

THE
CARTER CENTER



CARTER CENTER STUDY MISSION FOR 2012 VENEZUELAN ELECTORAL PROCESS

EXECUTIVE SUMMARY

The 2012 presidential elections in Venezuela won by Hugo Rafael Chávez Frías reflected and reinforced the intense political contestation and social polarization Venezuelans have grown accustomed to since Chávez was first elected to the presidency in December 1998. Fortunately, tensions did not boil over and voting took place peacefully amid the high stakes election on Oct. 7, 2012.

An impressive 80.52 percent of the electorate voted, the highest level of participation since voting became voluntary with the 1999 constitution. Results were tabulated quickly after the close of the last polling site, publicly accepted by the candidates, and recognized by the citizenry without major disturbances. Two days after the vote, a cordial phone call took place between Chávez and his main contender, Henrique Capriles Radonski of the MUD coalition, their first direct exchange in two years and their only personal contact during the campaign period, July 1 – Oct. 4, 2012.

Repeated calls by both candidates for citizens to vote, as well as extensive participation of political party representatives in both pre-election preparations and audits of the automated voting system programmed by the National Electoral Council (CNE), contributed to citizen confidence in the voting system.

Even so, isolated claims of fraud surfaced after the vote. Nevertheless, the whole opposition leadership, including, most importantly, Capriles himself, unequivocally rejected those claims, stating that the results reflected the will of the electorate.

Gaining greater traction instead were complaints about the government's open use of state resources to support its re-election campaign and the electoral authority's relative silence on this issue. What Venezuelans refer to as '*ventajismo*,' the incumbent using state machinery to create an unlevel playing field during the campaign and extraordinary mobilization on election day,

made campaign conditions the main issue in the national debate over the quality of Venezuelan elections.

The Chávez government and Chávez's party, the *Partido Socialista Unido de Venezuela* (PSUV), unconditionally praised the CNE's efforts. The opposition was lukewarm in its assessment. Although the MUD leadership, including Capriles himself, asserted that the people had in effect selected Chávez, they eloquently denounced unfair playing conditions. Civil society groups called on the CNE to make immediate reforms ahead of the gubernatorial elections in December.

However, the Venezuelan opposition, faced with elections for governors only two months away, opted to turn the page and continue battling the government at the ballot box, focusing on campaign preparations for the upcoming regional elections. The opposition opted thus to keep advancing its electoral mobilization capacity, an objective that might have been undercut if extensive questioning of the CNE's management of the campaign and voting components of the electoral process had taken place.

CARTER CENTER MISSION

This report summarizes the findings of the Carter Center's study of the Venezuelan 2012 election process and Venezuelan perceptions of the elections and results. The Carter Center sponsored an expert study mission to Venezuela, Oct. 3-10, including: Fernando Tuesta, Peruvian political science professor and former head of the National Election Office; Jaime Aparicio, consultant and former Bolivian ambassador to the United States; Carlos Safadi, Argentine constitutional law professor and subsecretary for elections of the Supreme Court of the Buenos Aires province; Hector Diaz, Mexican law professor and former director general of the Electoral Crimes Prosecutor's Office; and Jennifer McCoy, political science professor and director of the Carter Center's Americas Program. On election day the study mission also included four additional international experts in the country and six Carter Center consultants and staff. The group interviewed Venezuelan political and social actors before and after the elections and voters in three different states on election day Oct. 7.

In February 2012, The Carter Center sent a study mission to the opposition primaries. Also, long-term consultants based in Caracas since May have followed election preparations by the CNE and campaign conditions (July 1-Oct. 4, 2012), collected reports from various Venezuelan organizations monitoring the campaign, and interviewed officials from both the Comando Carabobo (President Hugo Chávez' campaign) and the Comando Venezuela (Governor Henrique Capriles' campaign), as well as various social and political actors. The Center's permanent representative in Caracas, Hector Vanolli, helped to coordinate and supervise all these efforts from the Center's Venezuela field office. Americas Program Director Jennifer McCoy made six trips to follow the electoral process and meet with political actors.

In addition, as part of its project on media and elections, the Center conducted three ‘snapshot’ media monitoring exercises to assess news coverage of the campaign – a pre-election baseline in May, a mid-campaign assessment in early August, and a final assessment the last week of the campaign through Oct.10.

Because the Center did not have an election observation mission in Venezuela, this report is not a comprehensive assessment of the quality of the electoral process as a whole. The report is based on the interviews it has conducted, the reports of national observer organizations, an analysis of Venezuelan laws and regulations, and a digest of personal observations from a nine-month monitoring period.

ELECTORAL GOVERNANCE AND LEGITIMACY

The CNE is the governing body of a fourth branch of government defined in the 1999 Constitution as ‘Electoral Power,’ consisting of an executive board of five rectors which makes decisions based on a simple majority vote. Venezuela moved from a party-representative model of electoral governance to a professional model in 1998. Like all institutions in Venezuela today, the CNE is deeply affected by partisanship. Although theoretically nominated for their professional expertise, CNE rectors since 2003 have been perceived by many Venezuelans to reflect strong partisan affinities. Of its five current rectors, four, including the president, are linked to the Chávez government with varying degrees of sympathy and one is linked to the opposition. This partisan politicization helps explain the tepidness with which the CNE has addressed some issues, especially campaign regulations, and the inconsistency of its enforcement actions.

The participation of international observation missions in Venezuelan electoral processes has been episodic. In 1998, after 40 years of competitive elections, the Venezuelan government invited international observer missions to participate in that year’s electoral process in an uncertain context of a fragmenting political party system, rise of independent presidential candidates (including Hugo Chávez), a new automated voting system, and a new professional electoral authority. Between 1998 and 2006, The Carter Center, Organization of American States, and European Union sent several missions to national elections and referenda.

However, in 2007, under arguments of national sovereignty, lack of reciprocity from North America and Europe, and improvement in national confidence in the system, the CNE replaced the practice of international observation with that of international accompaniment, inviting international guests to witness election day activities in Venezuela. Within that framework, for the 2012 presidential election the CNE invited the South American Union to send a 47-member accompaniment mission.

This change in norms effectively shifted monitoring responsibilities to national actors. Starting in 2000, domestic observer organizations grew more experienced and professional, and starting in 2004, political parties began to negotiate ever-increasing participation in pre-election and

postelection audits of the automated voting system and provide party poll watchers on election day. In the 2012 electoral process, nongovernmental organizations (NGOs) played a particularly strong role in monitoring campaign conditions, and citizens participated in important numbers both in the verification of their voter registration and in election night verification of the paper receipts to compare with the electronic vote tallies in individual precincts beginning in 2006.

Following the breakdown in trust when the opposition rejected the 2004 presidential recall referendum result and boycotted the 2005 National Assembly elections, the CNE has slowly rebuilt public confidence to the point of receiving 67 percent confidence in a Datanálisis poll taken in September 2012, one of the highest of public institutions. While this reflects the positive benefits of political party and citizen participation in the simulations and audits of the voting system, a challenge remains to achieve confidence across partisan lines in Venezuela: opposition supporters comprised two-thirds of those who still lacked confidence shortly before the elections, while Chávez supporters comprised nearly nine-tenths of those expressing confidence in the system.

CAMPAIGN CONDITIONS

Although conditions for electoral competitions are never perfectly equal, it is particularly important to regulate those conditions to assure a competitive environment when incumbents are allowed to run for re-election. The reach and strength of the regulatory mechanisms and the determination of the authorities in charge of enforcing them, determine to a great degree the ability to counter the natural advantages of incumbency and to ensure a sufficiently level playing field to guarantee an equitable competition.

In the case of Venezuela, a 2009 constitutional reform removed all term limits for presidents, governors, and mayors, and the 2012 presidential election was Chávez's fourth presidential campaign. Capriles was a sitting governor when nominated for president, but had to step down from that post to run for the presidency. (Venezuelan law prohibits governors who run as presidential candidates to maintain their posts, but permits sitting presidents to continue their executive functions while running for reelection.) Immediately after the election, he resumed his post and began campaigning for re-election in the Dec. 16 governor elections. Both Capriles and other sitting governors running for re-election also have some incumbency advantage.

VENTAJISMO. Use of state resources is perhaps the most important incumbency advantage and most difficult to assess, particularly if campaign revenue and expenditure disclosures are not made public, as is the case in Venezuela. *Ventajismo*, or unfair advantage in favor of the incumbent, became a theme in the 2012 campaign. Use of state resources may fall into several categories: the legal public expenditures on government services; the use of state-owned media; and the illegal use of state resources for campaign activities and mobilization of the vote. The report analyzes available information on each of these aspects.

- National government expenditures were estimated to increase 45 percent in 2012 over 2011. One very popular program that received much attention during the campaign was the *Gran Mision Vivienda Venezuela* (Great Venezuelan Housing Mission), a state-subsidized project for constructing houses and delivering them to lower income group citizens for free. In its first year, various sources indicated 44,000 to 265,000 houses were built, but up to 1 million certificates to receive future housing were issued. Government ads highlighted this program throughout the campaign.
- Venezuela media conditions have changed dramatically over the last decade, from a clear predominance of privately-owned television, radio, and print news outlets (mostly in the political opposition to the Chávez government) to the growth of state-owned media outlets now, including five television channels and several major radio stations that promote the government's program and ideology (although it should be noted that the market share of the state-owned media, particularly television, is quite small -- 5.4 percent for television). During the week of elections, the market share from the main state television station grew to 24 percent, reaching second place in viewer preference.
- Venezuela is an outlier in the hemisphere in that it provides no public financing for political parties or campaign under the 1999 constitution. It is not possible to know how much private funding was raised by each campaign. Venezuelan NGOs monitoring the campaigns reported the use of government vehicles to post campaign publicity for the government party as well as to transport public employees and supporters to campaign rallies and to vote on election day. (For the latter, this included some local governments from both the government and opposition).

ACCESS TO MEDIA. Venezuela law allows each candidate to buy three minutes of television spots and four minutes of radio spots per station per day. However, the law also allows the government to run free government institutional ads, which look very much like campaign ads, for up to 10 minutes per station per day. Furthermore, the president can command obligatory broadcasts of his speeches (*cadena*s), which resulted in 40 hours and 57 minutes during the official campaign from July 1-Oct. 1.

VIOLENCE. For the most part, the campaign was free of violence, with four exceptions of harassment of the Capriles campaign, including one in which two supporters were killed. Election day was generally peaceful.

QUALITY OF THE VOTING SYSTEM

The Venezuelan voting system is one of the most highly automated systems in the world from candidate registration to biometric identification of voters at the voting tables to casting votes on touchscreen machines to electronic transmission of results to centralized tabulation of results. This system has been in place for the past five national votes, with one modification this year to the location of the fingerprint identification mechanism. Under this system, both the opposition and the government have won and lost elections, and accepted the results. Overall, the parties agreed the voting system performed satisfactorily on Oct. 7, 2012.

SECURITY OF THE VOTING MACHINES. Political party and domestic observer technical experts participated in the 16 pre-election audits of the entire automated system and the postelection

audit, including hardware and software as well as the fingerprint databases, in the most open process to date, according to opposition technical experts. MUD experts who participated in the audits repeatedly stated they were confident about the security mechanisms and the secrecy of the vote.

BALLOT CHANGES. The CNE allows parties to change or take away their support for a particular candidate after the publication of the electronic ballot. Thus, last minute changes in support are not reflected in the ballot used by voters. During the 2012 electoral process, four minor political parties of 22 supporting Capriles either withdrew support or changed allegiance to another candidate. It is therefore plausible that a portion of the electorate was not aware of these changes and either unintentionally annulled their vote or inadvertently selected a different candidate. (The number of annulled votes, 287,325, and votes for alternative candidates, 90,225, totaled 1.98 percent of total votes and 0.7 percent of the valid votes, respectively, and did not affect the outcome.)

LONG LINES. Although high voter turn out contributed to long lines, a new system to inform voters about where to vote and provide information on the flow of voting to the CNE was in part responsible for widespread bottlenecks at the entrance of the polling centers. The new system, called *Sistema de Información al Elector* (SIE, Electoral System Information), consisted of laptops where voters checked for their voting tables and location in the voter's list notebooks. This problem ran counter to the overall efficiency of the vote itself, which took very little time, and the benefits relative to the costs in time to the voter were not clear.

TESTIGOS. Venezuelan political parties are allowed to have party witnesses inside each polling place, as well as designated areas of the central election offices. Both parties claimed they had secured 100 percent coverage of the nearly 39,000 polling tables. The MUD collected and posted 90 percent of the tally sheets at the end of the day, reporting that 4 percent of their witnesses were not permitted to stay and another 5 percent did not turn in their sheets. Although the MUD did have witnesses inside the CNE's totalization room, at the last minute it was not permitted to have them inside two other operational centers that monitored voter turn out and problems with the voter and fingerprint machines. Although operations performed at these centers did not affect the normal development of the electoral process, the lack of access on the part of opposition representatives ran counter to the basic principle of transparency, according to which there should not be sensitive areas of the electoral process outside the reach of party monitoring.

INTERNATIONAL AND NATIONAL REPERCUSSIONS

REGIONAL AND INTERNATIONAL IMPLICATIONS

Foreign policy issues were not a major issue during the presidential campaign. Chávez's victory implied continuity in Venezuela's foreign policy. Cuba, Nicaragua, and the Caribbean participants in PetroCaribe had the largest stakes in a Chávez victory because of their greater

dependence on preferential oil arrangements and aid. The renewed cooperation with Colombia under the Santos administration is expected to continue Venezuelan cooperation on drugs and negotiations with the FARC. The recent re-election of Barack Obama is not expected to change dramatically the current status of relations with the United States.

LONGER-TERM NATIONAL IMPLICATIONS

While a fourth consecutive vote to renew the presidential mandate promises a continuity of the basic policy lines of the government, new emerging dynamics may challenge that continuity.

On the one hand, new leaders have emerged in the Venezuelan political opposition. Capriles' campaign made clear there is both a new generation and a new message of unity and reconciliation within the main opposition ranks, which have clearly eschewed a return to the past. Capriles's immediate recognition of Chávez's electoral victory undercut the government's messages of a recalcitrant opposition unwilling to recognize the will of the majority, and challenged the government to recognize in turn the existence of a constructive opposition worthy of consultation and dialogue.

On the other hand, at the grass-roots level, ordinary Venezuelans have clearly expressed their desire to move beyond divisiveness and vitriol and now are demanding that political leaders work together to solve daily problems. The chavista base has challenged the imposition of decisions and candidates from above, and has its own criticisms of the movement and government. Young voters on both sides expressed willingness to accept the victory of either candidate and to live and work together.

The larger question is whether Venezuelans can achieve the still-elusive mutual understanding that could lead to a new social consensus based on respect and tolerance for "the other." Social elites still have blinders when discussing the popular sector, unable to recognize the basic human drive for dignity and respect, beyond material concerns. Government leaders still believe they can only accomplish the change they promise by displacing and denigrating the prior social and political elite. The vote on Oct. 7 provided the opportunity and the necessity to change that dynamic.