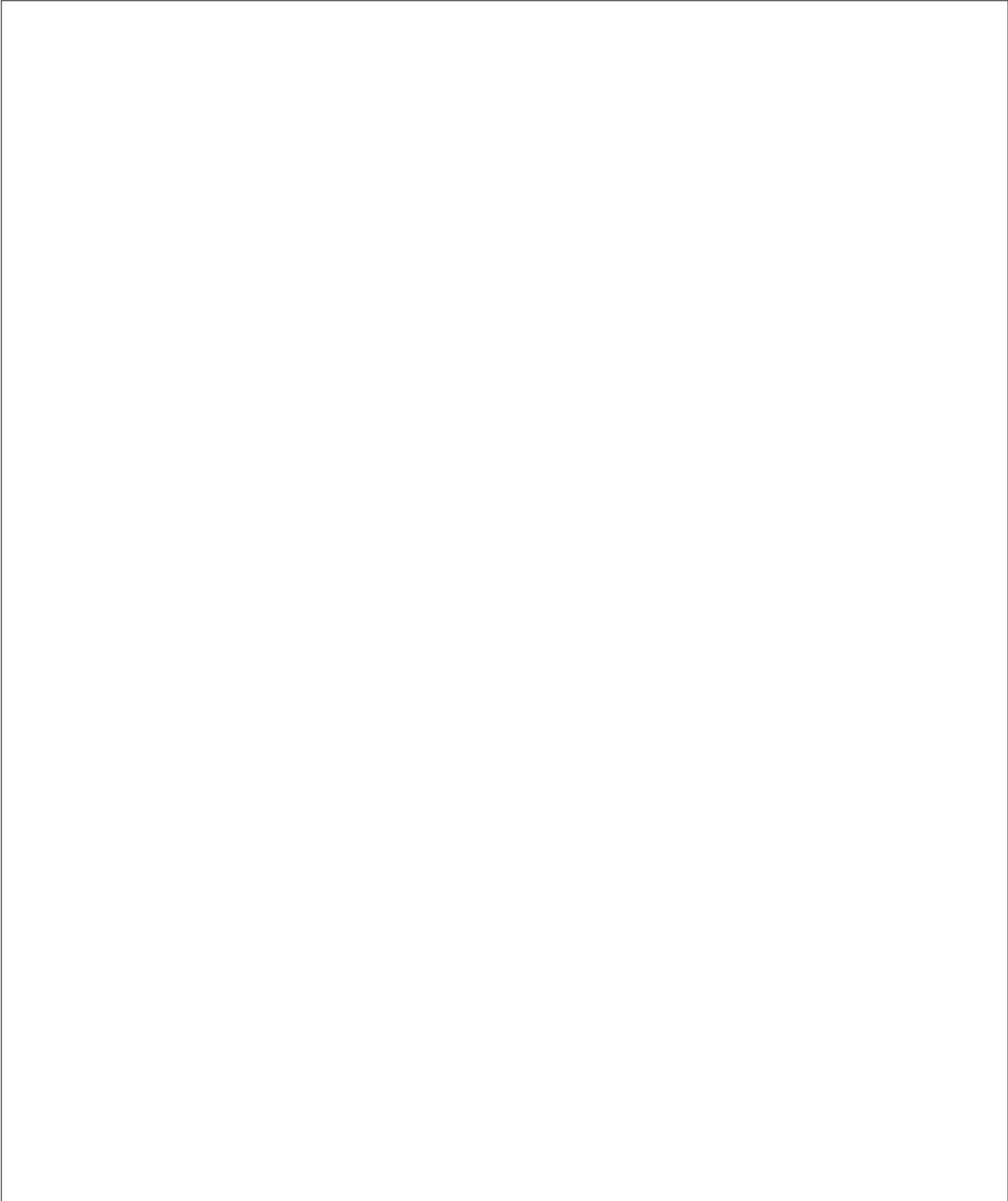


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**APPENDIX F**



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**APPENDIX G**

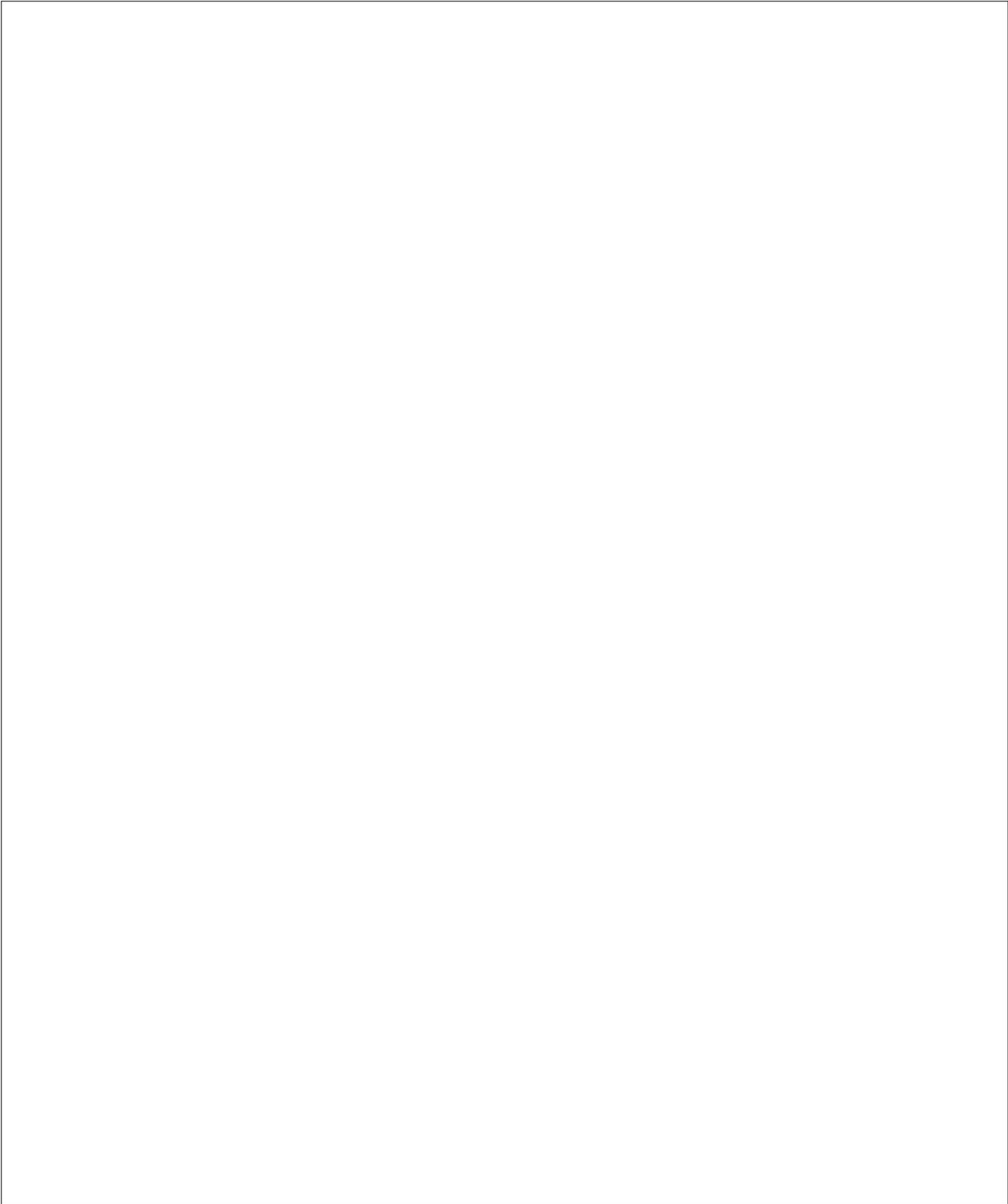


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**APPENDIX H**



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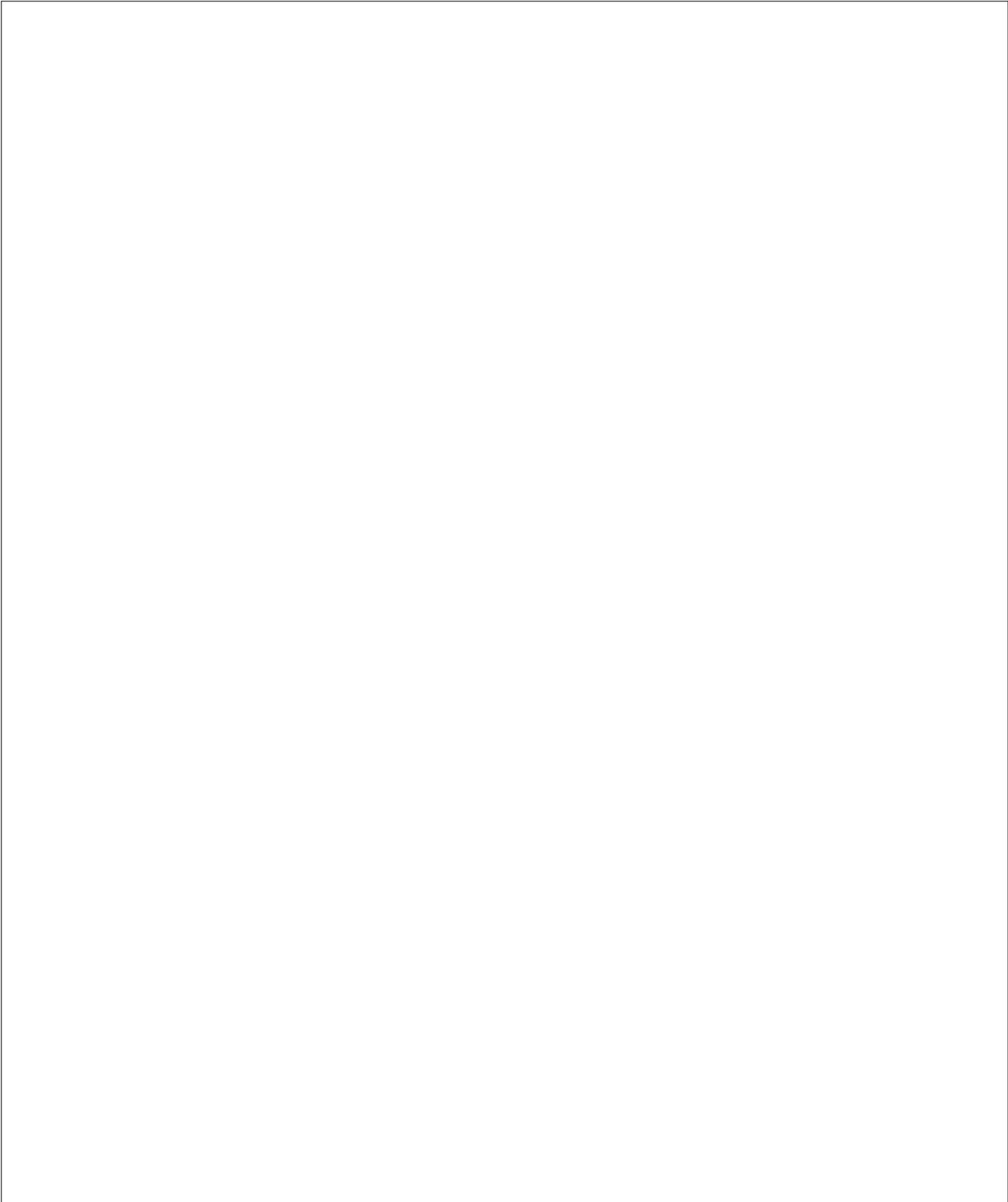


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**APPENDIX I**



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**APPENDIX J**



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**APPENDIX K**



## THE CARTER CENTER'S LATIN AMERICAN AND CARIBBEAN PROGRAM & THE COUNCIL OF PRESIDENTS AND PRIME MINISTERS OF THE AMERICAS

**T**he Carter Center established the Latin American and Caribbean Program (LACP) in 1986 to promote democracy and improve inter-American relations. Today, LACP's work reflects a new hemispheric agenda: to improve the quality of democracy, thwart corruption, decrease inequalities, and foster closer trade relations across the Western Hemisphere.

The Carter Center's Council of Presidents and Prime Ministers of the Americas is instrumental in these efforts. Based in the LACP, the Council is a group of 32 current and former heads of government from throughout the Americas. Established at a November 1986 meeting at The Carter Center chaired by former U.S. Presidents Jimmy Carter and Gerald Ford, the Council's goals are to reinforce democracy in the Americas, help resolve conflict in the hemisphere, and advance regional economic cooperation.

The Carter Center has monitored and mediated elections in 20 countries worldwide. Typically, the Center monitors the entire electoral process, beginning with pre-electoral missions to assess election rules, political campaigns, and voter registration. An international delegation returns to

observe activities on election day and monitor the resolution of any challenges to the electoral results.

Monitoring to promote free and fair elections, mediation, training for civil society organizations advancing transparency in government and opening channels of communication amongst the government, private sector, media, and civil society are just a few of the LACP's activities. The LACP staff includes:

- Dr. Jennifer McCoy, director
- Dr. Shelley McConnell, associate director
- Laura Neuman, senior program associate
- Faith Corneille, program assistant



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# ABOUT THE CARTER CENTER

The Carter Center strives to relieve suffering by advancing peace and health worldwide. With a fundamental commitment to human rights, the Center is guided by the principle that people, with the necessary skills, knowledge, and access to resources, can improve their own lives and the lives of others.

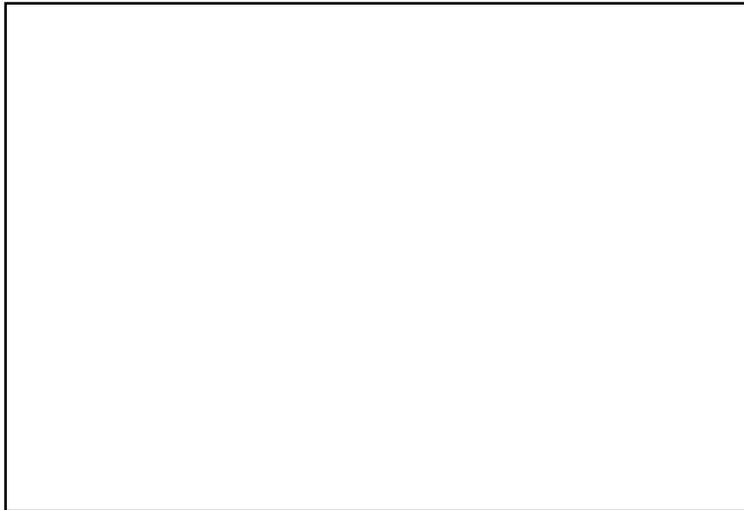
Founded in 1982 by Jimmy and Rosalynn Carter in partnership with Emory University, the nonprofit Center works to prevent and resolve conflicts, enhance freedom and democracy, and improve health. The Center collaborates with other organizations, public or private, in carrying out its mission. In this way, the Center has touched the lives of people in more than 65 countries.

Charitable contributions from individuals, foundations, corporations, and other donors support the Center's activities. Programs are directed by resident experts or fellows. They design

pavilions house offices for the former president and first lady and most of the Center's program staff. The complex includes the Ivan Allen III Pavilion and the nondenominational Cecil B. Day Chapel, other conference facilities, and administrative offices. Adjoining the Center is The Jimmy Carter Library and Museum, a repository for the records of the Carter administration. It is operated by the National Archives and Records Administration of the federal government and open to the public. The Center and the Library

and Museum are known collectively as The Carter Presidential Center.

More information about The Carter Center is available on the World Wide Web at [www.cartercenter.org](http://www.cartercenter.org). ■



PAUL DINGMAN

*The Carter Center is located in a 35-acre park, two miles east of downtown Atlanta.*

and implement activities in cooperation with President and Mrs. Carter, networks of world leaders, and partners in the United States and abroad.

The Center is located in a 35-acre park, two miles east of downtown Atlanta. Four circular