

THE  
CARTER CENTER



FINAL REPORT OF THE CARTER CENTER  
STUDY MISSION TO THE OCTOBER 7, 2012  
PRESIDENTIAL ELECTION IN VENEZUELA

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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 October 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.

A handwritten signature in black ink, reading "Jennifer McCoy". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "M".

Jennifer McCoy  
Director, Americas Program  
Atlanta  
November 28, 2012

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## **TERMS AND ABBREVIATIONS**

CNE	National Electoral Council
PSUV	United Socialist Party of Venezuela
MUD	Roundtable of Democratic Unity
GPP	Great Patriotic Pole
PCV	Communist Party of Venezuela
PPT	Fatherland for All
UNT	A New Time
VP	Popular Will
GMVV	Great Venezuelan Housing Mission
PDVSA	Petroleum of Venezuela
GMAM	Great Senior Citizens Mission
PROVEA	Venezuelan Program of Education
UCAB	Universidad Católica Andres Bello
Comando Carabobo	President Hugo Chávez's campaign
Comando Venezuela	Governor Henrique Capriles's campaign
OAS	Organization of American States
EU	European Union
UNASUR	Union of South American Nations
OSCE	Organization for Security and Cooperation in Europe
LOPRE	Organic Law of Electoral Processes
Ley Resorte	Law for Social Responsibility in Television and Radio
CONATEL	National Telecommunications Commission
SIE	System of Electoral Information
RSA	Remote Session Activator
CNS	National Support Center

## 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 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's campaign) and the Comando Venezuela (Governor Henrique Capriles's 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 approval to the point of receiving 67 percent approval of its performance 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 three months 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 (*cadenas*), 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 six 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 on-line at the Capriles campaign website, reporting that four percent of their witnesses were not permitted to stay and another three percent did not turn in their sheets. (In addition, about 1 percent of the population votes abroad in consulates, and two percent 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, 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 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's 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.

## **I. OVERVIEW: VOTE, REACTIONS, AND RESULTS**

In Venezuela's October 7, 2012 elections, President Hugo Chávez won reelection to a new six-year term (2013-2019) by an eleven-point margin, 55.08-44.30, over opposition candidate Henrique Capriles Radonski. The National Election Council (Consejo Nacional Electoral, CNE) announced the results at 10:00PM, 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 AM, 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 January 10, 2013.

The significant margin of victory, in which Chávez received 8,185,120 votes and Capriles 6,583,426 million, 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 pm, 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 dead by individuals identified as Chávez supporters at a pro-Capriles march in Barinas state one week before the election.

### **A RED ELECTORAL MAP WITH A BLOTCH OF BLUE**

Chávez painted the electoral map 'red.' He won the popular vote in 21 of Venezuela's 23 states. His victories in Zulia and Miranda, opposition strongholds and the two largest and most economically important states in the country, signaled the breadth of Chávez's support. Capriles, the promoter of a moderate Left platform modeled on Lula's Brazil, painted the country 'blue' in only two southwestern Andean states, Táchira and Merida, which are of medium electoral significance.

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<sup>1</sup> The vote is officially open from 6 am-6 pm but the law allows for all voters in line as of 6 pm to vote. The CNE came out to publicly call for the close of polls close to 7 pm, but in some locations existing lines stretched on for two more hours.

In the metropolitan area of the capital Caracas, an area including the capital district of Libertador and four smaller municipalities, and which elects its own Metropolitan Mayor, the candidates split. Chávez won the popular vote in the largest municipality, 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 multi-class support coalition had a stronger working class and poor sector accent while Capriles's multi-class 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 their 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*, October 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

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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 24<sup>th</sup> 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.



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*, October 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 ‘*Operation Remate*’ (Round-Off or Mop-Up Operation) or ‘*Operation Relampago*’ (Lightning Attack) commenced around 4:00 PM 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 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 October 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*, October 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 was also fueled by rumors of mid-day 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 ‘operacion remate’ made such a big difference. According to one published account, the campaign’s rapid counts of national trends showed Capriles trailing by one million votes at 7:20 PM, well before the votes mobilized by operation *remate* registered (Eugenio Martinez, *El Universal*, November 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 post-electoral defeat response. It is also somewhat understandable. The great majority of Capriles’s 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, October, 2012, 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.

But some in the opposition also recognized the Capriles campaign failed to develop extensive organizational capacity at the base level. In some places Capriles’s supporting parties made their presence felt through mobilization drives, which, like their Chavista counterparts, also involved the use of public resources but drawn 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, October 17, 2012, <http://caracaschronicles.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 linkages 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 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’s 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>

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

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, are upcoming: gubernatorial on December 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 GDP, 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 post-election cabinet reshuffle did result in at least one important power shift. Foreign Minister Nicolas Maduro's portfolio expanded to also 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 October 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 December 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 reelection 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 the 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.

## II. BENEATH THE RESULTS: THE CANDIDATES, CONTEXTS, AND CAMPAIGNS

### THE ONE AND ONLY, HUGO CHÁVEZ

Hugo Rafael Chávez Frias is more than the figurehead of a personalistic political movement. He is its *sine qua none*—the indispensable leader who has a unique connection to the masses. Because of the President's high job approval ratings, and Chávez's stature as a trustworthy person (Gil Yepes, 2011), this personalistic dimension is a key strength of his movement, up to now. By the same token, the essence of the *Comando Carabobo's* presidential reelection platform, effectively to continue the revolution under President Chávez, was powerfully parsimonious because people believed that Chávez had regained his health from a serious fight against cancer even if they were unsure he was completely cured (Datanálisis, National Omnibus Survey, July-August, 2012). Though parties with other leaders have joined coalitions with Chávez, they never challenged the leadership role of the President or of his party, first the *Movimiento Quinta República* (MVR, 1998-2006) and then the PSUV (2006-2012).



*Campaign Poster: Chávez, Heart of my Homeland  
(Photo: M. Sivich/Carter Center)*

In a nutshell, the campaign signaled the continuity of government programs that Chávez introduced and branded before the official campaign commenced on July 1, 2012. In this respect, the *Comando Carabobo*'s central campaign promise of continuing to construct a big change, the move toward socialism, was clearly articulated before the campaign period officially began.

#### PETROLEUM AND WELFARE

Thanks in large part to continued record-high revenue for the state petroleum company, *Petróleos de Venezuela* (P.D.V.S.A.), continuing down the road to Twenty First Century Bolivarian Socialism involved unveiling new social assistance programs. As in previous electoral junctures of great significance, Chávez introduced and intensely promoted social programs called 'Missions.'<sup>5</sup> Framed in the same participatory format that has become the hallmark of his government's policy administration, sectors of the population are to co-produce social benefits with state agencies in the Mission framework.<sup>6</sup>

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 September 26, 2010 parliamentary elections in which the opposition out-performed expectations. Because of the rains, which made a large impact along the northern coastal areas home to most of Venezuela's population, many lower

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<sup>5</sup> For a detailed account of how Chavez's introduction of the social missions in 2003 helped him recuperate his popularity from very low levels and avoid losing a recall referendum on his mandate, see Penfold-Becerra, 2008 For an overview of the social missions, see either D'Elia (2006) or D'Elia (2010).

<sup>6</sup> They key difference between the Venezuelan participatory social policy and similar Latin American policy is the lack of conditionality as a pre-requisite qualification for citizens to attain benefits. For example, in Brazil's conditional cash transfer policy framework parents are required to send their children to school and complete other public health exercises to qualify for the *bolsa familia* direct cash transfer (World Bank, 2007). In Venezuela, meanwhile, the *madres de barrio* social mission imposes no such condition on mothers who register for receiving the monthly cash and food benefits.

<sup>7</sup> (PROVEA/ 2012; <http://www.derechos.org/ve/2012/08/16/provea-presenta-informe-diagnostico-de-la-gran-mision-vivienda-venezuela/>)

<sup>8</sup> Two other missions, *Mi Casa Bien Equipada*—the sale of household appliances at highly subsidized rates—and *Gran Mision Hijos y Hijas de Venezuela*—cash transfers to families either earning under the minimum wage or unemployed—were introduced in the 2011-2012 period as well.

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 GMVVA'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, November 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 both more reports of houses built and housing certificates delivered (Director of Research, PROVEA, November 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 percent). Chávez won these five states, a fact which will continue to fuel speculation that the GMVV had a significant impact in states with opposition governors—Zulia, Miranda and Carabobo.

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 the introduction of the Social Missions did for Chávez in 2003-2004 when the president quickly recovered his popularity. But other analysts pointed out that peoples' 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

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<sup>9</sup> According to the PROVEA study, some agencies have counted the effects of other housing upgrade programs—*La Mision Barrio Tricolor*, free state supplies to repair houses and paint houses the colors of the Venezuelan flag, and *la Programa Sustitucion Rancho por Casa Digna*, substitution of tenement for a proper home—as part of the GMVV, making it difficult to sort out which program generated which outcomes. A PROVEA researcher reported, for example, that government officials tend to talk about the total population benefitted by housing policies since the advent of GMVV rather than the precise outcomes, policy-by-policy (Director of Research, PROVEA, November 9, 2012).

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 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 Chavez 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 October 7 when electors verified their fingerprints before voting (Director of Research, PROVEA, November 9, 2012). Furthermore, the CNE participated in the GMVV registration phase through the provision of the biometric technology and contracted workers to staff the process (CNE rector, interview, September 13, 2012). Given that public sector workers have faced professional consequences for legally expressing their political views, the way in which GMVV was administered may have contributed to the fear of recrimination for those who suspected that voting preferences can be determined by the government. This perception is reportedly held by about 25 percent of the population (UCAB, 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) ).

In broader terms, there is reliable data to back the argument that despite the great spending inefficiencies during the past ten years of a petroleum boom cycle, conditions for the poor, both materially and socio-politically, have improved (UN-ECLAC, 2011; (Johnston & Weisbrot, 2012; Lander & Lopez Maya, 2012; Ellner, 2009, Baptista, 2012). There is also a body of evidence showing the government has practiced clientelism and discriminated against those who publicly oppose the government (Penfold-Becerra, 2007; Albertus, 2011; Human Rights Watch, 2012). It is important to note that, in any case, the vote of beneficiaries of government social programs is likely to be affected by a number of factors, not the least of which is the effect of government policy in advancing their own conception of self-interest. In this respect, it is fair to conclude that the Missions developed this past year contributed to Chávez's reelection 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*, September, 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*, September 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 GDP 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 (Puentes, *El Universal*, October 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%, a much higher rate of growth than bourses in Chile (275%), Brazil (299%) and Mexico (554%) 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, pp. 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.

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<sup>10</sup> Jose Manuel Puentes, Interview, October 1, 2012



## CONSTRUCTING THE OPPOSITION ALTERNATIVE

In previous elections, the opposition coalition utilized a semi-public, semi-private process of internally agreed consensus to select its candidates. For the 2012-13 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.

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 that 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 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 2002-04, new and traditional political parties took the lead again through the electoral strategy of the recall referendum in 2004. 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 entirely anti-Chávez message to a proactive offer of an alternative governing strategy, articulated for the first time by Henrique Capriles Radonski in 2012.

Through incremental steps the political parties opposed to Chávez knit together the party coalitional framework of the Democratic Unity Roundtable in 2009. The party-based framework of this organizational structure has some important advantages. The stability of the coalition parties has facilitated the building of confidence among the MUD leaders, not an easy task since

they represent a broad gamut of ideological positions.<sup>11</sup> The disadvantage of the umbrella party-based structure is its de facto exclusion of sectorial interests, which leaves out brokers who could provide the crucial node for party groups to forge linkages with societal cleavages (Gil Yepes, 2011).<sup>12</sup>

Notwithstanding the serious tensions that existed, and continue to exist, within the MUD's umbrella party structure, in 2010 the body took a big step forward when it published its first proposal, "100 Solutions for the People" during the campaign for Parliamentary elections that September. The very positive results for MUD-linked parties in those elections helped strengthen the party-based structure of organization and the underlying logic of unity. In 2011, the MUD structure played a large role in facilitating the signing of two documents, "The Commitment to Unity," agreed to that September by both the presidential candidates and their party leadership, and, "Guidelines for a Governing Program of National Unity," agreed to in December by five of the six opposition presidential candidates.<sup>13</sup>

The latter document, published on-line, is a long compendium of governing proposals, some of them quite general. Nonetheless, the document is highly substantive in that it publicly indicates the opposition's rejection of an extra-constitutional path to power and brings into the open a previously unforeseen sophistication in terms of opposition groups' visions for the country (Lander and Lopez Maya, October, 2012, 12). Through the MUD's stewardship of these changed practices and sponsorship of elaborate articulations of public policy proposals, the opposition, for the first time, found itself in conditions to campaign for a concrete governing project instead of only a change in leadership.

#### ON THE CAMPAIGN TRAILS

The campaign featured two candidates in structurally different positions. The striking contrasts between their campaign strategies were to be expected. The popular 57-year old President-Candidate was governing for the thirteenth year and seeking his third consecutive six-year term

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<sup>11</sup> For how the MUD is comprised, consult: [http://www.unidadvenezuela.org/wp-content/uploads/2011/07/ACUERDO\\_19-01-11\\_Nueva\\_organizacion\\_MUD.pdf](http://www.unidadvenezuela.org/wp-content/uploads/2011/07/ACUERDO_19-01-11_Nueva_organizacion_MUD.pdf). Other information can be found about the MUD at <http://www.unidadvenezuela.org>

<sup>12</sup> Nevertheless, representatives of the business chamber, Fedecamaras, told us that in 2011 they had explicitly rejected a political role and wanted to simply serve as an advocacy organization for the private sector (Interview, Sept 14, 2012).

<sup>13</sup> Diego Arria, a former Venezuelan ambassador to the United Nations, and part of the older generation of Venezuelan politicians, chose not to sign the document. Arria's candidacy did not generate much popular support, and he positioned himself as an independent outside the MUD's mainstream.

after being diagnosed with an undisclosed form of cancer.<sup>14</sup> In firm control of the state and riding a moderate economic recovery by the time the campaign began, Chávez campaigned as the embodiment of his movement and indeed the nation, using the saying “Chávez, heart of the fatherland.”

Capriles, by contrast, was not very well known around the whole country, as he was running for national office from a governor’s post. Moreover, he was a youthful 40-year-old from a well-heeled background with weak oratory skills and a campaign organization with resource limitations and internal tensions. He needed an effectively designed campaign strategy and a perfectly executed campaign trail performance to stand a chance. He achieved those objectives but they were not enough.



*(Photo: M. Sivich/Carter Center)*

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<sup>14</sup> Chávez also had an initial two years in office 1999-2000 before “renewal” of his mandate in the 2000 mega-elections following approval of the new constitution.

## FROM POLARIZATION TO HEART OF THE HOMELAND

A key part of President Chávez's style, and winning electoral strategy, is a polarizing discourse. This electoral campaign saw that strategy continue. As soon as Capriles won the opposition's primary in February, Chávez went on the attack, never calling Capriles by his name, but instead denigrating him as 'un majunche' (the mediocre one) 'cerdo,' (pig) 'la nada,' (the nothing) and 'burgues' (bourgeois). At one point Chávez and his campaign surrogates even asserted Capriles was a member of a Nazi-fascist group despite his ancestry as the grandson of Holocaust survivors.

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 re-polarized" (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's name in public was part of a strategy to not 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 forty 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 'Twenty First 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, which was essentially one of 'more Chávez.' This straightforward message was stamped on the cover

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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>

of the governing project document in the form of a page-size photo image of the President. Moreover, in the everyday, the message of ‘more Chávez’ was softened to distance the candidate from his more radical sounding political project. The softening involved both substance 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 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, October 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 because, among other reasons, people began to take the president at his word that he was cured.<sup>16</sup>

Chávez was not, of course, absent. He made important campaign event appearances, though they seemed more scripted than in the past. On stage at rallies Chavez danced, sang, and played bass guitar, often with youthful groups of supporters. But his physical contact with the people was limited as he rode in his “Chávez-mobile” open-air coach to most campaign events. Moreover, Chávez is the most well-known Venezuelan and he had already travelled the country extensively. He needed to defend his job performance, a task he mostly sought to achieve through the media where his presence was as strong as ever. The President commanded 40 hours and 57 minutes of television for his state cadena broadcasts between July 1 and October 1, resulting in an average of 43 minutes per day (UCAB, 2012).<sup>17</sup>

The Comando Carabobo chief, Jorge Rodriguez (also mayor of Libertador), competently managed the campaign’s tactical operations—from setting up transportation for supporters on election-day to helping the PSUV, a party with over 7 million registered members, expand its

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<sup>16</sup> In June, 17% thought the president was fully cured and another 48% thought his health was improving (Datanalisis, National Omnibus Survey, June-July 2012). By September, after seeing the president campaign, those numbers had jumped to 31% fully cured, 29% improving and 18% never sick. Furthermore, 59% believed his illness would have no effect on his capacity to govern until 2019, while only 23% believed it would have an effect (Datanalisis, National Omnibus Survey, Sept-Oct 2012).

<sup>17</sup> He also held a brief national cadena broadcast on Saturday, October 6, 2012, the day before the election and two days after the campaign period officially ended October 4, 2012 (<http://monitoreciudadano.org/cadenometro/>).

reach by giving members the assignment of canvassing their neighborhoods with the goal of finding ten new members.

In the final weeks of campaigning, the Comando Carabobo ran into serious trouble when supporters rioted and prevented Capriles from entering a Puerto Cabello campaign event, and then when gun men identified as Chavista supporters shot dead two Capriles supporters at a march in Barinas. The Comando reacted and no further violence was registered. The Comando organized a gigantic final rally that united supporters from all over Venezuela to close the campaign in downtown Caracas. Chávez only spoke for thirty minutes at the rally, which was cut short by an afternoon downpour. Nevertheless, the sheer size of the rally generated a lot of positive energy and sent a very strong final message of the candidate's support.

#### 'THERE IS A ROAD,' THE CAPRILES ROUTE TO PROGRESS

The first decision Capriles had to make as the candidate of the opposition was whether to confront Chávez or try and skirt confrontation by appealing to a message of national unity and shared progress. He opted for the latter, and, impressively, stuck to it, refusing to respond to Chávez's insults and provocations. He also resisted calls from within the opposition to challenge the government directly when the quality of public administration seemed to invite severe questioning, such as after the deadly August 27 explosion at the Amuay oil refinery in Falcon state.

In June Capriles presented his governing project, 'There is a Road, Equal Progress for All.'<sup>18</sup> The project 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 de-politicize 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" which starts with early childhood attention and concludes with social security. Capriles advisors understood these principles of policy making to be the basis for establishing an institutional framework modeled on the 'Modern Left' trail 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

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<sup>18</sup> The project is available for review at <http://hayuncamino.com/compromisos/>

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, Sept-Oct 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 September 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 partnerships. In private, moreover, Capriles advisors 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's 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. This was not a novel strategy: in some ways, it was reminiscent of Chávez's first campaign for President in 1998 (Lander, and Lopez Maya, October, 2012).

By the middle of August, after months of travelling '*pueblo por pueblo*,' the effects of Capriles's ground game finally began to appear in the polling. Consistently positive trend lines in the polling of different firms began to appear as of September. The margin of difference dropped from 15 to 10 points according to Datanálisis; from 20 to 17 according to IVAD-Seijas; and from 27 to 14 according to Consultores 30.11. Pollsters working with Capriles's Comando Venezuela,

Consultores 21 and Varianzas, reported the opposition candidate nudging ahead in September and behind by only 2 points, respectively.<sup>19</sup>

Metaphorically, the “Autobus of Progress” symbol that Capriles used to invite Venezuelans to ‘ride with him’ began to move down the projected route in a positive direction. The enthusiasm within opposition circles was palpable and widely expressed by the emergence of an iconic Capriles symbol on the streets—a ‘tricolor’ yellow, red, and blue baseball cap styled after the Venezuelan flag. Emboldened, Capriles began to criticize the government more forcefully, most notably by airing a speech about national security boldly billed as a direct and personal message to the Armed Forces leadership and rank and file.

Entering the final stretch of the campaign, the opposition was hurt by two small scandals which some attributed to dirty tricks by the government campaign command: first, the airing of a video showing an opposition congressman, Juan Carlos Caldera, accepting an envelope of money in exchange for a promised meeting of a pro-Chávez businessman with candidate Capriles, and second, the desertion of a few opposition politicians to the ranks of Chavismo ostensibly because they discovered a secret document showing Capriles’s true governing project to be shot through with neo-liberalism. These scandals threatened to slow Capriles’s momentum because they hit on issues that went to the core of his credibility problems—‘old boys network’ style politics and complacency toward the social agenda. In this respect, Capriles’s swift responses to these hiccups, for example, firing Caldera from the campaign, helped his campaign execute a very impressive finish.

The closing of the campaign event for Caracas attracted a mass of participants to a march through the city. The campaign period’s final event, in Barquisimeto (capital of Lara state), was also massive in attendance. By this time, Capriles was a qualitatively improved public speaker than when the campaign started, having honed the discursive formula of criticizing the government for unfulfilled promises and maintaining a high road discourse of saying his government would not punish Chavista supporters but work with them to do right by the public through promoting national progress. Ultimately, though, it was too little too late. Capriles and the opposition traveled far but they started too far behind to surpass Chávez and lay its route to progress.

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<sup>19</sup> Both results were within the margin of statistical error. During this two-month period, Datos reported no change, with the gap stationary at 18 points. It then reported a major drop in the gap as of October, from 18 to 4.65 points.



### **III. THE SCOPE AND QUALITY OF ELECTORAL GOVERNANCE IN VENEZUELA**

#### **THE CONSEJO NACIONAL ELECTORAL (NATIONAL ELECTORAL COUNCIL, CNE)**

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 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.

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 reelected twice. The CNE also 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 four important components of the overall electoral process: preparing the electoral registry, refereeing the conduct of electoral campaigns, administering the electoral system, and adjudicating disputes (there is no separate Electoral Tribunal). In addition, the CNE recently gained responsibility for the civil registry and is in process of taking over this responsibility.

## NATIONAL STAKEHOLDER MODEL: VENEZUELAN PROTECTING THE VOTE

After forty years of competitive elections, Venezuelans invited international observers to the 1998 elections in the 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. The OAS and The Carter Center sent large observer missions to monitor the 1998 presidential elections, the 2000 multi-level elections, the 2004 presidential recall referendum, and (joined by an EU mission) the 2006 presidential election. In addition, the OAS and EU monitored the 2005 National Assembly elections, which were boycotted three days before the vote by the opposition political parties.

In 2007, under the argument of national sovereignty, the CNE replaced the practice of international observation with that of international accompaniment.<sup>20</sup> International accompaniment is, by and large, a symbolic form of monitoring. For example, accompaniment involves a political presence of high profile actors who witness election-day activities. For the 2012 presidential election, the CNE also invited a delegation from UNASUR, the regional integration body Union of South American Nations, and other distinguished guests, to fulfill the role of international accompaniment. This was UNASUR's first electoral mission and its 40-member delegation witnessed election-day activities, as well as participated in some of the pre-election audits. Its Chief of Mission, Carlos "Chacho" Alvarez described the role of the mission as not to "supervise" the election but, rather, to learn from it to disseminate the best examples and practices of the election to UNASUR countries.<sup>21</sup> In general, Alvarez spoke quite highly of the Venezuelan electoral system.<sup>22</sup> As of this report writing, the UNASUR mission had not issued a public report on the elections. The PSUV and MUD also invited international guests who received accreditation from the CNE to accompany the election.

This change in norms effectively shifted monitoring responsibilities to national actors.<sup>23</sup> Domestic observer organizations, first appearing in 2000, grew more experienced and

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<sup>20</sup> The CNE argues that the U.S. and Europe fail to practice reciprocity – they insist on monitoring Latin American elections but fail to invite Latin Americans to monitor theirs; that not all Latin American countries invite international observer missions (notably Argentina, Brazil and Uruguay); and that the CNE has improved national confidence in the electoral system through extensive consultation with and participation of political parties.

<sup>21</sup> El Universal, September 20, 2012; <http://www.eluniversal.com/nacional-y-politica/elecciones-2012/120920/unasur-no-fiscalizara-elecciones-del-7-de-octubre>

<sup>22</sup> Telesur, October 6, 2012; <http://www.telesurtv.net/articulos/2012/10/06/jefe-de-la-mision-de-unasur-se-reune-con-hugo-chavez-1132.html>

<sup>23</sup> Interestingly, as some have pointed out (Smilde, "Government Supporters See Need for International Observation", 2012) polling data on the role of international observers indicates strong support for international observation. In one poll, 72.7% surveyed said the presence of international observers would

professional; political parties negotiated ever-increasing participation in pre and post election audits of the automated voting system, as well as providing party pollwatchers on election day; NGOs played a particularly strong role in monitoring campaign conditions during the 2012 election; and citizens verified their voter registration and participated in election night verification of the paper receipts to compare with the electronic vote tallies in individual precincts beginning in 2006.

National political parties help validate the system's reliability through consultations with the CNE rectors and staff during a scheduled program of sixteen pre-electoral audits of the components of the entire automated voting system, as well as verifying the voter's registry. In 2012, six national observation groups were accredited by the CNE, (three '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. These delegates, therefore, 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 pollworkers 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

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contribute to the credibility of the results. For this question, 66.7% of the pro-government supporters polled and 82% of the pro-opposition supporters felt this way. Unpacking this question provides other interesting insights: 49% felt the role of international observers was essential; 18.9% felt it was important but not essential; 4.4% felt that international observers were part of the past and not that necessary; and 17.5% felt Venezuela is a sovereign national that does not need the presence of international observers to guarantee the credibility of the electoral results (Datenalisis, National Omnibus Survey, Junio-Julio. 2012).

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

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 thus 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 Sept-Oct, 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 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 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>

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<sup>25</sup> The Comando Venezuela received and posted 35,115 actas, 90% of the total, on its website: [www.hayuncamino.com](http://www.hayuncamino.com). The remaining 10% of the actas were not recovered by the Comando's central office in Caracas for different reasons. 1% of the actas come from voting centers in foreign countries; 2% of voting machines failed and moved to manual voting; 4% of the MUD's witnesses who were to recover the actas were removed from the polling stations; and 3% of the actas were not recovered or were not turned in by MUD witnesses. (Comando Venezuela, October 26, 2012; <http://hayuncamino.com/comando-venezuela/briquet-el-7o-gano-el-abuso-del-gobierno/>).

<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)

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*, October 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 December 16.

Capriles’s reinforcement of the voting system proved to be very important in the immediate post-election period; it helped mitigate the effects of post-election 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*, October 26, 2012) and news-outlet *El Nuevo Pais* (Rafael Poleo, *El Nuevo Pais*, November 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 below.

#### *ELECTORAL LEGITIMACY IN HISTORICAL PERSPECTIVE*

Over fifty 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 non-partisan electoral commission in 1998, a mega-election in 2000 to “relegitimize” 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 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

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<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 mega-elections, 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.

making by that CNE, however, led to the revised perception among the opposition that the CNE was divided along partisan lines 3:2 (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 official CNE announced margin of victory, 26 percent ([Lavanguardia.com](http://Lavanguardia.com), 2012). Cautiously, the opposition was recommitting 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, 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, then, both the government and opposition have won and lost elections. Only the government requested a recount of one

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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 were also elected.

governor's race it lost, Táchira in 2008. Interestingly, the Supreme Court's Electoral Circuit Court rejected the government's request for a recount (Noticias.com.ve, August 16, 2009).

It was amidst these conditions of increased electoral competition that dialogue with opposition sectors advanced to give the opposition greater voice in consultations with the CNE and to expand the scope of electoral governance.<sup>31</sup> Interviewees offered the Carter Center interesting insight about participation during the 2012 electoral campaign. Opposition representatives to the CNE reported feeling more included than ever, noting they established a "good working relationship" with CNE officials, and developed deep respect for the technical expertise of the CNE staff. The relationship dates to 2005. Following informal rules, such as avoiding discussion of politics and only discussing technical matters at meetings and audits of the electoral system, has constructively contributed to the maintenance of the relationship.

During the 2012 campaign, opposition representation to the CNE existed on political, institutional, and thematic levels: two representatives of the Capriles campaign maintained a channel of dialogue between the candidate and the CNE, two persons from the MUD served as the opposition's institutional representatives, and technical experts liaised with CNE and PSUV counterparts regarding the audits of the electoral registry and the administration of the voting system.

#### THE ELECTORAL REGISTRY

Venezuela utilizes what is called an 'active' registration system. That is, citizens are not automatically entered into the electoral registry upon reaching the age of voting eligibility—the 'passive' system. Voting is not obligatory and those who wish to exercise franchise must actively step forward and register. The CNE has used a media campaign and its mobile field offices to generate awareness of voting registration requirements, create wider access to the registration process, and elaborate a straightforward process of biometric registration (discussed below) for the eligible population.

The Venezuelan electoral registry for the 2012 Presidential elections represented a population of 18,903,143, amounting to 97 percent of those calculated by the CNE to be vote eligible (CNE,

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<sup>31</sup> Parallel to these incremental but significant changes in electoral governance, perverse developments in the political arena took place that in effect undermined the guarantee of elected officials to effectively exercise power or affected the rights of citizens to compete for office. Government bureaucrats disqualified ("inhabilitated") a rising star in the opposition, Leopoldo López, from exercising his full range of political rights, that is, for holding office until 2014. In 2009, shortly after regional elections for governor and mayor, the government moved some responsibilities from state governors to national authorities, and appointed an infrastructure administrator for the Capital District whose new office usurped responsibilities of the elected Metropolitan Mayor.

June 25, 2012). Electoral registration closed on May 15, 2012, one month after the preliminary registry was published to give an opportunity to verify their register or make changes. The CNE published the definitive registry June 25, 2012.

Some are concerned that the voter registration list is inflated and has not been sufficiently purged of dead persons and non-citizens. Consistent growth of the electoral register during the Chavez period, with one minor spike due to the Identity Mission implemented during the 2003-2004 presidential referendum campaign, is paired with a reduction of the percentage of unregistered vote eligible citizens from 20.43 percent in 1998 to 3 percent in 2012 (CNE, 2012).<sup>32</sup>

No voter registry is perfect. International standards accept a certain level of inaccuracies, perhaps 3 percent, (Ace Project <http://aceproject.org/ace-en/topics/vr/vr20>) as long as no partisan bias in favor of or against a political party is detected. International observer missions from the OAS, EU and The Carter Center, have long recommended comprehensive audits of the voter list.

To comply with international standards for producing a transparent, accurate, and inclusive electoral registry, such tests would be conducted randomly by accredited stakeholder organizations in collaboration with the CNE (OSCE, 2012). These tests measure both the inclusion of ‘phantom voters’ (dead people, duplicate names with different voter IDs, foreign nationals) and disenfranchisement (citizens who registered and should be included but are not on the list). Ideally, a procedure would be in place in time to update the registry before the election. Similarly, there would be rules regarding the frequency with which the registration authorities are to audit the voter lists.

In computerized audits of the voter list, societal stakeholders are permitted to cross-check the unified voter register data held by the national electoral authority to identify possible errors or multiple records. For field tests, civil society groups, political parties, or accredited organizations conduct a series of random checks of the centralized voter register with the voting population to determine whether the data correspond to voters and whether all voters who should be on the voter lists are recorded accurately (OSCE, 43). The OSCE defines these two field tests in the following way:

List-to-people tests assess the currency of voter lists. They are meant to capture people who are on the list but should not be, such as the deceased, or identify information that may be out-of-date because of changes to civic status or residency. Volunteers try to

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<sup>32</sup> For a comprehensive review of the electoral registry in relation to overall population growth and other demographic changes, see this study from the UCAB's Presidential Election Monitor, "Informe de consistencia demográfica del Registro electoral," June 19, 2012, available at: <http://www.monitorelectoral.org.ve/sites/default/files/Informe%20de%20consistencia%20demografica%2029-6-2012.pdf>



locate a sample of people who have been randomly selected from the voter list to determine if their personal information is up-to-date and still accurate.

People-to-list tests assess the comprehensiveness of voter lists. They are meant to capture people who should be on the lists but are not. Volunteers use a method for randomly selecting eligible voters in public places and then check whether the voter is included in the voter register and their personal information is correct (OSCE, 2012, 43).

Elaborating such tests requires extensive activity and a large nationwide network of volunteers. To be reliable tools for assessing accuracy, the test could be conducted on representative samples of the entries in the voter list and the population. National election observers in Venezuela are theoretically able to do this, though they would need ample resources to carry them out effectively.

The national civil organization Súmate conducted a limited audit in 2004 and the international organization, Instituto Interamericano de Derechos Humanos, Centro de Asesoría y Promoción Electoral (IIDH-CAPEL) conducted a limited audit of the voter's list in 2005 but we are unaware of any audits of the comprehensive nature described above. Nevertheless, two studies in 2012 seemed to reassure many of the general reliability of the voter's list:

*Demographic study:* A study of the demographic consistency of the Venezuelan electoral register carried out by the Andrés 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 persons 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 voters 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 voters list grew 7.6 percent. The coverage of the list consequently rose about 3 percent to 96.7 percent of the population.

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<sup>33</sup> After the election the Comando Venezuela said they found a higher number of dead people remaining on the rolls – about 300,000, which is closer to 1.5 percent of the voter's list. See the Comando Venezuela Communiqué: <http://hayuncamino.com/comando-venezuela/briquet-el-7o-gano-el-abuso-del-gobierno/>

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.

## **IV. CAMPAIGN CONDITIONS**

Conditions for electoral competitions are never perfectly equal. This is particularly the case when one candidate is an incumbent running for reelection. In the case of Venezuela, a 2009 constitutional reform removed all term limits for presidents, governors and mayors, and the 2012 presidential election signified Chávez' fourth presidential run.<sup>34</sup> While indefinite reelection 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 candidate they support. However, other Venezuelan media have made important attempts to present a more balanced view in terms of opportunities for both campaigns to convey their message.

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

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<sup>34</sup> The 1961 Constitution did not permit Presidents to run for immediate reelection; instead it allowed them to run again after two interim administrations. The 1999 Constitution permitted Presidents to serve two six-year terms and a 2009 constitutional amendment, approved by a public referendum, ended term limits. For the debate on reelection in Latin America, which started in the 1990s, with Carlos Menem in Argentina and Fernando Henrique Cardoso in Brazil, see Carey, "The Reelection Debate in Latin America," 2008. It is important to note that no President running for reelection in Latin America since 1990 has lost except in Nicaragua 1990 and Dominican Republic 2004.

five television channels and several major radio stations that promote the government's program and ideology.<sup>35</sup>

Nevertheless, the market share of the state-owned media, particularly television, is quite small during non-electoral periods. According to media consultants AGB Nielsen, Venezuelan state TV channels had only a 5.4 percent audience share; 61.4 percent were watching privately owned television channels; and 33.1 percent were watching paid cable TV (although some rural areas only have access to state channels). Normally, privately-owned 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 roughly equal.

On the main opposition news television station, Globovision, a private channel which does not have a national-level signal, Capriles received 64 percent of the coverage. On the main government television station, VTV, with a national-level signal, Chávez received 50 percent of the coverage, none of which was negative. Of the information VTV broadcast regarding Capriles, 90 percent was negative (UCAB, 2012). Capriles was much more active on Twitter, using the social media tool, which is quite popular in Venezuela, than was Chávez (UCAB, 2012).

The Carter Center's Venezuela Presidential Elections 2012 Press Coverage Monitor found similar tendencies in media coverage. During the three periods of analysis (pre campaign, campaign and elections) the study reviewed a total of 377 informative units in radio, 745 units in

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<sup>35</sup> A study conducted by Datos Latam about penetration and frequency exposition of media outlets in Venezuela during 2012 indicates that the media type with the most penetration in the country is television with 92.2 percent of consumer preferences, followed by print newspapers with 57.2 percent and radio with 39.7 percent.

<sup>36</sup> AGB Nielsen, Preliminary Data, courtesy of Venevision.

<sup>37</sup> The final version of the UCAB Monitor Electoral Presidencial was incomplete when this report went to press. The interim report, though, provided the basic empirical findings. It is available here: [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)

television, 1870 units in printed news and 4.676 units of information in digital media. The study also measured the opinion spaces from 576 units in print, 81 in TV, as well as eight cadenas, 39 government promotional ads and nine press conferences from both candidates.

### **Tone of Coverage in Three Instances of Media Monitoring (May, Aug, Oct 20120)**

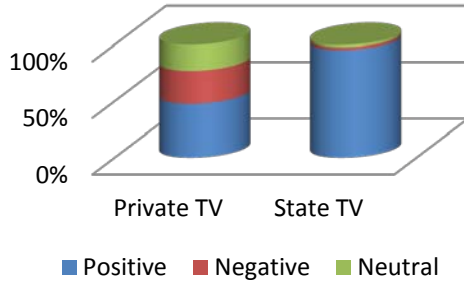
TYPE OF MEDIA OUTLET		Hugo Chávez			Henrique Capriles		
		Positive	Negative	Neutral	Positive	Negative	Neutral
Printed	Regional	245	241	225	317	117	163
	National	268	135	132	177	142	117
Private TV		82	50	40	119	34	47
State TV		157	4	4	12	69	7
Private Radio		23	10	15	29	14	19
State Radio		134	4	2	3	73	10
Total Tone		909	444	418	657	449	363

Comparing average coverage by private and state media outlets in the graphs below, we find imbalance in tone of coverage among both, but 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 was 59 percent positive. This pattern is replicated by radio outlets where coverage in state owned stations was 96 percent positive about Hugo Chavez, and 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.

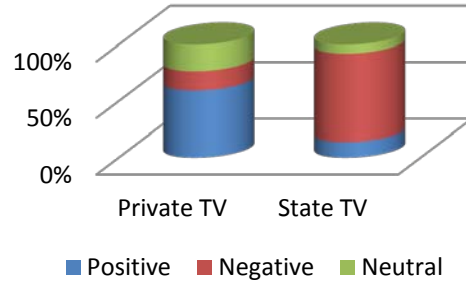
Additionally, this study found the tone of news coverage in printed media outlets to be more balanced than in other types of media (following a comparison between national and media newspapers). For both candidates, coverage was about 50 percent positive in national newspapers. However a slight disequilibrium was noticed in regional printed news where news coverage on Capriles was 41 percent positive and 34 percent positive for Hugo Chávez.

## Tone of News Coverage by Type of Media Outlet (May, Aug, Oct 2012)

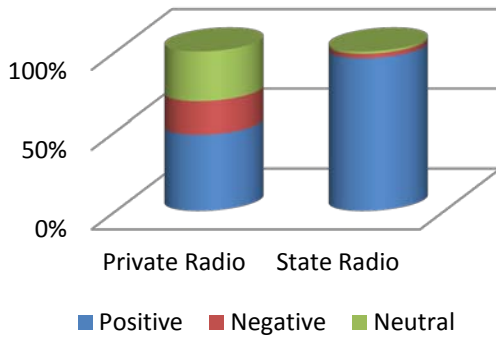
### Chavez in TV News



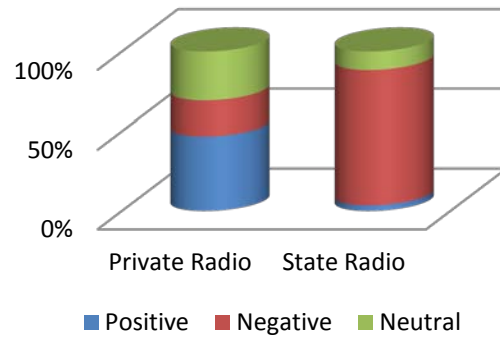
### Capriles in TV News



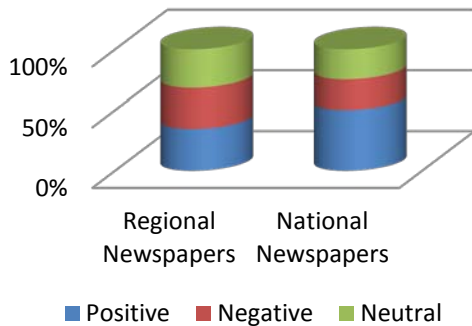
### Chavez in Radio News



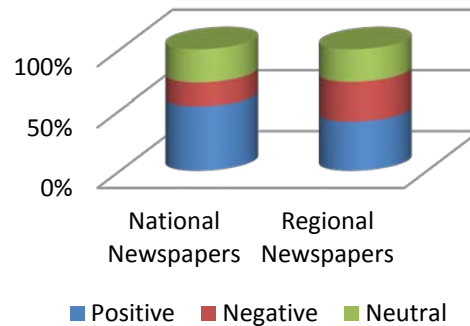
### Capriles in Radio News



### Chavez in Newspapers



### Capriles in Newspapers



## VIOLENCE

Violence at campaign rallies was reported by the Capriles campaign to have escalated in September. The most serious incident involved two people shot dead while participating in a closing campaign caravan for Capriles in the rural state of Barinas. Other campaign incidents include one involving gunshots (Puerto Cabello, Carabobo, September 12, 2012; *Daily Telegraph*, September 13, 2012), one in which the candidate could not enter a working-class neighborhood in western Caracas (La Pastora, September 9, 2012; *Ultimas Noticias*, September 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), and Charallave-Valles de Tuy (August 18, 2012; Diaz, *SIC*, September-October, 2012, 342). The Chávez campaign reported harassment and physical assaults against journalists and photographers from the state media at some opposition campaign events (*Comando Carabobo*, Interview, September, 2012).

## REGULATORY FRAMEWORK

Here we highlight five issues— campaign finance; the narrow definition of electoral propaganda; rules for the dissemination of official campaign publicity; the use of state resources; and investigation into, and sanctioning regarding, campaign infractions.

## CAMPAIGN FINANCE EQUITY

Venezuela remains an outlier in the hemisphere in providing no option of public financing at all to political parties or candidates (Gutierrez and Zovatto, 2011). Most countries in the region have a mixed system in which parties can raise funds from private sources as well as count on public funding. In the wake of Colombia's 2004 Constitutional reform permitting Presidential reelection, for example, the Colombian Constitutional Court recommended Congress draft a law on campaign financing that, since its passing in 2005 (Ley 996, 2005), has capped campaign spending and set clear rules regarding contributions from individuals and collective entities (Jaramillo, 2005, Misión de Observación Electoral, Electoral Finance in Colombia, 2010).<sup>38</sup>

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<sup>38</sup> A full version of the report is available at: [http://moe.org.co/home/multimedia/cartilla\\_g/movie.swf](http://moe.org.co/home/multimedia/cartilla_g/movie.swf)

## Countries in Latin America with Public Funding

Country	Direct Public Funding	Indirect Public Funding
Argentina	YES	YES
Bolivia	NO	YES
Brazil	YES	YES
Colombia	YES <sup>1</sup>	YES
Costa Rica	YES	YES
Chile	YES	YES
Ecuador	YES	YES
El Salvador	YES	YES
Guatemala	YES	YES
Honduras	YES	YES
Mexico	YES	YES
Nicaragua	YES	YES
Panama	YES	YES
Paraguay	YES	YES
Peru	YES	YES
Dominican Republic	YES	YES
Uruguay	YES	YES
Venezuela	NO	NO

<sup>1</sup> The direct public funding for presidential campaigns is predominantly from the state.

**Gutierrez and Zovatto, 2011**

Many countries also provide free access to the media, and some prohibit the purchase of additional campaign publicity with private funds for some media (Argentina, Brazil, Chile, and Mexico).



## Access to the Media in Latin America

Country	Banning of paid propaganda in the media	Free access to the media
Argentina	YES	YES
Bolivia	NO	YES
Brazil	YES (Radio and Television)	YES
Colombia	NO	YES
Costa Rica	NO	NO
Chile	NO <sup>1</sup>	YES <sup>2</sup>
Ecuador	NO	YES
El Salvador	NO	YES
Guatemala	NO	YES
Honduras	NO	NO
Mexico	YES	YES
Nicaragua	NO	NO
Panama	NO	YES
Paraguay	NO	YES
Peru	NO	YES
Dominican Republic	NO	YES
Uruguay	NO	YES
Venezuela	NO	YES <sup>3</sup>

<sup>1</sup>It is possible to contract propaganda in radio stations, cable TV, and the written press. It is only prohibited for open-signal television.

<sup>2</sup>It is only free for public and private open-signal television.

<sup>3</sup>Only in the case of a referendum.

Gutierrez and Zovatto, 2011

The 1999 Venezuelan Constitution bans direct public funding of political parties and their activities, a change from the 1961 constitution. Despite this constitutional provision, some argued that the 2012 LOPRE reform provided an opportunity to elaborate a new modality under which public funding could have been indirectly channeled to the electoral campaigns (L. Lander, 2012, 348).<sup>39</sup> Although campaigns are required to report on donations and expenditures to the CNE (Articles 272, 273, LOPRE, 2012), there are no limits on either and the disclosures are not normally made public.

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 book keeping records to the CNE Commission on Political Participation and Finance (Title VII, Finance Control of the Electoral Campaign, Articles 264-280). Under non-transparent circumstances, a comprehensive assessment of campaign finance is not possible.

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<sup>39</sup> Some countries provide indirect financing such as free access to the media for campaign publicity, with the media compensated through public funding, or tax exemptions. (Gutierrez and Zovatto, 2011)

## *ELECTORAL PROPAGANDA*

Article 202 of the LOPRE (2012) defines electoral propaganda as advertising messages that “express calls to vote for a determined candidate or for a partisan group” (LOPRE, 2012, article 202). This definition limits electoral propaganda to exhortations or appeals regarding vote choice. Based on this definition, publicity or advertisements promoting particular candidates’ platforms or mentioning candidate’s names in the context of presenting a platform would fall outside of the regulatory bounds of the Law.

The 2012 LOPRE does not clarify the rules regarding public works projects that are associated with state officials who are also running for public office. It only says that government officials, including elected and unelected authorities at both the national and local levels, cannot engage in campaign activity while exercising the duties of the offices they represent. The CNE interprets this to mean limitations during working hours, rather than at any time during campaign. Article 204 specifies the circumstances under which, and ends to which, electoral propaganda can be used (Article 204, LOPRE, 2012). Some circumstances are discussed in depth in the section on campaign infractions. What is most important to note are the problems that can develop from defining electoral propaganda in the limited terms of exhortations regarding vote choice, especially for electoral systems that permit continuous re-election.



*(Photo:M. Sivich/Carter Center)*

## CAMPAIGN PUBLICITY

The CNE's response to the *cadenas*, President Chávez' public addresses to the nation, reflect the limited definition of electoral propaganda. By law, the *cadenas* must be carried by national television and radio stations, regardless of whether they are pre-announced or not. According to its own definition of electoral propaganda, the CNE board interprets the content of the *cadenas* as falling into a grey area regarding what exactly constitutes electoral propaganda.<sup>40</sup>

Venezuela electoral law (LOPRE) allows each candidate to buy three minutes of television spots and four minutes of radio spots per station per day. However, the Law for Social Responsibility in Television and Radio (Ley Resorte) and a May update from the National Telecommunications Commission CONATEL, 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 at specified times. The National Electoral Council (CNE) has not defined government ads that promote official governmental policy and social programs as campaign publicity. Meanwhile, the CNE has defined opposition-sponsored criticism of government policy and programs as equivalent to campaign publicity. It also banned some opposition-sponsored ads that criticize governmental policy.

The Carter Center's Presidential Election Media Monitoring Report found some interesting tendencies in the content of the 'institutional ads.' In its analysis of these ads during August and October, the monitoring exercise identified two types of ads, one that focuses on government policy achievements and one that exalts the figure of President Chávez in the context of reported policy achievements. The Center's monitoring found that both private and public television stations included more ads focused on policy achievements than on the figure of the president, but also found more ads on average per private station (92) than per public station (58).<sup>41</sup>

The President's *cadenas* amounted to 40 hours and 57 minutes during the official campaign from July 1-Oct. 4.<sup>42</sup> On October 6, 2012, after the close of the campaign, President Chavez held one

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<sup>40</sup> According to the UCAB Presidential Election Monitor, during the 20 hours, 17 minutes of *cadenas* Chávez made in July, 40 minutes were dedicated directly to his candidacy. For the 15 hours, 58 minutes of *cadenas* in August, Chávez dedicated 12 and a half minutes explicitly to electoral propaganda (UCAB, Monitor Electoral Presidencial, 2012).

<sup>41</sup> The analysis is based on a review of five television stations: Venevision (private-national signal); Globovision (private-Caracas region signal); Asamblea Nacional de Television (Public Channel of National Assembly); Venezolana de Television (Public, near-national signal); and Televen (Private-national signal) between 6:00 PM-9:00 PM August 1-August 7, 2012 and between 6:00 PM – 10:00 PM October 1-October 10, 2012.

<sup>42</sup> UCAB, 2012, "Principal Findings: Presidential Election Monitor," October 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)

short *cadena* in which he expressed support for the quality of the CNE and the electoral system in the company of UNASUR electoral mission chief, Carlos ‘Chacho’ Alvarez (Carter Center, 2012 Presidential Election Media Coverage Monitor).

This situation has led opposition MUD to claim repeatedly that there is not equity in campaign publicity.<sup>43</sup> Early in November, a group of Venezuelan 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 candidates’ 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 incumbent running for reelection. In 2011-12 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 increase 45 percent in 2012 as compared to 2011 (Puente, El Universal, October 16, 2012). The most visible effects of the stepped up fiscal spending are in housing construction for the poor through its *Misión Gran Vivienda Venezuela* (discussed in detail above) and growth in the financial sector, which for the first half of 2012 was registered by one economist at 30 percent.

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<sup>43</sup> For an overview of the cadenas that covers the period beyond the formal Presidential election campaign, July 1-October 4, 2012, see <http://monitoreciudadano.org/cadenometro/>

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



*Gran Misión Vivienda (Photo: M. Sivich/Carter Center)*

The electoral margin scholars associate with the programmatic effects of incumbency advantage, though, is different from what Venezuelans term government “*ventajismo*” (advantage-ism)—the use of public goods for the benefit of a partisan group in a way that negatively affects the level of the playing field for the opponent, or the use of state machinery so that opportunities for candidates to access public mediums are made significantly less equal (Díaz, SIC, September-October, 748, p. 341). Mobilization of voters through the activities of the party machinery is not *ventajismo* unless the process of mobilization involves the coordinated linking of state agencies and party agents.

Formally, the use of state resources for an incumbent’s campaign is illegal in Venezuela. On August 2, the CNE warned the Chávez campaign to remove some posters from government buildings, in violation of article 205 of the LOPRE (CNE, August 2, 2012). But, NGOs monitoring the campaign, such as Transparencia Venezuela and Grupo La Colina, have indicated broad use of government resources to support the Chávez campaign, such as vehicles to transport campaign workers and supporters to marchers and also on voting day.<sup>45</sup>

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<sup>45</sup> Transparencia Venezuela, October 17, 2012: <http://transparencia.org.ve/transparencia-venezuela-entrega-informe-con-denuncias-y-recomendaciones-al-cne/>; Grupo La Colina, October 16, 2012: <http://grupolacolina.blogspot.com/2012/10/declaraciondel-grupo-la-colina-sobre-el.html>.



Without strict rules requiring the disclosure of expenditures, an issue discussed below under campaign finance, it is difficult to assess the extent to which state resources are being used in the campaign. In the Venezuelan context, safeguards to prevent the abuses of *ventajismo*, or to make violations of the law costly not just financially but politically, in terms of imposing sanctions against the perpetrating campaign, are crucially missing.

Venezuelan policy formulators might consider taking inspiration from, among others, their peers in Colombia, Canada, Spain, Peru, and Mexico, to propose a strict deadline past which political officials running for office cannot publicly inaugurate public works projects of the state.<sup>46</sup> Such reforms express an important point about the value of vigorous campaigning not violating voters wills. This issue of how much to restrict campaigning (freeness) to permit a more level playing field (fairness) is a political matter that involves finding the right institutional balance for meeting democratic principles (Katz, 2004).

#### *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,” that “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>

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<sup>46</sup> Díaz points to an encounter between Presidents Chávez and Lula to raise an interesting example for assessing how different countries address the issue of incumbency advantage. In 2006, on the occasion of the construction of a bridge over the Rio Orinoco built by Venezuela and Brazil, the inauguration of the project had to be delayed because Lula was prohibited from attending such acts during his reelection campaign. President Chávez, for his part, was also campaigning but there were no such restrictions on his public activities (Díaz, Luis Carlos, 2012, SIC, Ed. 748, September-October, 2012, p. 340). For the Mexico experience, see H. Diaz-Santana, 2009 and Diaz-Santana, 2012. The latter is available on-line: [http://observadorelectoral.org.mx/blindaje\\_electoral.pdf](http://observadorelectoral.org.mx/blindaje_electoral.pdf)

<sup>47</sup> UCAB, 2012, “Principal Findings: Presidential Election Monitor,” October 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).

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, majunche (mediocre); b) violent discourse threatening civil conflict; c) use of public resources for his campaign; d) use of patriotic colors in his electoral propaganda; e) use of children and adolescents in his campaign and f) employing public functionaries for the service of his candidacy (UCAB, 2012, Principal Findings).<sup>48</sup>

Capriles tended to commit two types of campaign infractions—a) negative criticisms of his opponent, in which, according to the UCAB study, Capriles showed a ‘lack of respect’ for Chávez by calling him a “corrupt person, a ‘broken bat,’ a inept person,” and b) use of patriotic colors in his electoral propaganda, such as the use of a baseball cap designed in the colors of the Venezuelan flag (Monitor Electoral, 2012, pp.10).

Financial sanctions are the penalty for violating these rules, though the CNE tended to open investigations but not impose fines. The conclusions of the investigations were not announced, and thus it is difficult to evaluate the precise outcome of the CNE’s announcements. The CNE’s announcement of an investigation did communicate to the public the authority’s efforts to keep an eye on campaign developments, however. The MUD published a Dossier of Denunciations claiming that the COPAFI (Committee of Political Participation and Finance) of the CNE did not respond to any of the 106 denunciations, they made between July 1 and October 7.

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<sup>48</sup> Ten days after the formal campaign commenced, President Chavez 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 national flag. Chavez’s campaign slogan, meanwhile, was ‘Chavez, heart of the homeland,’ set against the colors of the national flag. The ‘Venezuelan heart’ slogan and symbol replaced the slogan and symbol for the bicentennial celebration of national independence. Chavez volunteered to take down this propaganda, though in an interview with PROVEA, a Venezuelans human rights organization, a researcher there indicated they began protesting the use of the ‘Venezuelan heart’ symbol to the CNE in February, 2012 (Director of Research, PROVEA, November 9, 2012).

## V. VOTING SYSTEM IN VENEZUELA

### THE QUALITY OF THE VOTING SYSTEM

Historically, the Venezuelan voting system is the strongest component of the country's electoral process. The current system, in place for the last five national votes, has reliably protected the integrity of the automated voting process. In these five national votes, both the opposition and the government have won and lost elections, and accepted the results. The 2012 elections involved the important addition of a fingerprint identification mechanism (SAI), informally called the '*captahuella*' for voting.

Overall, the parties agreed the voting system performed satisfactorily on October 7, 2012. It provided electors with the opportunity to exercise suffrage peacefully. It also permitted effective citizen participation in the vote tallying, which lent the results an important degree of transparency. In some other general respects the system performed very well. In a country where voting is voluntary, the participation rate of 80.52 clearly deserves underscoring.

Nevertheless, national organizations and parties also identified a number of areas of weakness in the voting process that could be remedied in the future. The discussion below is based on personal observations of the study mission members, data collected from the analyses of national observer groups accredited with the CNE and the reports of independent NGOs,<sup>49</sup> interviews with MUD and Comando Venezuela technical experts, and a post-electoral communiqué regarding the electoral system from the Comando Venezuela.<sup>50</sup>

The discussion below first outlines the voting system design and identifies pre-election day concerns raised by political actors. It then analyzes the quality of the system's performance in relation to reports regarding election-day developments.

### VOTING SYSTEM DESIGN AND PRE-ELECTION DAY PREPARATION

*PLAN REPÚBLICA AND SECURITY:* As in the past, the Venezuelan military provided custodial security to the voting materials and physical security to voters on election-day through the so-called Plan República. They were to perform the tasks with logistical support from the police and the so-called citizen or Bolivarian militias. Prior to the election, the opposition MUD voiced

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<sup>49</sup> *Asamblea de Educacion Red de Observación Electoral* (Asamblea de Educación) and *Observatorio Electoral Venezolano* (OEV).

<sup>50</sup> We were unsuccessful in obtaining interviews with technical experts from the Comando Carabobo (Chávez campaign) as well as national observer groups affiliated with the government. We did interview the campaign chief of the Comando Carabobo, however.



concerns that past instances of voter intimidation from pro-government motorcycle gangs surrounding voting centers would be repeated. In addition, they expressed concerns that intimidation of party witnesses would prompt some to withdraw from polling stations, allowing for potential manipulation.

*PARTY WITNESSES (TESTIGOS):* Venezuelan political parties are allowed to have witnesses at each voting table. Opposition forces claimed they would have witnesses in almost all the voting centers of the country. The governing Partido Socialista Unido de Venezuela (PSUV) announced it too would have full coverage by witnesses. Witnesses receive training by their parties to detect any potential irregularities and are credentialed by the CNE.

*POLLWORKERS (MIEMBROS DE MESA):* The pollworkers are chosen by lottery from the voters 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. Pollworkers 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. Prior to the elections, the database was nearly complete, except for seven percent of registered voters not entered or with poor quality prints. These voters could enter their fingerprints on election-day. (The MUD reported that it was satisfied with the data collection process.) This year the system was modified to add one Remote Session Activator (RSA) to each voting machine. The activator is referred to in Venezuela as the SAI, Sistema Auto Identificación Integrado. Each reader contains the ID number, name, and fingerprints of the voters assigned to that voting table. The poll worker enters the ID number into the RSA and the voter places his thumb on the machine to determine if there is a match: that is, the voter should have been registered in that particular precinct, and the ID number and fingerprint should match. If the ID number or the thumbprint has already been detected that day, the person is blocked from voting. If the system simply cannot detect a good match, the person is still allowed to vote as long as the ID card matches. This system is intended to address one of the complaints from both the government and the opposition in the past: in places where party witnesses were not present, the president of the voting table could “stuff the ballot box electronically” by repeatedly activating the voting machine him or herself.



**A voter tests the fingerprint identification system during an Aug. 5 election simulation in Venezuela.**  
*(Photo: J. McCoy/Carter Center)*

*VOTE SECRECY:* The introduction of the SAI system raised a concern among some voters that their identity could be linked to their vote, thus violating the secrecy of the vote. It is the software of the voting machines that should guarantee the secrecy of the vote. The software, audited by computer experts of both campaigns, instructs the machines to scramble the order of the votes, scramble the order of the voter identifications, and to keep these scrambled files in two separate archives. It cannot be modified without violating the digital signatures of the machines, which detect modifications, and without knowing the three-party encryption key described below. MUD technicians therefore categorically concluded there is no evidence whatsoever that it is possible to connect or reconstruct the link between fingerprint/ID number and the vote. Nonetheless, the visible connection, an interface cable between the SAI and the voting machine caused apprehension in some voters that the vote would not be secret, and the official CNE propaganda picturing that connection did little to dispel those doubts.<sup>51</sup>

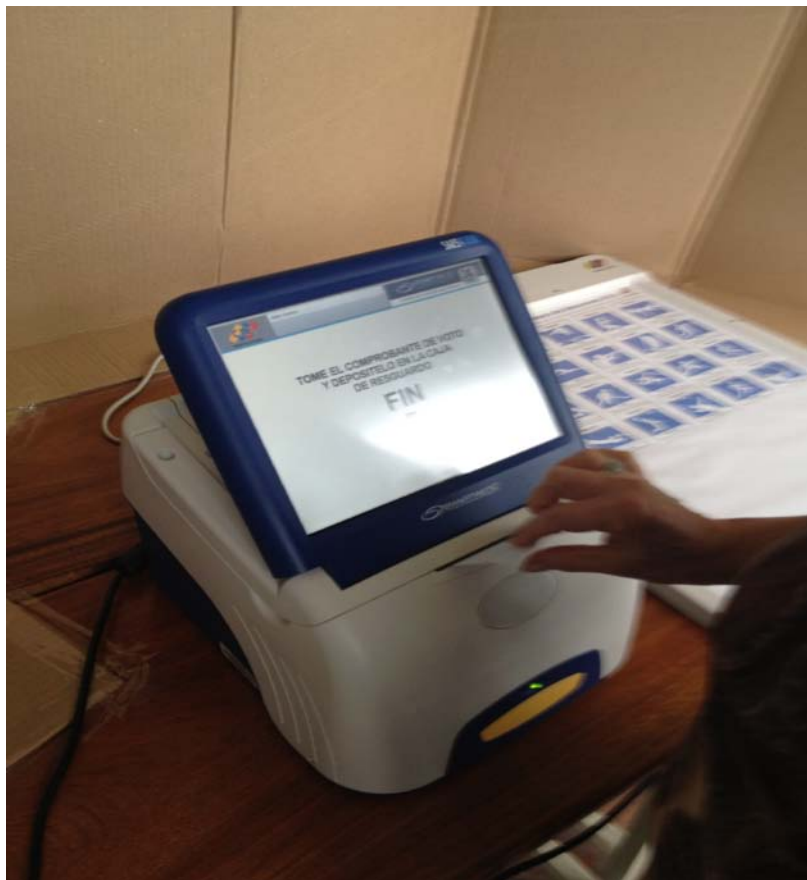
*FINGERPRINT CONTINGENCIES:* If the fingerprint does not match (or voters without fingers or both hands in casts appeared), the president of the table can initiate the voting machine with a code up

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<sup>51</sup> A poll commissioned by the UCAB indicated that one fourth of the population was not confident that the vote would be secret. (UCAB, 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))

to seven (or five for voters without fingers) times in a row. If a table president exceeds this limit, the machine gets blocked and the president of the mesa needs to call CNS (Centro Nacional de Soporte) to get a new code and unblock the voting machine.

*THE VOTING MACHINES:* Political party and domestic observer technical experts participated in the 16 pre-election audits of the entire automated system, including hardware and software as well as the fingerprint databases, in the most open process to date, according to opposition technical experts. The participating MUD experts expressed confidence in the security mechanisms and the secrecy of the vote. One of the key aspects of the security control mechanisms involves the construction of an encryption key (a string of characters) created by contributions from the opposition, government, and CNE, which is placed on all the machines once the software source-code has been reviewed by all the party experts. The software on the machines cannot then be tampered with unless all three parties join together to “open” the machines and change the software. In addition, each voting machine has its own individual digital signature that detects if there is any modification to that machine. If the vote count is somehow tampered with despite these security mechanisms, it should be detectable, according to all the experts who have participated in the process, because of the various manual verification mechanisms.



**A voter removes the paper receipt after voting during an Aug. 5 election simulation in Venezuela.**  
(Photo: J. McCoy/Carter Center)

*THE VOTE COUNT:* The voting process permits voters to manually verify their ballots through a paper receipt generated by the voting machine. A comparison of a count of the paper receipts and the electronic tally at the end of the voting day with the presence of voters, political party witnesses, domestic observers, and the general public is conducted in a large sample of approximately 53 percent of the voting tables, selected at random within each voting center. Additionally, party witnesses receive a printout of the electronic tally from every machine. The CNE gives the party a CD disc with the results of each machine and publishes them on the website so that all of these results can be compared. According to pre-announced accords, MUD representatives to the CNE were to be also 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 turn-out), 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 OCTOBER 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, 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 voters selected from. Four political parties 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 .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, October 25, 2012). In fact, the

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<sup>52</sup> To view a 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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Source: <http://www.cne.gov.ve/>



***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, 6:00 A.M. - 6:00 P.M. or until all those in line as of 6:00 P.M. have voted.

**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 am. 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's list notebooks. This problem runs counter to the overall efficiency of the vote itself, which takes very little time.



**Long lines, in Valles del Tuy.** (Photo: A.Luna/Carter Center)



**Voters in Vargas State line up to approach the SIE laptops.**

*(Photo: J McCoy/Carter Center)*

The intention of creating efficiency inside the mesas by providing the line number for the voter's list notebook seemed to have been negated by the long delays created outside the polling centers by the SIEs. In addition, the purported reason for the CNE to measure the flow of voters by the raw data, by age and sex (no names) for its own administrative purposes, had the additional possibility to provide precinct-by-precinct turn-out 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 control of the PSUV or a party linked to the Gran Polo Patriótico were used to mobilize voters; in 42 percent of the cases public resources from the central government or its affiliates were used to mobilize voters; in 30 percent of the cases public resources from governor or mayor's offices under the control of an opposition MUD party were used to mobilize voters; and in 4 percent of the cases public resources from

governor or mayor's offices not aligned with either partisan coalition were used to mobilize voters (OEV, October, 2012, 21). More alarming still, OEV observers reported that at 15 tables, 5 percent of the observed sample, voters were "induced" to vote for one candidate or the other (OEV, 2012, 20). In the majority of cases, voters were induced to vote for Chavez, 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 on-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 Republic 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 2477 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 on-line, posted via national and international media outlets, of one individual voting multiple times as an assistant to various persons.

According to information from a MUD representative to the post-electoral 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 1580 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 post-election interview with the Centro



Carter that approximately 6.32 percent of the fingerprints were “no matches” and 4.65 percent registered moderate ‘grey’ 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 the CNE would permit voters whose fingerprints did not match to still vote if their photo identification matched with records inside the SAI, and 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 implement a strict fingerprint match setting in the machines that would have prolonged the time necessary to verify with high accuracy the fingerprints of voters.

*POLL STATION CLOSING AND TRANSPARENCY OF TABULATION:* As in previous elections, polling stations stayed open past the 6:00 P.M. official deadline time to permit electors in line to exercise their vote, as the law requires. Asamblea noted that 13 percent of the centers they monitored stayed open past 6:00 PM. OEV reported that 46 percent of the tables they observed closed at 6:00 PM while 52 percent remained open. Of the latter, 30 percent remained open without any voters in line (OEI, October, 2012, 28). The CNE did not announce on television until nearly 7 pm that voting centers without voters still in line should close. This perhaps contributed to some staying open even with no voters and giving rise to some opposition concern that the last-minute mobilization push by the PSUV deliberately involved citizens voting past the hour of closing.

The process of citizen verification, the corroboration of electronic tally sheets results with the paper receipts scheduled to take place in 53 percent of voting tables, occurred according to plan, save for a few instances where, reports indicate, the process was either not completed in public or members of national observer groups were banned from participating. According to MUD representatives to the CNE, regional coordinators of the MUD collected the acts of citizen verification. Surprisingly, neither the CNE nor the Comando Venezuela ever contemplated attaining a centralized registry of the acts on a national level, as no discrepancies have been found in the citizen verification processes.

The post election audit of the machines found only 22 cases with a vote discrepancy between the electronic tally and the paper tally, and it was only a one vote difference. This is considered normal as some voters always fail to deposit their paper receipt.

The MUD and the PSUV reported that they organized testigos for 100 percent of the mesas. The MUD was able to collect and post to their website acts for 90 percent of the tables -- a significant increase from the 70 percent in 2006. According to the MUD, the removal of some testigos from polling centers, the manual vote abroad (1 percent), the failure of some voting machines (2.1 percent) and witnesses who did not turn in their acts or did not stay until the end

of the voting process (3 percent), prevented their ‘vote defense’ teams from attaining 100 percent of the ‘actas’ tally sheets (Comando Venezuela, October 26, 2012). In the end, the MUD only had 95 percent of its testigos in place while 4 percent of their testigos were reportedly removed from the voting booths. One percent of the voting tables are located abroad in consulates, where testigos were not, for the most part, present. Sources within the opposition suggest that problems with the vote defense teams also had to do with internal disagreements within the Comando and between Comando leaders and partnering organizations.

Despite claims to the contrary, MUD representatives to the CNE were present in the authority’s totalization room (*sala de totalización*) on election night. Both the Comando Venezuela and National observer groups performed rapid counts that confirmed the official CNE tally. From their own projections, Capriles’ Comando Venezuela campaign knew the results by about 7:00 PM.

The Comando Venezuela complained that some new voting centers have fewer than 100 voters and represent a poor investment of state resources (Comando Venezuela, October 26, 2012). It also complained that it tended to be these centers where Chavez won close to 100 percent of the vote. The NGO Esdata reported that in 2600 voting centers Capriles received between 0 and 20 votes, leading them to conclude Chavez won disproportionately in all these. But MUD sources corrected this data, indicating that Capriles received 20 or fewer votes in half that number, 1260, 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 spaces 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 Mision 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.

## VI. CONCLUDING DISCUSSION

### INTERNATIONAL AND NATIONAL IMPLICATIONS OF THE ELECTIONS

#### *REGIONAL AND INTERNATIONAL IMPLICATIONS*

Foreign policy was not a major theme in the 2012 presidential election. Nevertheless, the elections had international implications due to several factors, including the fact that Venezuela is home to the largest oil reserves in the world, the Chávez government is playing a supporting role in Colombia's incipient peace talks with the Fuerzas Armadas Revolucionarias de Colombia (FARC), and President Chávez has sought to position himself as a global leader. For these reasons, the election was of considerable international interest.

Regionally, Latin America and the Caribbean nations warmly congratulated Chavez on his reelection and applauded the Venezuelan people's civic behavior. Left governments were most enthusiastic in their reactions. But, the more conservative governments of South America, such as Chile, also recognized the victory as a positive step for democracy in the region (Noticias24.com, 2012).

The Organization of American States (OAS) congratulated Venezuela on an "exemplary election" (OAS, October 8, 2012). The governments of Canada and the United States, meanwhile, recognized Chavez's victory with notably cooler greetings, congratulating the Venezuelan people but not the candidate (Fox News Latino, October 8, 2012; Department of Foreign Affairs and international Trade, 2012).<sup>53</sup>

Chavez's reelection reinforces the geopolitical status quo in Latin America and the Caribbean. For some regional players, though, the stakes were much greater in this election. In the Caribbean and Nicaragua, for example, Chávez's reelection was of great direct economic importance. His continuation in power will in all likelihood mean the maintenance of the Petrocaribe policy lifeline that involves selling oil at below-market prices to energy-poor Caribbean nations, including the governments in Cuba and Nicaragua. If Capriles had won, there most likely would have been a review and possible renegotiation of the Petrocaribe policy, though it is unclear how radical changes might have been.

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<sup>53</sup> The interim government in Paraguay, which Rafael Franco leads, did not express official recognition of the election or send congratulations. This, though, can be seen as a reciprocal action that signifies continued tit-for-tat diplomatic sparring between Venezuela and Paraguay. Chavez decided to not recognize the Franco interim government after former President Fernando Lugo was removed from office by the Supreme Court in a 24-hour impeachment process. On the occasion of this election, the foreign minister of the Franco government said he hoped Chavez would reconsider Venezuela's freezing of relations with Paraguay (EFE, October 8, 2012).

For the Left in general, Chavez's reelection is significant since his rise to power in 1998 symbolically catalyzed the region's turn to the Left. While there are significant differences in the policy approaches of Latin American Left governments, they do share a respect for sovereignty and support for greater Latin American integration. For example, while moderate Left governments have not joined Chavez's Bolivarian Alliance for the Americas (ALBA), they are active participants in the Union of South American Nations (UNASUR) that Venezuela also supported.

Venezuela and Colombia share a very long and porous border and are close trading partners. Their relationship also represents a special case because two issues of central importance to Colombia's national security, the armed conflict with guerrilla groups and narco-trafficking, bear greatly on Venezuela. After a very fractious relationship with former President Uribe, Chavez has cultivated a friendly and cooperative relationship with President Juan Manuel Santos, restoring trade and extraditing drug and guerrilla leaders. Venezuela is supporting Colombia's negotiations with the FARC as well.

Essentially, Venezuela's relations with the United States involve commercial and consular affairs, since cooperation with the U.S. Drug Enforcement Agency was suspended in 2005. The two countries have not had ambassadors since 2010 when the U.S. candidate for Ambassador in Caracas, Larry Palmer, was rejected after written comments in the Senate approval were leaked and considered by Venezuela to be inappropriate and meddlesome. The U.S. responded by expelling the Venezuelan ambassador.

The United States remains one of Venezuela's best customers for petroleum sales, with 9-10 percent (down from 16 percent in 1998) of its imported oil coming from Venezuela, making it the fourth largest supplier of oil to the U.S. market (EIA, 2012). Although no major changes in the bilateral relationship are expected, discussions regarding normalization of relations through the mutual reinstatement of ambassadors in Washington and Caracas may be possible with the re-election of Barack Obama.

#### *SHORT-TERM NATIONAL POLITICAL IMPLICATIONS.*

In the short-term, the fact that campaigning for governor's races immediately followed the presidential campaign means there is unlikely to be a significant reduction in the fierce political contestation that tends to characterize electoral competitions in Venezuela. Thus, despite the opposition winning nearly 45 percent of the popular vote, there is unlikely to be a national level dialogue aimed at finding ways to overcome polarization at least until after the December 16 elections.

With the inauguration of the new term on January 10, 2013, however, opportunities for the government and the opposition to consult each other about discrete issues of mutual importance should emerge. Citizen insecurity, the number one issue affecting the country according to polls, could be an issue ripe for such a consultative dialogue.

For the opposition, the key issues include the perennial problem of maintaining unity among the diverse group of political party leaders that comprise the MUD, and the strengthening of political parties as recruiters of new political leadership, articulators of programmatic proposals, and grassroots mobilizers of supporters.

The capacity of the opposition coalition to maintain unity will be tested in the next months, though the fact that they chose their candidates for the December governor elections and April 2013 mayoral elections in last February's primaries will go a long way to avoid internal fighting. The opposition coalition's very diversity, while a strength as a pluralistic alternative to the Chavez-centric PSUV party, can also be its Achilles heel in terms of party organizations assisting each other with vote mobilization and the development of an organizational infrastructure at the ground level.

Opposition parties have an opportunity during the gubernatorial and mayoral elections (December, 16 and April, 2013) to continue rebuilding their 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 Chavez'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 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 Chavez 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.

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<sup>54</sup> According to some polls, for example, Capriles reached a ceiling of 35% 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 benefitting the lower classes.

<sup>55</sup> On September 22, 2012 in Valera, the capital of Trujillo, the crowd at a pro-Chavez rally chanted "Chavez si, Cabezas no!" while the President was on stage with the PSUV governor, Hugo Cabezas (Ultimas Noticias, September 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 Chavez 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.

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 Chavez 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, October 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 Chavez's call to redouble efforts to build the communal state involves the role of the current federal structure. The constitution currently requires 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 Chavez has in mind (Lopez Maya, Estado Comunal, PROVEA). Nevertheless, President Chávez publicly announced on November 16, 2012 that he had no intention of abolishing mayorships and governorships.

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<sup>56</sup> To elaborate its new Socialist Plan, 2013-2019, Vice-President Maduro inaugurated a series of state-level conferences across the country. Under the notion of 'constituent workshops' (jornadas constituyentes) these government conferences are aimed at legitimizing the government platform (El Universal, November 10, 2012; <http://www.eluniversal.com/nacional-y-politica/121110/gobierno-inicia-proceso-constituyente-para-elaborar-plan-socialista>).

### *LONG-TERM NATIONAL IMPLICATIONS*

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

On the one hand, there is a new emergent leadership in the Venezuelan political opposition. Capriles's 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.

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