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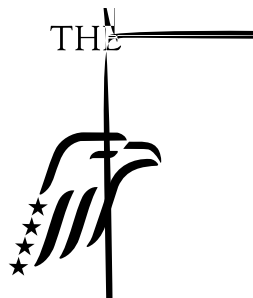
Study Mission to the  
October 7, 2012, Presidential  
Election in Venezuela

Final Report

October 2012

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One Copenhill  
453 Freedom Parkway  
Atlanta, GA 30307  
(404) 420-5188  
Fax (404) 420-5196  
[www.cartercenter.org](http://www.cartercenter.org)



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## Foreword

The Carter Center offers this report based on a six-month project to follow electoral developments and ascertain Venezuelan perceptions of them. The report aims to provide an analysis for the international community in the absence of international election observation missions and relies on the reports of Venezuelan national observer organizations, political parties, NGOs, and citizens, along with the observations of long-term consultants and an expert study mission organized by The Carter Center for the Oct. 7 presidential elections.

The report was drafted by Michael McCarthy and edited by Jennifer McCoy, with research assistance and technical inputs from Sofia Marquez, Michaela Sivich, Gert Binder, and Griselda Colina. Hector Vanolli, Carter Center representative in Venezuela, coordinated the mission in Venezuela, with assistance

from Griselda Colina, Maria Esther Marquez, and Francisco Alfaro. Jennifer McCoy directed the project from Atlanta, with assistance from Anna Carolina Luna and Eva Zamarripa. Anna Carolina Luna managed the production of the report as well.

We appreciate the collaboration of the CNE and especially its president, Tibisay Lucena; the political campaign teams; and the many Venezuelan organizations and individuals who conceded interviews to our team. We also appreciate the international participants who volunteered their time and expertise to participate in the expert study mission in October. Finally, the entire project would not have been possible without the generous support of the Federal Republic of Germany, the Open Society Foundations, and the Royal Norwegian Embassy.

Jennifer McCoy  
Director, Americas Program  
Atlanta  
Nov. 28, 2012







## 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.

Faced with elections for governors only two months away, the Venezuelan opposition 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

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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



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elections, the Venezuelan government invited inter-







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of voting machines failed and reverted to manual voting.) 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 turnout 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, which indicates 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 dramatically change 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 are both a new generation and a new message of unity and reconciliation within the main opposition ranks, clearly eschewing a return to the past. Capriles' 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 the existence of a constructive opposition worthy of consultation and dialogue.

On the other hand, at the grassroots 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 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.



## Overview: Vote, Reactions, and Results

In Venezuela's Oct. 7, 2012, elections, President Hugo Chávez won re-election to a new six-year term (2013–2019) by an 11-point margin, 55.08–44.30, over opposition candidate Henrique Capriles Radonski. The National Electoral Council (Consejo Nacional Electoral; CNE) announced the results at 10 p.m., shortly after the last polling center closed.<sup>1</sup> A record 80.52 percent of the 18,903,143 electorate, constituting a voting population of 15,220,810, cast their ballots through a sophisticated electronic voting system, some after getting in line as early as 1:30 a.m. and others after waiting in lines for up to five hours after the polls opened. Chávez will formally be sworn in to office for the new term on Jan. 10, 2013.

The significant margin of victory, in which Chávez received 8,185,120 votes and Capriles 6,583,426, contrasted with the photo finish predicted by some pollsters and anticipated by the opposition. Nevertheless, there was no dispute about the results or serious controversy about the outcome. Half an hour after the CNE's announcement, Capriles publicly accepted the official results in a short, subdued address.

At 11:30 p.m., President Chávez made an enthusiastic speech to a mass of his supporters from the Balcony of the People at Miraflores presidential palace. The candidates' reactions, including the address by Chávez, contributed positively to the overall peaceful atmosphere of the day. No political

violence of significance was registered on election day, a welcome development after two Capriles supporters were shot and killed by individuals identified as Chávez supporters at a pro-Capriles march in Barinas state one week before the election.

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Libertador, while Capriles triumphed in Sucre, the second largest municipality, and, also, a zone where his party, center-right *Primero Justicia*, governs.<sup>2</sup>

Demographic and sociological trends of the past decade continued. Chávez dominated in rural areas of the country, and Capriles competed better in urban areas. Chávez's multiclass support coalition had a stronger working class and poor sector accent, while Capriles' multiclass support coalition had a stronger middle and upper class accent. The full results, broken down to the precinct level, are publicly available at [http://www.cne.gob.ve/resultado\\_presidencial\\_2012/r/1/reg\\_000000.html](http://www.cne.gob.ve/resultado_presidencial_2012/r/1/reg_000000.html).

Each candidate ran on his party's ticket: for Chávez the left-wing *Partido Socialista Unido de Venezuela* (United Socialist Party of Venezuela; PSUV) and for Capriles center-right *Primero Justicia* (Justice First; PJ). Meanwhile, they also received support from other parties united under umbrella alliances: for Chávez the *Gran Polo Patriótico* (Great Patriotic Pole; GPP) and for Capriles the *Mesa de Unidad Democrática* (Roundtable of Democratic Unity; MUD).<sup>3</sup> At the polls, voters made a major and a minor decision, selecting a candidate and then signaling their party preference, respectively. The PSUV party received by far the greatest share of pro-Chávez votes (78 percent). Smaller left-wing parties of the GPP coalition, the *Partido Comunista de Venezuela* (Communist Party of Venezuela; PCV) and *Patria Para Todos-Maneiro* (Fatherland for All; PPT), received the next two greatest shares, 6 percent and 2.6 percent, respectively (Tal Cual, Oct. 9, 2012).

The MUD ticket, which symbolically represented the opposition's umbrella party coalition on the ballot but was known by insiders and well-informed voters to also represent historical parties COPEI and AD, received the most pro-Capriles votes (33

percent). Next were newer parties, Miranda-based, center-right *Primero Justicia* (28 percent), Zulia-based, center-left *Un Nuevo Tiempo* (A New Time; UNT, 18 percent), and the nascent party movement *Voluntad Popular* (Popular Will; VP, 7 percent) (Tal Cual, Oct. 9, 2012).

### David and Goliath Mobilizations on Election Day

Organizationally, the GPP coalition, with the PSUV in the lead, was much more powerful than the MUD at the ground level. To cover the electoral map effectively, the PSUV put to use its "electoral machine," drawing on extensive resources and logistical access to marginalized groups, mobilizing voters in effective election-day vote drives in the morning and afternoon hours. The latter drive, dubbed alternatively *Operación Remate* (Round-Off or Mop-Up Operation) or *Operación Relampago* (Lightning Attack),

commenced around 4 p.m. with public calls from national *chavista* leaders for stepped up participation. Street-based canvassing and coordinated transportation efforts planned well in advance complemented the call to mobilize voters on the ground (Lugo, *El*

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<sup>2</sup> As its own political-administrative unit, the metropolitan area of Caracas—consisting of municipalities Libertador, Chacao, Sucre, Baruta, and El Hatillo—selects a metropolitan mayor who is of the stature of a governor. More electors in the metropolitan area of Caracas selected Capriles than Chávez. But votes in Chacao, Sucre, Baruta, and El Hatillo are tabulated as part of the Miranda state total since that state's borders overlap with that of the metropolitan area of Caracas. Thus, while the metropolitan area of Caracas is tantamount to a 24th state in political-administrative terms because it has a mayor of governor status, it would be misleading to suggest Capriles "won" this state since that would be counting votes in Chacao, Sucre, Baruta, and El Hatillo twice. Capriles did indeed do well in these four municipalities, the more urban parts of Miranda.

<sup>3</sup> The GPP itself was not registered with the CNE as a party preference electors could choose. The MUD, however, was.

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*Nacional*, June 15, 2012). Neither the use of a late afternoon-timed effort nor the coordinated mobilization of voters was unprecedented; PSUV officials mobilized late rallies in previous elections too (Smilde & Pérez Hernaíz, "Mobilizing Supporters on Oct. 7," 2012).

Yet, the highly public nature of the call to mobilize, and a press report claiming the state's direct involvement in it through the National Guard and PDVSA (*El Universal*, Oct. 14, 2012), contributed to the view that the late afternoon mobilization was of unprecedented magnitude and had significantly expanded Chávez's lead through questionable means, using state resources. This claim also was fueled by rumors of midday opposition-circulated exit polls indicating different outcomes, some with Capriles leading and others with Chávez's margin fluctuating. Thus, the final margin of 11 points caught the opposition by surprise.

High-level members of the Comando Venezuela technical commission have since dismissed the view that *Operación Remate* made such a big difference. According to one published account, the campaign's rapid counts of national trends showed Capriles trailing by 1 million votes at 7:20 p.m., well before the votes mobilized by *Operación Remate* registered (Eugenio Martínez, *El Universal*, Nov. 1, 2012). Comando Venezuela accepted the results without protest and recognized them without delay.

For the opposition base, meanwhile, the turn to alternative explanations is a familiar postelectoral defeat response. It is also somewhat understandable. The great majority of Capriles' supporters voted in the morning, when the force of their turnout seemed equal to that of the *chavistas*. Also, they competed against a revolutionary government that openly melds public and private resources (Lopez Maya and L. Lander, October 2012; *Observatorio Electoral Venezolano*, p. 20–22). The manner in which

*Operación Remate* unfolded did, in fact, reinforce the sense that the opposition competes against a Goliath-like organization that can use instruments of state power to mobilize votes.

Some in the opposition also recognized that the Capriles campaign failed to develop extensive organizational capacity at the base level. In some places, Capriles' supporting parties made their presence felt through mobilization drives, which, like their *chavista* counterparts, also involved the use of public resources but drew instead from state- or municipal-level offices (*Observatorio Electoral Venezolano*, October 2012, p. 20–22). The overall weaker ability of opposition organizations to move voters from marginalized sectors in blocs was attributed to two factors: the frictions within the Comando Venezuela between some coalition parties and the inner leadership circle around

Capriles (Omar Zambrano, Oct. 17, 2012, <http://caracas-chronicles.com/2012/10/17/how-the-oppo-machines-fared/>) and the opposition's relatively shallow penetration among poorer sectors. Some analysts concluded the opposition remained far behind Chávez in terms of building links to

society, a point made loudly after the election by one former mass party, *Acción Democrática*.

### Immediate Impact of the Vote

Politically, the vote sent a strong signal about Chávez's political strength. The demonstration of deep and broadly spread support was more significant than usual because two factors had turned the sitting president's political strength into an open question. Chávez's long-term health issues significantly limited his campaigning activities, and Capriles turned in a surprisingly impressive performance that showed he, too, was very popular. Yet, with the fortitude of the Chávez movement illustrated by the results, it now seems the health issue and the Capriles campaign dented the Chávez political movement's

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exterior image without damaging its core strength. Chávez's majority support was challenged but never seriously threatened.

On the surface, the results themselves appear to create few incentives for the government to moderate in terms of opening wide-ranging dialogue with the opposition or changing its policies. Nevertheless, the opposition grew significantly.

Capriles lost by only 11 points compared with Rosales' loss by 26 points in 2006. In absolute terms, the opposition, over the same period, grew by 2,290,960 votes to the government's growth by 876,040 votes.<sup>4</sup>

There are other reasons not to rush judgment as to whether the government will radicalize in a wholesale manner. Regional elections, in which Chávez's GPP coalition will be fielding candidates not nearly as popular as the president, were recently held or are upcoming: gubernatorial on Dec. 16, 2012, and mayoral in April 2013. The polarization of the presidential campaign is unlikely to fade during the campaign period but, nevertheless, opportunities for dialogue on common problems, such as citizen insecurity, could still emerge.

Moreover, the economic challenges ahead could be very serious, with some economists pointing to overvaluation, shortage of dollars, public debt of up to 25 percent of gross domestic product, a 15 percent fiscal deficit, and a nearly 20 percent inflation rate as requiring some adjustment in 2013. Thus, the Chávez government may move in different directions at once, pushing forward in some policy initiatives while holding back in other arenas. Chávez's postelection Cabinet reshuffle did result in at least one important power shift. Foreign Minister Nicolas Maduro's portfolio expanded to include the vice presidency, while former Vice President Elias Jaua's role shifted to candidate for governor. After admitting that government performance, efficiency, and completion

of projects were not up to standard, Chávez created a new Ministry for Follow-up (*Seguimiento*) Affairs. At the same time, the reshuffle did not mark a new programmatic direction. Deepening the efforts to build socialism and bolstering national independence remain the pillars of the government platform.

In the wake of disappointing results for the opposition, Capriles demonstrated strong leadership. First, he immediately accepted defeat and the results. Second, and more importantly, in a press conference on Oct. 9, Capriles dismissed fraud rumors, called for an end to anti-political behavior (a direct reference to radical sectors in the opposition), and

began rallying the opposition for the upcoming electoral contest, calling literally for people to "stand up" and prepare for the upcoming gubernatorial elections on Dec. 16, 2012. This reaction had an immediate impact and suggested a large chunk of the opposition was firmly committed to contesting Chávez through the official electoral rules of the game.

Capriles himself faces a very difficult test. He is running for re-election as governor of Miranda, where, in a moderate surprise, Chávez won the popular vote by a razor-thin margin — 769,233 to 762,373 (CNE, 2012). Moreover, Capriles will run against former Vice President Elias Jaua in a round-two simulation of the battle between the opposition leader and the executive office. If Capriles loses this election, then his political future, and that of the opposition, will be highly uncertain. If he wins, Capriles will be in a strong position to maintain his status as one of — if not the — most important opposition politicians and challenge Chávez or his successor at a future date.

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<sup>4</sup> In 2006, Chávez received 7,309,080 votes, 62.8 percent of the popular vote, while opposition candidate Manuel Rosales received 4,292,466 votes, 36.9 percent of the vote (CNE).





## Study Mission to the Presidential Election in Venezuela

Of the four new missions Chávez introduced in 2011, the most important one for purposes of analyzing the elections is the *Gran Misión Vivienda Venezuela* (Great Venezuelan Housing Mission; GMVV), a state-subsidized project for constructing houses and delivering them to lower-income-group citizens for free. The GMVV commenced February 2011.<sup>7</sup> The second most important is the *Gran Misión Amor Mayor* (Great Senior Citizens Mission; GMAM), an expansion of the pension system begun in December 2011.<sup>8</sup>

The direct catalyst for GMVV was a natural disaster: the severe human damage caused by torrential rainstorms about a month after the Sept. 26, 2010, parliamentary elections in which the opposition outperformed expectations. Because of the rains, which made a large impact along the northern coastal areas home to most of Venezuela's population, many lower-income families deserted or lost their tenement-style homes. As a result, some were forced to live in refugee housing or find other temporary arrangements. President Chávez, who previously had failed to implement a successful housing plan, placed the full force of his administration squarely behind the GMVV initiative, which, he claimed, would produce 285,000 homes a year over six years, for a total of nearly 2 million homes by 2017 (PROVEA, 2012).

Accurate information regarding the program's results is hard to obtain since the administration of the policy involves multiple agencies, and ministers have offered different numerical assessments (PROVEA, 2012). Sorting through the data, an independent study of the GMVV's first year of administration (March 2011–May 2012) estimates 45,000 homes (apartments) were built through the GMVV,

while officials argue the population of those who have benefited from government housing policy since the start of GMVV is much higher — 265,000 according to one recent news report (Carlsen, Venezuelanalysis.com, Nov. 6, 2012).<sup>9</sup>

Though this government statistic cannot be independently verified because there is still a paucity of public information about GMVV administration, PROVEA, through its monitoring of public news outlets, noted a significant uptick in GMVV activity in August and September, with more reports both of houses built and housing certificates delivered (Director of Research, PROVEA, Nov. 9, 2012). Interestingly, the states with the most homes built by the GMVV in its first year are Zulia (16.3 percent), Aragua (13.7 percent), Barinas (10 percent), Miranda (8 percent), and Carabobo (7.4

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The popularity of the GMVV is unquestioned: One respected pollster privately reported that roughly half the entire population was enrolled in the GMVV. During the campaign, some pollsters questioned whether the fact that GMVV, which, according to even the most optimistic reporting, has not delivered apartments at the rate Chávez projected (PROVEA, 2012), was having the same functional effect as Chávez's introduction of the social missions in 2003–2004 when the president quickly recovered his popularity. But other analysts pointed out that people's expectation they will receive a home from the GMVV, raised by the delivery of official certificates claiming the state will fulfill its obligation, is almost as good as the delivery of the material benefit itself. This same pollster indicated that about 85 percent of those registered in the program said they would vote for Chávez.

This point about the virtual receipt of a material benefit speaks to a larger debate over the Chávez administration that is worth exploring from two perspectives. One perspective involves the tie between recognition and representation. Citizens' perception that they have already been incorporated into the social program, even if they have yet to receive the keys to their home, is fueled by the sense of dignity associated with Chávez's pro-poor discourse, which makes those who have felt excluded feel included and effectively represented. A second perspective has to do with state power and a clientelist electoral strategy. Citizens who enroll in the GMVV register their personal information with a state agency. Since these citizens are, to a large degree, depending on this policy for improving their standard of living and may plausibly fear retribution from a government that has shown a tendency to punish its opposition, some argue that those inscribed in this mission are willing to "pay" for the benefits of this policy with their votes.

In comparison to previous Chávez government social mission programs, the administration of GMVV exhibited one important new attribute. Registration for the GMVV used the identical process followed at the polls on Oct. 7 when electors verified their fingerprints before voting (Director of Research, PROVEA, Nov. 9, 2012). Furthermore, the CNE participated in the GMVV registration process. The CNE is the national electoral body, and its participation in the GMVV registration process, both of a malausibl-9.727-1.091 -1.27ivin3 Td22s hie idely,



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developed this past year contributed to Chávez's re-election prospects.

### Opening the Fiscal Spigots

State spending fueled not only the Chávez government's micro-level social policies like the missions; they also made a difference in the macro-level picture. In nominal terms, spending is expected to increase 45 percent from 2011 to 2012, according to one economist's calculation.<sup>10</sup> Chávez's fiscal flexibility stems from the country's vast petroleum riches, loans from China (Devereaux, *Bloomberg*, Sept. 26, 2012), and the president's ability to direct the economy pretty much as he sees fit, using an array of off-budget executive office funds (Ellsworth and China, *Reuters*, Sept. 26, 2012). The Chávez government is expected to earn export revenues from petroleum sales, the country's primary export commodity, in the neighborhood of 90 billion dollars in 2012. Based on the economy's 4.3 percent expansion in the first half of 2011, the IMF and national economists project 5 percent gross domestic product growth in 2012. Together, 2011–2012 represents a significant turnaround from the small 2009–2010 recession during which the economy retracted 3.3 percent and then grew 1.4 percent, respectively.

In a rentier economy like Venezuela's, this fiscal spending benefits sectors beyond the lower income groups targeted by the missions. Growth in the financial sector for the first half of 2012, for example, was recorded at 31 percent (Puente, *El Universal*, Oct. 16, 2012). In the first half of 2011, this sector grew 11 percent. Meanwhile, according to one analysis of financial markets, during 2000–2010 the Caracas stock exchange appreciated 870 percent, a much higher rate of growth than bourses in Chile (275 percent), Brazil (299 percent), and Mexico (554 percent) experienced over the same period (Corrales, October 2012).

Two overall inferences can be drawn regarding connections between public spending levels and electoral trends. First, the government has effectively

translated fiscal spending into voters' positive perceptions about their personal situation, the direction of the country, and the president's job performance, all of which are highly correlated with pro-Chávez or pro-government voting (Gil Yepes, 2011, p. 71–79). Second, the government's drive to build Bolivarian socialism has involved the elimination of many private sector jobs, the inflation of the public sector, and an increased role for the state as the provider of social welfare benefits and private concessions, all of which make the population more reliant on the government for material progress.

Venezuela has historically had a large public sector. In fact, Venezuela was once reported to have the largest public sector in Latin America after socialist Cuba (Karl, 1997). Thus, in either interpretation of the impact of government spending—that involving effective policy packaging or that claiming the creation of dependent state–society ties—the incumbency advantage is magnified when petroleum prices are high, as in 2012.

### Constructing the Opposition Alternative

In previous elections, the opposition coalition utilized a semipublic, semiprivate process of internally agreed consensus to select its candidates. For the 2012–2013 electoral races, however, the opposition, organized under the MUD, held public primaries assisted by the CNE and the military's Plan República. In February 2012, all Venezuelans registered to vote, regardless of their party membership, were invited to select the MUD presidential candidate as well as gubernatorial and mayoral candidates. Capriles won the primary election easily, receiving 62 percent of the votes among a field of five candidates.

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<sup>10</sup> Jose Manuel Puente, Interview, Oct. 1, 2012

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The use of primaries breathed fresh air into the opposition by bringing its leadership circle and decision-making process out into the open for the public. Moreover, the process was well-organized and generated higher than expected levels of participation. Expectations for around 1 million participants were greatly exceeded when over 3 million people, 17 percent of the registered electorate, participated in the primaries. That the primaries were held well in advance of the campaign period was another important step. The timing made it possible for the opposition to define and present its slate of candidates so they could gain visibility and name recognition. Also, it further exemplified cooperation between government entities (CNE and armed forces) and opposition political parties.

The nature of the political opposition to the Chávez government has changed dramatically since 2000, when civil organizations including business, labor, and media filled the political vacuum left by a weakened and fragmented political party system following the 1998 elections. After an aborted coup and other attempts to dislodge President Chávez in 2002–2004, new and traditional political parties took the lead again in 2004 through the electoral strategy of the recall referendum. After blaming fraud for their defeat and boycotting the 2005 legislative elections, Venezuelan opposition parties faced a large hurdle to rebuild citizen confidence and motivation to vote (Diez and McCoy, 2012).

In 2006, a unified presidential candidate, Manuel Rosales, accepted his loss for the first time, and the opposition began to win important electoral victories in the 2007 constitutional referendum (defeating it), the 2008 regional elections, and the 2010 legislative elections. They also began to move from an almost



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If embedded within broader trends of political polarization, this personalized polarization seems to have been aimed at discrediting Capriles as, at best, an inauthentic Venezuelan. Indeed, in 2011, Chávez issued a call to action for the PSUV ahead of the 2012 presidential race. The last line of action was to “re-politicize and repolarize” because there are only two positions: “those who fight for the homeland, which is socialism, and those who fight to subjugate Venezuela to the bourgeoisie.... Repolarize: us the patriots and them the traitors. We together, a unification re-politicized and repolarized” (Chávez, quoted in Lander and Lopez Maya, October 2012).

Taken to its limit, though, this polarization is highly unconstructive for the purposes of a vigorous debate that informs the citizenry. Chávez’s refusal to mention Capriles’ name in public was part of a strategy not to recognize the opposition candidate as a serious contender. Accordingly, the president-candidate rejected out of hand the idea of debating Capriles, saying, in effect, his opponent had not earned this privilege.

Chávez’s officially proposed governing project, the “Candidate of the Homeland’s Bolivarian Socialist Administration, 2013–2019,” was distributed extensively by his Comando Carabobo *patrulla* (patrols) teams of campaign workers. The document is a 40-page long treatise that offers great insight into Chávez’s worldview. Considering the fact that the document’s headlining themes were the actual talking points on the campaign trail, the treatise can be boiled down to its five chapters: 1) Defend, expand, and preserve the national independence achieved during this government; 2) Continue building 21st century Bolivarian socialism as an alternative to neo-liberal capitalism; 3) Convert Venezuela into a social, economic, and political power within Latin America and the Caribbean; 4) Contribute to the creation of a

multipolar world through a new international geopolitical structure; and 5) Contribute to the preservation of the life of the planet and the salvation of the human race (*Comando Carabobo*, 2012).<sup>15</sup>

During the campaign, these heady issues needed distilling down to one digestible message, essentially one of more Chávez. This straightforward message was stamped on the cover of the governing project document in the form of a page-size photo image of the president. Moreover, in the campaign, the message of more Chávez was softened to distance the candidate from his more radical-sounding political project. The softening involved both substance

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*A key part of President Chávez’s style and winning electoral strategy is a polarizing discourse.*

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and symbolism. The government raised the minimum wage two months before election day and communicated the message of more Chávez through the nationalistic symbol of a heart set against the colors of the Venezuelan flag. Through the slogan and song titled “Chávez, heart of the homeland” and through a popular campaign using T-shirts featuring Chávez’s eyes peering out from the chest area, the Comando Carabobo used different mediums to embody Chávez’s leadership within government supporters’ everyday lives. In essence, the idea being promoted seemed to be this: We are accustomed to and thankful for Chávez’s direct front and center presence in Venezuelan politics; let’s continue it!’ (Arconada, Oct. 4, 2012, <http://www.aporrea.org/oposicion/a151517.html>).

Chávez’s actual presence on the campaign trail was significantly reduced by his illness. Early on in 2011, his illness seemed likely to play a role in the campaign, but after June 2012 this issue faded

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<sup>15</sup> The program is publicly available as a PDF document: <http://www.Chavez.org.ve/Programa-Patria-2013-2019.pdf>.





## Study Mission to the Presidential Election in Venezuela

because, among other reasons, people began to take the president at his word that he was cured.

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is presented as a common sense, integrative approach to the range of quality-of-life problems facing all Venezuelans. Procedurally, it seeks to address social problems through a combination of consultative dialogue and collective participation by both ordinary people and experts. It proposes to depoliticize policy-making by bringing together the best-issue experts, regardless of partisan affiliation, and the relevant stakeholders, be they businesses, unions, or discrete communities. Thus the formula calls for technocratic and citizen inputs to be combined. Substantively, it further elaborates a five-step progress plan that starts with early childhood attention and concludes with social security. Capriles' advisers understood these principles of policymaking to be the basis for establishing an institutional framework modeled on the modern-left that Lula's Workers Party blazed in Brazil.

Capriles is a member of *Primero Justicia*, a center-right party, but his governing project channeled the Lula experience in Brazil and placed him on the center-left. This shift, in combination with his elite background, may have contributed to relatively low confidence polling: that is, assuredness that he would carry through with these campaign promises. From the time of his winning the nomination in February, Capriles had not been able to raise his confidence numbers (they actually declined slightly from 35 percent in February to 33 percent in September), while Chávez maintained his confidence levels above 50 percent during the same period (also with a slight decline, from 53 percent to 51 percent), according to Datanálisis (Datanálisis, National Omnibus Survey, September–October 2012). Pollsters had identified to Capriles that a skeptical public was unsure as to whether his government would actually continue the social mission programming. Capriles responded

with a proposal to institutionalize the social missions by law and then on Sept. 10 disclosed a document outlining the policies of his administration's first 100 days.

On other important issues, Capriles painted with a broad brush, probably to leave room for maneuver in terms of what a policy transition would concretely entail if he won. For example, he signaled a return to using petroleum revenue for stimulating an industrial policy focused on public-private partner-

ships. In private, moreover, Capriles' advisers suggested his government would not propose a major overhaul to the petroleum policies started by Chávez and would even be willing to work within the more nationalistic regulatory framework carved out during the Chávez era. But on the specifics of how he would invest the petroleum revenue or work with and/or reform the cells of

communal government (Communal Councils) the Chávez government has promoted, Capriles was a bit vague. This fueled speculation there was a lack of consensus within his camp (Lander and Lopez Maya, October 2012, 14).

As a challenger with a Capital region presence, Capriles' most pressing goals were national-level name recognition and visibility, objectives he achieved through a well-designed campaign strategy beginning in February to travel *pueblo por pueblo* (town by town) and traverse them *casa por casa* (house by house). On the campaign trail, Capriles visited 305 towns and employed his interpersonal skills well, playing basketball with locals and earning the nickname *el flaco* (the skinny one), contrasting his youth and vigor with the health of the president. Capriles also chose to visit towns that are literally on the geographical margins of Venezuela, as if to send a message of recognition and inclusion from the northern central capital, Caracas.

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*Pollsters had identified to Capriles that a skeptical public was unsure as to whether his government would actually continue the social mission programming.*

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## Study Mission to the Presidential Election in Venezuela

This was not a novel strategy: In some ways, it was reminiscent of Chávez's first campaign for president



# The Scope and Quality of Electoral Governance in Venezuela

## The Consejo Nacional Electoral (National Electoral Council)

Venezuelan elections are organized, supervised, and administered by the CNE electoral authority. 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 that makes decisions based on a simple majority vote. In 1998, Venezuela moved from a party-representative model of electoral governance to a professional model.

Board members are selected to serve seven-year terms through a two-step process of nomination and indirect election.

According to the Organic Law on Electoral Power (2002), three are nominated by civil society, one is nominated by university political science departments, and one is nominated by the fifth branch of government, Citizen Power, represented by three government authorities—the Public Ombudsman, the Attorney General, and the Comptroller General. A National Assembly committee reviews these nominations, and the legislative body, as a whole, elects nominees based on a two-thirds majority vote. A rector’s tenure is reviewed by the National Assembly; they may be re-elected twice. Also, the CNE has a national-scale bureaucracy: permanent professional staff of election and technical experts and regionally staffed offices throughout the country.

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 but with varying degrees of sympathy. One rector, the chair of the Political Participation and Finance Commission, is linked to the opposition. This partisan politicization helps explain the tepidness with which the CNE

addresses some issues, especially campaign regulations, and the inconsistency of its enforcement actions (Smilde & Pérez Hernáiz, “National Electoral Council and the 2012 Elections,” 2012).

Among other activities, the CNE is responsible for



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authority. The OAS and The Carter Center sent large observer missions to monitor the 1998 presidential elections, the 2000 multilevel elections, the 2004 presidential recall referendum, and (joined by an EU mission) the 2006 presidential election. In addition, the Carter Center sent a three-day mission to Venezuela in 2006, three days before the 2006 presidential election. The Carter Center's role in the 2006 election was significant, as it was the first time the Center had sent a mission to monitor a presidential election in Venezuela since 1998.

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opposition and three *chavista*), though the only two with extensive experience and real organizational capacity are classified as opposition by the CNE.<sup>24</sup> Nevertheless, all delegates of the six observation groups received training to learn the details of the electoral system. Therefore, these delegates were theoretically equipped to record informed observations about the voting process from start to finish on election day.

Ordinary citizens were selected at random by a public lottery run by the CNE to operate as poll workers for each *mesa* or precinct. Poll workers are notified of their positions by the CNE or, alternatively, by political parties. Several months before the election, the parties received copies of the lists of those selected by lottery from the electoral authority and, thus, had the opportunity to verify selection was random. According to the two campaigns, selection was random and not partisan-based.

Moreover, the candidates had the option to name one party witness for each of the 39,018 voting tables. These witnesses were trained by the parties to help protect the integrity of the voting process at polling stations. They directly observed the process on election day and received a copy of the printed tally from each machine at the end of the day. They also witnessed the citizen verification of the paper receipts in the 53 percent of the voting tables chosen randomly at the close of the voting. Both campaigns claimed they had secured 100 percent coverage of the polling tables. The MUD collected and posted 90 percent of the tally sheets at the end of the day, up from 70 percent in the 2006 elections.<sup>25</sup>

### Building Support for the Electoral System

This model of national political oversight is the product of political negotiation between the CNE

and political parties leading to growing oversight from partisan groups and citizens. In addition, citizen participation in electoral processes has grown: After several years of working to provide national identity cards to the poor and immigrants who had not received them in the past, government agencies and the CNE were able to register 97 percent of the population to vote. This is up from 79.4 percent in 1998 (CNE, 2012).

Participation has become more inclusive, and the scope of electoral governance has expanded. With these changes, public approval of the CNE's performance has increased. Datanálisis reports the CNE as the best-

rated public institution in terms of its work for the country—67.9 percent rated its performance positive (Datanálisis, Omnibus September–October 2012). Nevertheless, positive perceptions are not uniform across political sectors and remain a challenge for improving confidence among opposition voters. In a June poll, Datanálisis broke down confidence (a different question than evaluation of performance) by political sector and found that of the 54 percent with confidence in the CNE at that time, 87 percent were Chávez supporters and only 2 percent were Capriles

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*Participation has become more inclusive, and the scope of electoral governance has expanded.*

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<sup>24</sup> Of the six national observer groups, the two most experienced groups are La Asociación Civil Asamblea de Educación Red de Observación Electoral (Asamblea de Educación) and Observatorio Electoral Venezolano (OEV). Asamblea de Educación and OEV participated in these presidential elections under guidelines established by the CNE. Their reports, however, are independent.

<sup>25</sup> The Comando Venezuela received and posted 35,115 *actas* (records), 90 percent of the total, on its website: [www.hayuncamino.com](http://www.hayuncamino.com). The remaining 10 percent of the *actas* were not recovered by the Comando's central office in Caracas for different reasons. One percent of the *actas* came from voting centers in foreign countries; 2 percent of voting machines failed and moved to manual voting; 4 percent of the MUD's witnesses who were to recover the *actas* were removed from the polling stations; and 3 percent of the *actas* were not recovered or were not turned in by MUD witnesses. (Comando Venezuela, Oct. 26, 2012; <http://hayuncamino.com/comando-venezuela/briquet-el-7o-gano-el-abuso-del-gobierno/>)



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supporters; while of the 38 percent lacking confidence in the CNE, 69 percent were Capriles supporters and only 5 percent were Chávez supporters (Datanálisis, Omnibus June–July 2012).

Both candidates expressed confidence in the reliability of the voting system and said before the elections that they would respect the results. On July 17, 2012, both candidates, as well as four of the five minor contenders, signed a document saying they would respect the outcome of the elections (Navarro, 2012).<sup>26</sup>

After the results, the reaction of the losing candidate, Henrique Capriles, crucially reinforced support for the voting system. On election night, Capriles said, “To know how to win, you have to know how to lose,” and “For me, what the people say is sacred.” (*Europapress*, Oct. 8, 2012). He subsequently called on his supporters to accept the loss as a legitimate defeat and move on to the next electoral battle on Dec. 16.

Capriles’ reinforcement of the voting system proved to be very important in the immediate postelection period: It helped mitigate the effects of postelection questioning by dissident sectors of the opposition not persuaded by the expansion of electoral governance oversight mechanisms to express confidence in a system they regard as fundamentally biased in favor of the government.

Only a few criticisms, from groups such as Esdata (*El Carabobeno*, Oct. 26, 2012) and news outlet *El Nuevo Pais* (Rafael Poleo, *El Nuevo Pais*, Nov. 8, 2012), raised the possibility of bona fide voter fraud. Most groups, such as civil society associations Grupo la Colina and Transparencia Venezuela (the local chapter of TI), instead called for reforms to be made regarding campaign conditions, a point discussed in detail in this report.

### Electoral Legitimacy in Historical Perspective

Over 50 years of competitive electoral experience, electoral legitimacy has varied in Venezuela. The 1993 presidential election results were disputed, and in legislative and local races in the pre-Chávez era, Venezuelans referred to the manipulation of vote results by the two major parties against smaller parties as *acta mata voto* or “the tally sheet kills the vote.” This was one reason for the shift to electronic voting in 1998.

After a widely accepted electoral process under a new nonpartisan electoral commission in 1998, a megaelection in 2000 to re-legitimize all elected offices after the approval of

a new constitution was tarnished by a more partisan and less capable electoral council, ending in a two-month delay of the elections and the appointment of a new less partisan council. Chávez’s 22-point victory over his former ally Francisco Arias Cárdenas was not disputed, though some legislative and governor’s elections were.<sup>27</sup>

The conflictive and polarized political context in 2002–2004 deepened distrust in public institutions. After a divided National Assembly failed to name new directors to replace the expired terms of the previous National Electoral Council, the Supreme Court stepped in to name directors who were initially

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*After the results, the reaction of the losing candidate, Henrique Capriles, crucially reinforced support for the voting system.*

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<sup>26</sup> The opposition signed the document while also complaining about campaign conditions. Labor union activist Orlando Chirinos opted not to sign. See Navarro, 2012: [http://www.el-nacional.com/politica/papel-arbitro\\_0\\_58194273.html](http://www.el-nacional.com/politica/papel-arbitro_0_58194273.html).

<sup>27</sup> In 1998, Hugo Chávez defeated Henrique Salas Romer by 16 points. For assessments of the 1998 elections and the 1990 constituent assembly and 2000 megaelections, see the Carter Center reports: [http://www.cartercenter.org/news/publications/election\\_reports.html#venezuela](http://www.cartercenter.org/news/publications/election_reports.html#venezuela). The Carter Center called the 2000 elections flawed because of irregularities in legislative and subnational races.

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accepted by all political parties and viewed as a balanced group of two pro-government, two pro-opposition, and a neutral president. The pattern of decision-making by that CNE, however, led to the revised perception among the opposition that the CNE was divided along partisan lines 3-to-2 (Carter Center report, 2004).

The rejection of the 2004 recall referendum results by the opposition, despite the wide margin, signified a new low to electoral trust in Venezuela, followed by the 2005 legislative election boycott.<sup>28</sup> In this context, the widespread acceptance of electoral results from 2006 to the high-stakes 2012 presidential election is very significant.

During the presidential campaign in 2006, the behavior of the opposition changed. Opposition candidate Rosales, for example, accepted the results of the election on voting day while arguing the actual margin of difference to be smaller than the official CNE-announced margin of victory, 26 percent (Lavanguardia.com, 2012).

Cautiously, the opposition recommitted to participation in official electoral processes, a significant shift considering the 2005 boycott. Extensive consultations and negotiations with a new CNE that enabled party participation in security mechanisms and audits of the automated voting system aided the opposition's recommitment greatly.

Then, after Chávez's wide-ranging constitutional reform was narrowly defeated through public referendum in 2007, views of the electoral process among opposition-affiliated organizations and ordinary citizens changed even further. Chávez's first CNE-certified electoral loss lifted hopes within the opposition that they could battle the government through the electoral process.<sup>29</sup> In 2008, regional

elections for governors and mayors and victories by opposition candidates against senior members of the *chavista* movement in the most populous states and cities, including Henrique Capriles defeating Diosdado Cabello in the governor's race in the state of Miranda, contributed to greater confidence in the electoral process within the opposition.

In 2009, Chávez's proposed constitutional amendment to ban term limits was approved through a public referendum, 54 percent to 46 percent, while in 2010 the governing party failed to win a majority of the popular vote, and the opposition attained a significant minority representation in the 165-person National Assembly when 65 deputies from different opposition-affiliated parties won five-year terms of office, 2010–2015.<sup>30</sup> Since 2006, both the government and opposition have won and lost elections. Only the government requested a re-count of one governor's race it lost, Táchira in 2008. Interestingly, the Supreme Court's Electoral

Circuit Court rejected the government's request for a re-count (Noticias.com.ve, Aug. 16, 2009).

It was amidst these conditions of increased electoral competition that dialogue with opposition sectors advanced to give the opposition greater voice

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*Extensive consultations and negotiations with a new CNE that enabled party participation in security mechanisms and audits of the automated voting system aided the opposition's recommitment greatly.*

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<sup>28</sup> For an extensive review of this period in Venezuelan political history, see Jennifer McCoy and Francisco Diez, "International Mediation in Venezuela," (U.S. Institute of Peace Press, 2011).

<sup>29</sup> For a list of results, see: [http://www.cne.gov.ve/web/estadisticas/index\\_resultados\\_elecciones\\_anteriores.php](http://www.cne.gov.ve/web/estadisticas/index_resultados_elecciones_anteriores.php); <http://www.cne.gov.ve/web/documentos/estadisticas/e014.pdf>.

<sup>30</sup> Two deputies from unaligned Patria Para Todos also were elected.





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in consultations with the CNE and to expand the scope of electoral governance.<sup>31</sup>



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observer missions from the OAS, European Union,



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Andres Bello Catholic University (UCAB) found that the relationship between the number of registered voters and the Venezuela population, while high at 97 percent, is consistent with comparable Latin American countries and not a cause for concern. The study found that while a small percentage of deceased people have not been removed from the electoral register, this figure represents only 0.3 percent of the total of registered voters by 2012 (UCAB, "Informe de consistencia demográfica del Registro electoral," June 19, 2012, 2012).<sup>33</sup>

### MUD Study

The coalition that supported the Capriles candidacy (Mesa de Unidad Democrática-MUD) reported monitoring and testing the voter list continuously and found it acceptable (interview with MUD technical

expert). A study they conducted of the evolution of the list since 2010 concluded growth was in line with demographic changes in the country: Population growth of citizens at least 18 years of age was 4.3 percent, while the voter list grew 7.6 percent. The coverage of the list consequently rose about 3 percent to 96.7 percent of the population.

In addition, the MUD investigated the migration of voters, or change in voting location, and found that 97 percent of voters relocated by the electoral body were aware of their new voting place and satisfied with the

change. The study found that although the remaining 3 percent would have difficulties exercising their right to vote as a consequence of said relocations, this percentage (50,000 people) is composed both of possible *chavista* voters and possible opposition voters.

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*International observer missions from the OAS, European Union, and The Carter Center have long recommended comprehensive audits of the voter list.*

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# Campaign Conditions

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## regulatory mechanisms and

Conditions for electoral competitions are never perfectly equal. This is particularly the case when one candidate is an incumbent running for re-election. In the case of Venezuela, a 2009 constitutional reform removed all term limits for presidents, governors, and mayors, and his 2012 presidential election signified Chavez's fourth presidential run.<sup>34</sup> While indefinite re-election may be very democratic in terms of granting the people the right to choose a high-performing or popular leader, it poses additional challenges to ensure competitive campaign conditions when one candidate has been in office long enough to have influenced the appointment of oversight mechanisms and authorities. The strength of the regulatory mechanisms and the authorities who enforce them then 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.

### Campaign Environment

#### Quality and Quantity of News Coverage

A media-monitoring exercise by The Carter Center during three different points of the campaign between May and October found that Venezuelan media remain polarized and tend to report without contrast in coverage, presenting only one political point of view within a single news piece (The Carter Center, Venezuela Presidential Elections 2012 Media Coverage Monitor, May–October, 2012). Some media outlets tend to report only negative views of the candidate they oppose and positive views of the



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Venevision and Televen receive the highest market share of viewing. During the 2012 campaign, this trend continued: Venevisión remained the most watched channel, Televen was second, state-owned VTV was third, and the private 24-hours news channel Globovision was fourth. Nevertheless during the week of elections, the market share of the main state television station VTV grew to 24 percent, reaching second place in viewer preference and leapfrogging Globovision and Televen, which moved to third and fourth, respectively.<sup>36</sup>

Candidates Chávez and Capriles each had significant media exposure. In fact, according to the UCAB study "Monitor Electoral Presidencial 2012," candidate Capriles received more coverage in national and regional press coverage related to the election, which, the study suggested, was probably a reflection of the Capriles campaign's media savvy to emit more press releases (UCAB, 2012).<sup>37</sup> According to the same study, the presence of the candidates on the radio was

second, and in television, Capriles received more coverage than Chávez. In fact, according to the UCAB study "Monitor Electoral Presidencial 2012," candidate Capriles received more coverage in national and regional press coverage related to the election, which, the study suggested, was probably a reflection of the Capriles campaign's media savvy to emit more press releases (UCAB, 2012).<sup>37</sup> According to the same study, the presence of the candidates on the radio was

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eight *cadena*s (channels), 39 government promotional ads, and nine press conferences from both candidates.

### The Carter Center Media Monitoring Project

Comparing average coverage by private and state media outlets in Figures 1 and 2, we find imbalance in the tone of coverage among both but find it more pronounced among state media. On the one hand, in state-owned television, 95 percent of reporting was positive about Hugo Chávez, while in private outlets this number reached 48 percent. On the other hand, Henrique Capriles' news coverage in state television was 78 percent negative, while in private outlets it

was 59 percent positive. This pattern is replicated by radio outlets where coverage in state-owned stations was 96 percent positive about Hugo Chávez, compared to 48 percent positive in private stations. On the contrary, Capriles' news coverage in state radio stations was 85 percent negative and 47 percent positive in private stations.

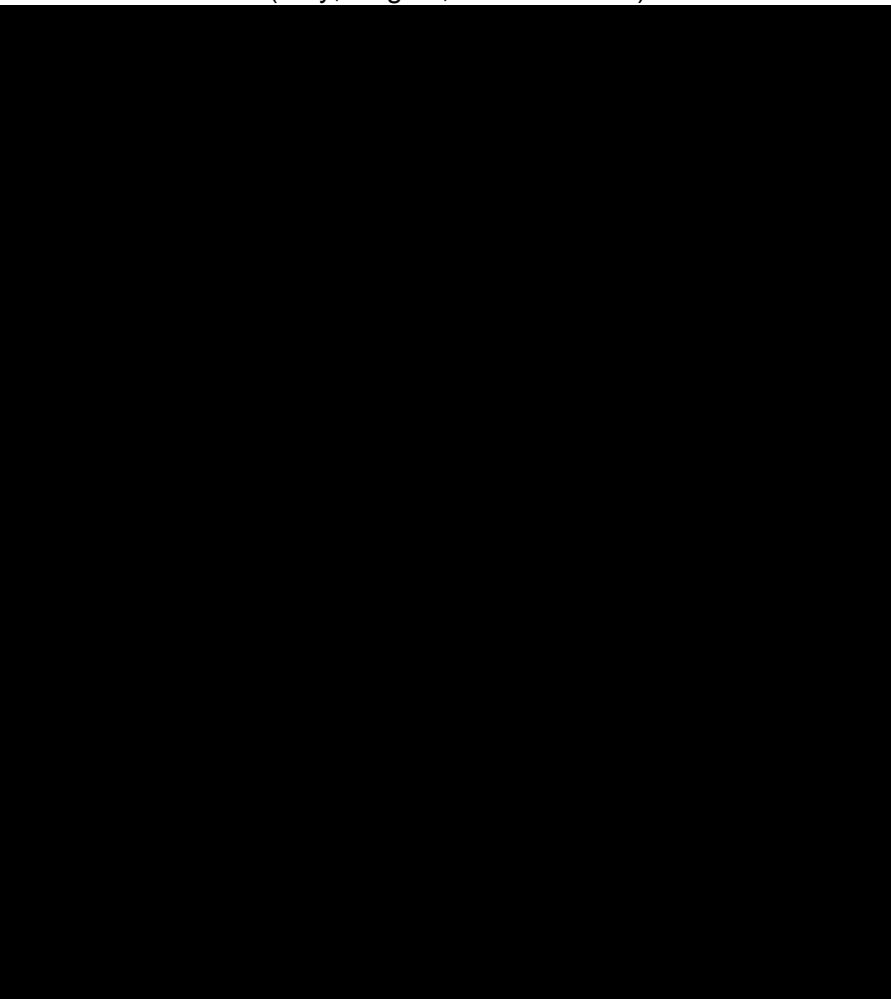
Following a comparison between national and media newspapers, this study found the tone of news coverage in printed media outlets to be more balanced than in other types of media. For both candidates, coverage was about 50 percent positive in national newspapers. However, a slight disequilibrium

was noticed in regional printed news where news coverage was 41 percent positive on Capriles and 34 percent positive on Hugo Chávez.

### Violence

Violence at campaign rallies was reported by the Capriles campaign to have escalated in September. The most serious incident involved two people shot and killed while participating in a closing campaign caravan for Capriles in the rural state of Barinas. Other campaign incidents included one involving gunshots (Puerto Cabello, Carabobo, Sept. 12, 2012; *Daily Telegraph*, Sept. 13, 2012), one in which the candidate could not enter a working-class neighborhood in western Caracas (*La Pastora*, Sept. 9, 2012; *Ultimas Noticias*, Sept. 9, 2012), and three others in which the candidate's access to neighborhoods he planned to visit was considerably limited by coercive activities: Cotiza (*El Universal*, 2012), La Vega (*El Mundo*, 2012),

Figure 2: Tone of News Coverage by Type of Media Outlet (May, August, October 2012)







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Paradoxically, the lack of transparency seems to be a violation of the spirit of Title VII of the LOPRE, which lays out public accounting guideline procedures and a time line for when campaigns should show their bookkeeping records to the CNE Commission





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NGOs—the National Association of Journalists (CNP), the National Union of Press Workers, and the Human Rights Center of the Catholic University Andres Bello—formally asked the Inter-American Commission on Human Rights (IACHR) to include in its annual report the indiscriminate use of mandatory *cadenas* in radio and television by the national government during election campaigns.<sup>44</sup>

### Use of State Resources and Ventajismo

There are legitimate ways incumbents can use their status to advance their electoral chances. One legitimate advantage of an incumbent is that voters are

aware the candidate has demonstrated electoral skill by previously winning office. A second legitimate advantage is their incumbency—that is, the record of their term in office. For example, the quality of administration that takes place during a candidate's term of office as well as the name recognition politicians gain from public visibility are fair parts of incumbent advantage. (Of course, the quality of administration and the candidate's associated visibility may also become a disadvantage for an incumbent.)

Government spending on social programs and services is legal and a common advantage of an



M. Sivich

This Gran Misión Vivienda poster, displayed on a construction site, advertises a home ownership program.

44 <http://www.ultimasnoticias.com.ve/noticias/tuvoto/noticiaselectorales/ong-reclaman-uso-de-cadenas-oficiales-en-campanas.aspx>



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incumbent running for re-election. In 2011–2012 in Venezuela, the government took advantage of high oil prices and public borrowing to greatly accelerate public spending (Gil Yepes, 2011). One respected economist estimated that government spending in local currency, as measured in nominal terms, would

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## Campaign Rule Infractions

The illegitimate uses of campaign publicity are defined in Article 204 of the 2012 LOPRE. Among other bans, the article precludes publicity that “promotes war, discrimination, or intolerance,” “omits the tax identification number of the advertisement’s author,” “de-stimulates the exercise of the right to vote,” “uses images, sounds, or presence of children,” utilizes “national or regional patriotic symbols or the colors of the state or national flag,” or “contains obscene and denigrating expressions against the organs and entities of public powers, institutions or functionaries” (LOPRE, 2012, Article 204).

The UCAB Presidential Election Monitor 2012 collected its own information regarding electoral rules infractions committed by the campaigns. Of the total range of these infractions during the campaign, Chávez’s candidacy committed 60 percent and Capriles 37 percent. The remaining 3 percent were committed by third-party candidates.<sup>47</sup>

Chávez tended to commit six types of infractions: a) negative criticism of his opponent, in which, according to the UCAB study, he showed a lack of respect for Capriles by calling him a *bourgeois*, agent of imperialism, and *majunche* (mediocre); b) violent discourse threatening civil conflict; c) use of public resources for his campaign; d) use of patriotic colors

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47 UCAB, 2012, “Principal Findings: Presidential Election Monitor,” Oct. 3, 2012, [http://www.monitorelectoral.org.ve/sites/default/files/Presentacion%20Monitor%2028\\_09%20v3%20s\\_n-1.pdf](http://www.monitorelectoral.org.ve/sites/default/files/Presentacion%20Monitor%2028_09%20v3%20s_n-1.pdf)

48 Ten days after the formal campaign commenced, President Chávez ordered the change of symbols alongside government institutional propaganda, saying that he wanted to comply with norms set out by the CNE regarding the distinction between government communicational policy and electoral propaganda (El Universal, July 11, 2012). The publicity for government institutions and programs that was removed used the slogan “Venezuelan heart” and the colors of the



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## **Poll Workers (Miembros de Mesa)**

The poll workers are chosen by lottery from the voter list and trained by the CNE. The opposition MUD reported that it received the list in July and found no partisan bias in the selection. Poll workers are responsible for the functional administration of the voting system and for informing voters how the voting machine works.

## **The Voting System**

Venezuela's voting system is one of the most highly automated systems in the world—from the candidate registration to the biometric identification of voters at the voting tables to the casting of votes on touchscreen machines to the electronic transmission of the results to the centralized tabulation of results, the process is digital. This system has been in place for the past five national votes, with one modification this year—the location of the fingerprint identification mechanism.

## **Fingerprint Identification**

Venezuela started creating a database of fingerprints of voters eight years ago to be able to prevent multiple voting by one person or impersonation of voters.



The Carter Center

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them on the website so that all of these results can be compared. According to preannounced accords, MUD representatives to the CNE were also to be present in the electoral authority's Sala de Totalizacion (the national center for vote tallying), in the Sala de Sistema Informacion Electoral (national center for tracking turnout), and in the Sala de Centro Nacional Soporte (national center for technical support) to monitor developments with CNE technicians and PSUV representatives to the CNE. On election day, however, MUD witnesses had no access to the Sala de Sistema Informacion Electoral and Sala de Centro Nacional Soporte.

## The Voting System's Performance on Oct. 7

### Ballot

When voting, electors make their selection from an electronic ballot with images of the candidates and party names. For these elections, parties formed alliances, and each party was allowed to have the candidate image and their party name appear on the ballot. Twelve parties proposed Chávez as their candidate, and 22 parties proposed Capriles. (Three other candidates were each proposed by a single party (Orlando Chirinos, Reina Sequera, and Maria Bolivar). This meant up to 12 images of Chávez with different parties and up to 22 images of Capriles appeared on the electoral ticket.<sup>52</sup>

The CNE allowed 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 were not reflected in the ballot

from which voters selected. Four political parties supporting Capriles either withdrew support or changed allegiance to another candidate. It is 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

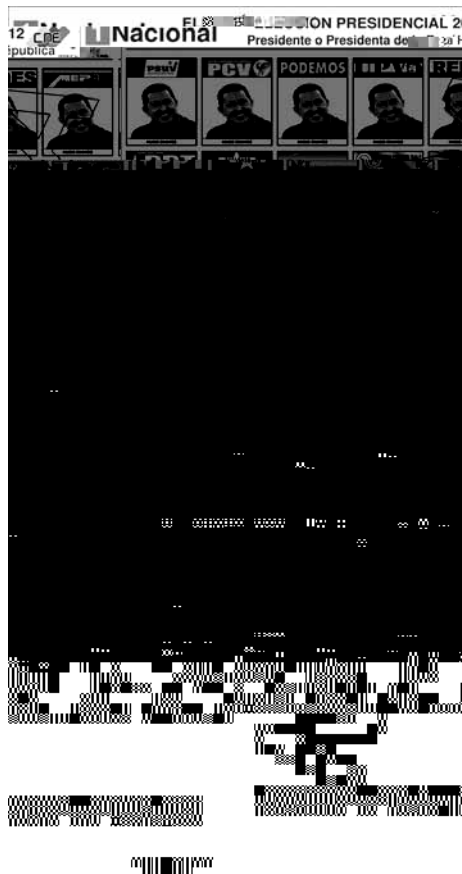
votes for alternative candidates, 90,225, totaled 1.98 percent of total votes and .7 percent of the valid votes, respectively.)

Although the CNE procedures are legal, the Comando Venezuela raised the question of whether this preserved or distorted the voters' will (Comando Venezuela, Oct. 25, 2012). In fact, The Carter Center recommended disallowing last-minute changes of political party/candidate alliances in its 2006 observation report in order to decrease the possibilities for voter confusion.

### Polling Station Conditions

A number of conditions must be in place for the voting process to unfold orderly and efficiently. Polling stations must be accessible to the public, and they must be secure places where suffrage can take place in a civic fashion. Just as important, the polling place must be fully staffed, and the machines must be administered competently so that voters can

exercise franchise throughout the day, 6 a.m.–6 p.m., or until all those in line as of 6 p.m. have voted.



Source: <http://www.cne.gov.ve/>

<sup>52</sup> To view an online copy of the ballot, see: [http://www.cne.gov.ve/web/normativa\\_electoral/elecciones/2012/presidenciales/documentos/000000P1.jpg](http://www.cne.gov.ve/web/normativa_electoral/elecciones/2012/presidenciales/documentos/000000P1.jpg).





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### Opening of the Polls

Expecting significant turnout, both campaigns called on their supporters to show up early at the polls to vote. Voters responded: Various voters reported forming lines as early as 1:30 a.m. Through human and technical errors, a small portion of polling centers opened late. In other cases, poll workers did not show up to fulfill their civic duties, leaving CNE officials to take charge and oversee the process. Nevertheless, on balance, domestic observers reported that the day started quite positively.

### Conditions for an Orderly Voting Process

Long lines were observed outside a significant number of polling stations. This was not simply a result of high turnout. The Carter Center study mission

personally observed, and domestic observers and political parties reported, bottlenecks forming at the polling-station entrances where voters stopped at the Sistema de Información al Elector (SIE, Electoral System Information) to verify voting tables and location in the voter list notebooks. This problem runs counter to the overall efficiency of the vote itself, which takes very little time.

The intention of creating efficiency inside the *mesas* by providing the line number for the voter list notebook seemed to have been negated. Domestic observers reported that voters who were personally observed, and domestic observers and political parties reported, bottlenecks forming at the polling-station entrances where voters stopped at the Sistema de Información al Elector (SIE, Electoral System Information) to verify voting tables and location in the voter list notebooks. This problem runs counter to the overall efficiency of the vote itself, which takes very little time.



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precinct-by-precinct turnout information to political parties so as to aid their get-out-the-vote efforts during the day. Given that the opposition had no *testigos* inside the CNE office receiving this information, and with the perception of the CNE as partisan-biased, some in the opposition feared that this system helped the PSUV mobilize its voters to the disadvantage of the MUD.

OEV reported that in 53 polling stations of the 272 it observed (about 20 percent), mobilization of voters involved the use of public resources. Of these 53 polling stations, in 75 percent of the cases, public resources from a governor or mayor's office under



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one candidate or the other (OEV, 2012, 20). In the majority of cases, voters were induced to vote for Chávez, though some were also induced to vote for Capriles (OEV, 2012, 20).

OEV also reported electoral propaganda inside about 5 percent of the voting centers it observed (Ibid, 20–21). The existence of pro-Chávez propaganda was much more common than pro-Capriles propaganda (Ibid). In a small portion of polling stations, the rule that electoral propaganda may not be within 50 meters was not respected (Asamblea de Educación, October 2012, Observatorio Electoral Venezolano, 2012).

Reports that groups of motorcycle riders identified as supporters of Chávez circled around polling centers contributed to voting environments thick with tension. Members of the Carter Center delegation teams, which did not enter polling centers but did interview voters in line at the polls, found evidence of these issues as well. Such behavior is inimical to the civic culture of voting. The presence of Plan República officials should serve as a deterrent for this sort of behavior.

More concerning were reports of Plan República officials overstepping their bounds by, for example, removing party *testigos* and even, in some cases, barring observers from nationally accredited groups the opportunity to fulfill their duties as monitors. Asamblea de Educación called for the CNE to step up its efforts to inform all those involved in the voting process of the role played by national observer groups (Asamblea de Educación, October 2012, p.12).

Additionally, Asamblea reported that the regulation for the *voto asistido* (assisted vote) was not respected in 6.3 percent of the voting tables it observed. This, Asamblea estimates, could mean the norm was not respected in a total of 2,477 voting tables (Asamblea de Educación, 2012, 5). The regulation states that a volunteer can assist disabled or elderly voters only once; that is, a son or daughter can only help their mother or father, not both. The CNE has reportedly opened investigations into the

irregularities with the *voto asistido*, based on this information as well as videos that surfaced online, posted via national and international media outlets, of one individual voting multiple times as an assistant to various people.

According to information from a MUD representative to the postelectoral audit of 212 randomly selected voting tables (in 135 polling centers, 1 percent of the total), assisted voting occurred at a rate of 14 such votes per table. Based on the audit, the distribution of assisted voting did not appear to be politically biased. That same report indicated 1,580 machines presented problems but that the polling station had to convert to manual voting in only 259 of those cases.

MUD representatives to the CNE reported they were denied the accreditation to the Sala SNS that received requests from *mesa* presidents to override the number of no-match fingerprints of voters. A MUD technician to the CNE indicated in a postelection interview with The Carter Center that approximately 6.32 percent of the fingerprints were “no matches” and 4.65 percent registered moderate “gray” area matches. Together, this 11 percent means approximately 1,400,000 votes were registered without using the biometric identification of the SAI. It was known ahead of time that the CNE would permit voters whose fingerprints did not match to vote if their photo identification matched with records inside the SAI, as long as the SAI did not indicate that fingerprint or that ID number had already voted.

According to the technical experts interviewed for this report, the SAI appeared to contribute to the goal of preventing impersonation of vote or multiple voting by one person but not with the precision originally contemplated. The CNE erred on the side of inclusive voting (not disenfranchising legal voters) rather than implementing a strict fingerprint-match setting in the machines that would have prolonged the time necessary to verify with high accuracy the fingerprints of voters.





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Capriles received between 0 and 20 votes, leading them to conclude Chávez won disproportionately in all these. But MUD sources corrected this data, indicating that Capriles received 20 or fewer votes in half that number, 1,260, and, moreover, that in five of these cases, Capriles won, with for example, an advantage of 15 to 5. In addition, in 980 voting tables, Chávez won 90 percent of the votes, representing 178,000 votes, while in 465 tables, Capriles won 90 percent of the votes, representing 176,000 votes.

The CNE is very proud of the logistical efforts it has taken to expand the voting population by promoting greater citizen access to the bureaucratic process of voter registration and the civic process of voting. Some of these logistical efforts involved

placing voting centers in marginal neighborhoods that are both far from city centers and possess underdeveloped public infrastructure. Placing polling stations in these marginal places is of great benefit to local communities who, as a result, do not have to travel far to vote. On the other hand, opposition leaders expressed concern that voting centers located in refugee housing sites and new buildings constructed by the *Misión Vivienda* would pressure voters to vote for the government. To promote the equitable and inclusive elaboration of this process, the CNE might include representatives of the parties in discussions regarding the norms for selecting new polling centers or replacing them.

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*The CNE is very proud of the logistical efforts it has taken to expand the voting population by promoting greater citizen access to the bureaucratic process of voter registration and the civic process of voting.*

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programmatic identities at the macro and base levels. They have made progress in sharing their visions for how they would govern, rather than focusing only on what is wrong with Chávez's government, but will need to continue to build confidence among broad sectors of the population.<sup>54</sup>

Finally, the parties still tend toward centrist hierarchical bodies that lack ground-level presence and street-level credibility, though this is beginning to change as they establish a presence inside local communities. Such penetration could help establish a mechanism for base-level actors to channel information and demands up the chain.

The governing party also faces internal challenges. One immediate vulnerability of the model of concentrated leadership and decision-making in the president may be the reactions to the *dedazo* (by one finger) selection process Chávez used to nominate candidates for governor and the low levels of approval some of these figures have among the public (Datanálisis, National Omnibus Survey, July–August, 2012).<sup>55</sup> In addition, some of the smaller allied parties, disgruntled at having no candidates nominated, may run their own candidates.

Economic challenges also face the government. Many analysts agree that investment will slow as foreign and domestic investors wait to see if more expropriations and nationalizations are forthcoming. The continued shortage of dollars makes it difficult for domestic businesses to import. A 30 to 50 percent devaluation is expected next year. Public debt rose with the massive spending, but some analysts argue that Venezuela's capacity to issue bonds based on high oil prices and the potential for Chinese loans to continue may enable the economy to withstand even these pressures.

President Chávez did give a very clear signal that deepening the effort to build socialism will include refocusing efforts on the promotion of the communal state, beginning with his community-level "Communes" initiative.<sup>56</sup> The lowest level of this

new structure, the Communal Councils, began in 2006 and are partly problem-solving mechanisms for underdeveloped communities and partly information channels that ordinary citizens and state officials use mutually to transmit demands and proposals, respectively (McCarthy, 2012; Lopez Maya, PROVEA, Oct. 24, 2012. <http://www.derechos.org.ve/2012/10/24/margarita-lopez-maya-el-estado-comunal>).

The next level of Communes may be equivalent to parishes or municipalities, which currently elect parish and municipal councilors.

The main national political debate raised by Chávez's call to redouble efforts to build the communal state involves the role of the current federal structure. The constitution currently requires

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54 According to some polls, for example, Capriles reached a ceiling of 35 percent of respondents who said they have confidence ("confianza") in him as a leader, perhaps reflecting uncertainty whether he would be able or willing to carry out his campaign promises to maintain the extensive social programs benefiting the lower classes.

55 On Sept. 22, 2012, in Valera, the capital of Trujillo, the crowd at a pro-Chávez rally chanted "Chávez sí, Cabezas no!" while the president was on stage with the PSUV governor, Hugo Cabezas (Ultimas Noticias, Sept. 23, 2012, <http://www.ultimasnoticias.com.ve/noticias/tuvoto/candidatos/Chavez---vamos-a-ganar--pero-no-hemos-ganado-.aspx>). This event is a dramatic example of the strikingly different levels of support rank-and-file *chavistas* tend to express for Chávez as opposed to the local PSUV leaders—mayors and governors. Cabezas was eventually replaced as candidate by the former Chief of the Armed Forces and Defense Minister Henry Rangel Silva.

56 To elaborate its new socialist plan, 2013-2019, Vice President Maduro Presi in 55 On laced mdiff in





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a percentage of the national budget to be transferred to states and municipalities. Some analysts raise the question of whether a parallel communal structure will displace the elected regional and municipal government bodies, or simply make them irrelevant. After the 2008 regional elections in which the opposition won the five most populated states, the government shifted authority over ports and airports from governors to the national government. Now some analysts and opposition actors expect the government will remove more responsibilities of governors and possibly mayors by shifting them, and associated budgets, to the various levels of the communal structure (Lander and Lopez Maya, 2012). The eventual creation of a direct channel from executive to local assemblies that bypasses popularly elected mid-level offices is, according to critics, what Chávez has in mind (Lopez Maya, *Estado Comunal, PROVEA*). Nevertheless, President Chávez publicly announced



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# The Carter Center at a Glance

**Overview:** The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

**Accomplishments:** The Center has observed more than 85 elections in 34 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

**Budget:** \$96.0 million 2011–2013 operating budget. The Center is a 501(c)(3) charitable organization.



THE  
CARTER CENTER



One Copenhill  
453 Freedom Parkway  
Atlanta, GA 30307  
(404) 420-5100 x Fax (404) 420-5145

[www.cartercenter.org](http://www.cartercenter.org)