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Venezuela's Electoral System Past & Present

After the fall of Venezuelan dictator Marcos Pérez Jiménez in 1958, the country's major political parties entered into an agreement known as the Punto Fijo Pact. Under the terms of the pact, Democratic Action (AD), and the Social Christian Party (COPEI) agreed to share cabinet positions and the control of state institutions regardless of who won the elections. The result was that all other political parties were effectively shut out from Venezuela's political life. This period, which lasted until President Chávez was elected in 1998, "created hierarchical national organizations and relied on oil revenues to satisfy the needs of their [the parties] major constituencies."¹ In other words, the major political parties and their supporters received economic benefits while other parties—largely representing the interests of the poor-- were systematically left out. The system was famously corrupt, as the two parties conspired to set rules that consolidated their hold on power.

The Art of Exclusion and *Acta Mata Voto* (1958-1998)

Over the years, outside political parties attempted to challenge the Punto Fijo system by running candidates against AD and COPEI, but the system was stacked in favor of the major parties. Third parties were marginalized and in some cases, banned outright. In 1962, for example the government headed by Romulo Bentancourt banned the Communist Party and criminalized membership in left wing organizations.²

The voting system during this period relied on hand counts of paper ballots, a system that became easy for ruling powers to manipulate. AD and COPEI officials would lead the vote count, and blatantly divided up third party votes between themselves before adding them to the official tally. The two parties were so powerful that they made no effort to hide this process, which was commonly referred to as "*acta mata voto*," or "the tally trumps the vote."³ To further complicate things the national elections authority, responsible for overseeing elections, was a part of the executive branch and beholden to the party in power. For this reason, independent audits of the elections or the voter registry were never carried out. The system contributed to widespread voter apathy in the majority of Venezuelans who believed, credibly, that their voice would never be represented by political leaders.

Voter Disenfranchisement & Reform

As late as 1998 less than half of all voting age Venezuelans were registered to vote, due in part to apathy, but also to a system that made no effort to reach out to poor and marginalized citizens. During the Punto Fijo era, registering was time-consuming and difficult for the poor, who were

¹ McCoy, Jennifer "Chavez and the End of "Partyarchy" in Venezuela" Journal of Democracy - Volume 10, Number 3, July 1999, pp. 64-77 [The Johns Hopkins University Press](http://www.johns-hopkins.edu/~johncollege/press/1999/07/07990301.html)

² Wikipedia Encyclopedia, http://en.wikipedia.org/wiki/Communist_Party_of_Venezuela

³ Trinkunas, Harold and Jennifer McCoy, "Special Report: Observation of the 1998 Venezuelan Elections", pp. 20 <http://www.cartercenter.org/documents/1151.pdf#search=%22acta%20mata%20voto%22>

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required to prove their citizenship in order to vote. National identification cards, required for voter registration, were hard to come by. Birth Certificates were issued primarily at urban hospitals, but for millions of Venezuelans born in rural areas or at home, it would be an arduous process to prove that you were, indeed, a Venezuelan citizen. This denied poor communities, largely made up of citizens of indigenous and Afro-Venezuelan descent, access to the vote.

Poor and marginalized communities were further discriminated against as a result of the location and distribution of voting centers around the country. In cities these centers were found exclusively in middle class neighborhoods. Voting centers located near poor neighborhoods had a much higher number of voters assigned to them than other centers. The result was that poor Venezuelans faced significantly longer lines on voting day. In rural areas, meanwhile, many small communities had no voting centers at all, and prospective voters would have to travel to larger towns, often dozens of miles away. Whether in rural or urban regions, poor Venezuelans often had to deal with significant material obstacles in order to exercise their right to vote.

As widespread civil unrest began to grip the nation in the late 1980's, AD and COPEI were compelled to begin the process of reforming Venezuela's political and electoral system. To start, it was decided in 1989 that state governors would no longer be Presidentially-appointed but would have to be directly elected by the people in open elections. A decade later, an electoral law known as the Organic Law of Suffrage and Political Participation was passed mandating the use of a new automated voting system. This electronic voting system was designed to address "acta mata voto" by making the tallying process more transparent and accountable. A new elections board, less beholden to the Punto Fijo hierarchy, was selected in 1998, just months before the Presidential election in which Hugo Chávez came to power.

AD and COPEI hoped that these measures would improve public perception toward them and their running of the electoral system. In the 1998 legislative and presidential elections they also mandated citizen participation. 300,000 registered voters were drafted through a lottery system to serve as poll workers replacing party members who had previously been responsible for managing voting centers. Under this initiative party members could only participate in the tallying process if there was a lack of lottery selected poll workers. International voting experts like the Carter Center, were also asked to observe.

The Chávez Era is Ushered In (1999-present)

On December 6, 1998 as electoral reforms were being instituted across the country, Hugo Chávez won Venezuela's presidential elections and ushered in a new political era for Venezuela. The final tally showed that Chávez had won 56 percent of the vote. One of the priorities for the political coalition that brought Chávez to power was to deepen the process of electoral reform. Soon after Chávez began his first term in 1999, the new Administration and the National Assembly moved to strengthen previous reforms and initiate new ones with a focus on voter access and rights, security, and safeguards against fraud.

Mision Identidad

One of the first and most successful initiatives to date is known as Mission Identity, or *Mision Identidad* in Spanish. Initiated in October 2003, and carried out with the help of the National Office of Identification and Immigration (ONIDEX), Mission Identity aims to implement article 56 of the 1999 Constitution which states:

All persons have the right to be registered free of charge with the Civil Registry Office after birth, and to obtain public documents constituting evidence of their biological identity, in accordance with law.⁴

Essentially a massive citizenship and get out the vote campaign, Mission Identity has given millions of Venezuelans national ID cards granting them full citizenship and the rights that come with it. Historically marginalized communities were particularly targeted through the use of 84 regional ONIDEX offices and 7 mobile units allowing them to reach the most remote areas of the country. Once equipped with ID cards, citizens were offered the opportunity to register to vote and benefit from state subsidized services like education, housing, and health care.

During the first phase of the program implemented in 2003 and 2004, over eight million people received either new ID cards or updated their old ones. From the beginning of 2005 to July 2006 Mission Identity served an additional 10 million Venezuelans. In addition, over 5 and a half million Venezuelans registered to vote for the first time and over 600,000 immigrants who met the conditions for naturalization were granted Venezuelan citizenship.⁵ Currently more than half of the Venezuelan population is registered to vote and many more have been granted the rights and benefits of citizenship.

A New and Independent CNE

Another important reform initiated by the Chávez administration and the 1999 Constitutional Assembly was the creation of an independent, non-partisan body to oversee elections. Mandated by the 1999 constitution, the CNE became a separate branch of government, parallel to the executive, legislative and judicial branches. To ensure that the body was not politicized, universities and civil society organizations would now participate in the process of nominating directors. To date this new process has produced one of the most technically competent boards ever. The current President, for example, has more than ten years of experience in electoral issues and is a recognized expert in issues of voter access.

Instituting Voter Security and Transparency

Venezuela's 1998 Organic Law of Suffrage and Political Participation, passed before President Chávez took office, recognized that one of the nation's major problems was fraud and required that elections be conducted with electronic voting machines. In recent years, the newly reformed CNE has worked to make this a reality. The machines are meant to standardize the way Venezuelans voted around the country and provide a faster and more accurate vote count than manual methods. Shortly after President Chávez became president, however, opposition parties suggested that the machines, which have been used in various Venezuelan elections since the year 2000, could be used to violate voter privacy and commit fraud electronically. But even some of the Venezuelan government's harshest critics have noted that the paper and electronic trail produced by the machines guarantees Venezuelans a greater degree of security in their electoral process than many citizens of the United States. Florida Senator Bill Nelson, in a recent hearing on Venezuela, remarked that "the State of Florida is not even doing that with a paper trail. So maybe Venezuela will teach Florida something."⁶

⁴ Article 56, Constitution of the Bolivarian Republic of Venezuela.

⁵ Venezuelan Missions web page, <http://www.misionvenezuela.gov.ve/11Identidad/11Derechoexistir.htm> La Misión

⁶ Senate Foreign Relations Committee, Subcommittee on Western Hemisphere, Hearing on Venezuela, June 24, 2004.

The new CNE also invested in a unique technology to ensure that no party could manipulate the computers in order to affect the outcome of the vote. The source code necessary to access the machines is split into four equal parts, which are then divided among stakeholders, including a representative from the CNE, opposition parties, pro-government coalitions and international observers. In order for *any* change to the coding of the computers to be implemented and enable fraudulent action, each of these parties must be present and access the machines simultaneously. For legitimate purposes, such as testing the machines and auditing the vote, each party has access to the computers, but any unauthorized tampering is rendered impossible. Just before the 2004 referendum, officials from the Carter Center received a full presentation of the machines, and stated that they were “very impressed with the presentation that we received, the security measures that were shown to us, and the functioning of the machine that we witnessed.” Since 1998 international organizations and Venezuelan citizens alike have been invited to monitor the elections. To aid in this process beginning in 2000 the CNE improved the electronic voting system by making it possible to fully audit the computer software used as well as each step of the electronic voting process. Thanks to these mechanisms, every aspect of the Venezuelan voting system has been thoroughly audited by international election observers. The Carter Center, European Union, Organization of America States and others have repeatedly observed Venezuela’s elections and overwhelmingly certified that they are free and fair and uphold the voter’s right to privacy.⁷ In fact this year, under an agreement between the CNE and participating political parties, a full 55% of the paper receipts will be audited after the presidential vote to ensure that their numbers match the electronic vote tallied.

Democratizing the Voting Centers

In the last few years, the CNE has worked intensely to guarantee that all citizens can participate in elections with relative ease by increasing the number of voting centers throughout the country, with a focus on low income urban and rural communities. According to official figures provided by the CNE, since mid 2004 the number of voting centers has increased at a steady rate. At the time of the August 2004 Referendum there were 8,279 voting centers in Venezuela. By December 2005, when the last legislative elections were held, the number of centers had reached 9,271. Before the upcoming elections in December, the CNE expects to have 10,500 voting centers up and running. The geographical distribution of these new centers has been planned to ensure that similar numbers of voters are served at each center, roughly 3,500 voters per center.⁸ Also, over the last two years the CNE has more than doubled the amount of voting booths throughout Venezuela so as to avoid long waits outside voting centers. The total number of booths has increased from 12,213 in August of 2004 to 27,366 at the present date.

⁷ The final “Report of the Electoral Observer Mission of the Organization of American States in the Bolivarian Republic of Venezuela’s 2005 Parliamentary Elections”, <http://oas.org/main/main.asp?sLang=S&sLink=http://www.oas.org/documents/spa/memberstates.asp>

⁸ “PODER ELECTORAL DEMOCRATIZA DISTRIBUCIÓN DE CENTROS DE VOTACIÓN EN TODO EL PAÍS,” *CNE Press Release, February 24, 2006.* <http://www.cne.gob.ve/noticiaDetallada.php?id=3622>