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OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS  
BY HAROLD TRINKUNAS AND JENNIFER MCCOY

# OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

A REPORT OF THE  
COUNCIL OF FREELY ELECTED HEADS  
OF GOVERNMENT

WRITTEN BY  
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FEBRUARY, 1999



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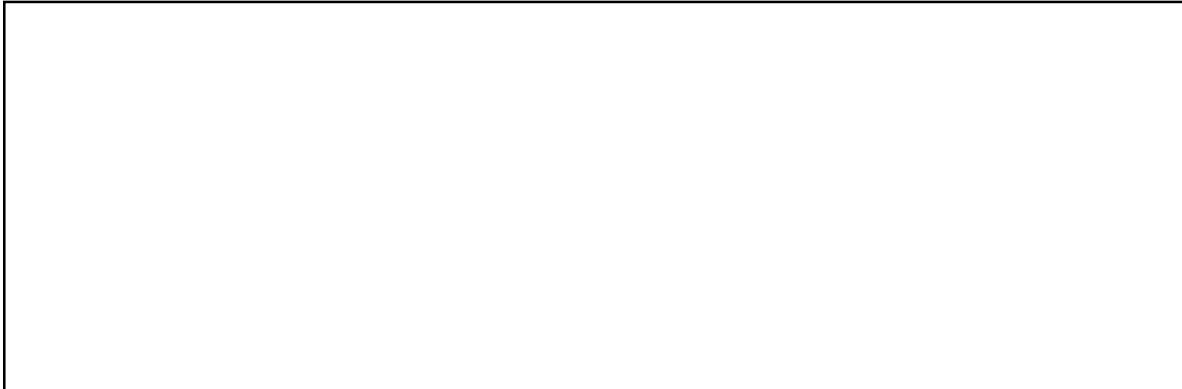


RENATO CAPPELETTI

*Members of The Carter Center's 42-person delegation.*



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OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

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OF GOVERNMENT  
ELECTION OBSERVATION DELEGATION

VENEZUELA

Dec. 3-7, 1998

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**The Honorable Gonzalo Sánchez de Lozada**, former President of Bolivia, BOLIVIA

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## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

## FOREWORD

Venezuela has long been a model of democracy in Latin America, and has sent observers and technical assistance to other countries struggling to establish new electoral procedures. Two members of The Center's Council of Freely Elected Heads of Government were twice elected president of Venezuela – Rafael Caldera and Carlos Andrés Pérez.

Yet, when Venezuelans asked us to serve as international monitors for their electoral process in 1998, we quickly responded. Dr. Jennifer McCoy, director of the Center's Latin American and Caribbean Program (LACP), traveled to Caracas with staff member Becky Castle to meet with the National Electoral Council and the presidential candidates. They found widespread concern about the 1998 elections, and a strong desire for international monitors. After a tumultuous decade, which included two failed coup attempts, the indictment and ouster of a president, a financial crisis, and a severe drop in oil revenues, Venezuelans were anxious about these elections. The demise of the traditional party system and the rise of independent candidates, including a former coup leader, added to the uncertainty.

After consulting with other regional leaders, we accepted the National Electoral Council's invitation. We organized a 42-member delegation and asked Patricio Aylwin, former president of Chile, and Gonzalo Sánchez de Lozada, former president of Bolivia, both members of the Council of Freely Elected Heads of Government, to join me as co-leaders. President Sánchez de Lozada also joined me in a pre-election visit in November. We were fortunate to have Nicholas Brady, former secretary of the U.S. Department of the Treasury and author

of the Brady debt-reduction plan, as co-leader during the presidential elections. The experience and wisdom of all three of these leaders added immeasurably to our effectiveness.

My thanks to all delegation members for their dedication and hard work that made our mission a success. I also want to acknowledge Dr. McCoy, whose knowledge of Venezuelan politics and experience in election monitoring enabled us to organize a mission that contributed to a peaceful and orderly election in Venezuela.

Most importantly, I want to recognize the Venezuelan people, especially the election workers, whose dedication to sustaining their democratic system, even in the wake of profound change, made these elections a true demonstration of democracy at work. ■



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## PREFACE AND ACKNOWLEDGMENTS

The Carter Center's Council of Freely Elected Heads of Government has observed 18 elections in 12 countries in the Western hemisphere since 1989. Most of those have been transitional elections in countries with little or no experience in freely competitive elections. Recently, however, we turned our attention to established democracies facing extraordinary tensions threatening to erode their democratic practices, and countries that invited international monitors to help restore the equilibrium. In December 1997, the Council observed elections in Jamaica in a context of spiraling violence, with hopes to help restore a peaceful process in that longstanding democracy.

During an October 1998 assessment mission to Venezuela, we saw some developments that led us to accept the invitation of the National Electoral Council (Consejo Nacional Electoral, CNE) to monitor the elections. First, the Venezuelan political system was shifting from a strong two-party system to a politically fragmented one. Second, the national organization and populist message of front runner Hugo Chávez, a former coup leader who had been jailed and pardoned, appeared to be polarizing the electorate. Third, the experiment with a new automated vote count system raised concerns among the parties and voters. Overall, these changes produced uncertainty and anxiety about the electoral process, and the parties and candidates looked to international observers to help calm the waters and affirm a clean election.

We decided that we could organize a delegation only for the presidential elections, due to time and resource constraints. The mission was funded by a generous grant from the U.S. Agency for Interna-



*LACP interns Annamari Laaksonen, Vanessa Martí and Debbie Palmer, LACP program assistant Tanya Mújica and delegate Rodrigo Chávez Palacios prepare for deployment.*

tional Development and with support from the Canadian International Development Agency<sup>1</sup>. The National Democratic Institute for International Affairs (NDI) aided The Carter Center with grant administration. I also want to thank Manuel Arango and Ron Burkle for their generous support, as well as the in-kind support of The Coca-Cola Company, BellSouth, Telcel, and Delta Air Lines. NDI, the International Foundation for Election Systems (IFES), and the Canadian Foreign Ministry designated qualified observers to serve on our mission.

The mission was made possible through the superb organizational skills of the LACP staff – Shelley McConnell, Becky Castle, and Tanya



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*LACP staff, Dr. Shelley McConnell, Becky Castle, Dr. Harold Trinkunas, and Tanya Mújica relax following the elections.*



Mújica. Harold Trinkunas flew to Caracas from Stanford University on short notice to serve as our field representative, bringing his knowledge of Venezuelan politics and keen analytical abilities. Harold also wrote the bulk of this report. Additional Carter Center staff helped to make this one of the best-organized election observer delegations we have fielded. These included: Jason Calder, Deanna Congileo, Nancy Konigsmark, Curtis Kohlhaas, and Esther Low. Carter Center interns in the LACP program put together excellent briefing books, kept us updated on Venezuelan politics, and in some cases joined us in the field. They include Beth Bercau, Christie Crane, Alex Gillies, Annamari Laaksonen, Vanessa Marti, and Debbie Palmer.

In Venezuela, our office was augmented with the skills of two Venezuelans: Virginia López-Glass and Beatriz Fuentes, who managed the logistics of delegate teams traveling to 14 different states in Venezuela. Back in Atlanta, Pam Auchmutey and Rochelle Williams managed the production of this report.

Finally, I want to thank the Venezuelan National Electoral Council for its responsive answers to all of our requests for information, and Jacquelyn Mosquera for her patient and capable role as coordinator of international election

observers. We were grateful for the warm reception we received throughout Venezuela. We were extremely impressed with: the orderly voting thanks to the voters, election workers, and soldiers of the Plan República; the speed of the automated transmission of vote results in the presidential election; and the gracious and conciliatory speeches of the winner and losers. We hope the next stage of Venezuelan democracy reflects the desire demonstrated by the people both for change in their political and economic life and for continuity of democratic principles. ■

Jennifer McCoy, Ph.D.  
Director, Latin American and  
Caribbean Program  
Atlanta, Georgia



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## KEY ELECTION TERMS AND ABBREVIATIONS

Acción Democrática	Democratic Action party. The traditional social democratic party in Venezuela.
Acta en Cero	The initial tally sheet printed by every voting machine at the start of the voting process. It was supposed to indicate that the voting machine registered no votes.
Actas (de Escrutinio)	Tally sheets printed out or hand written at the end of the voting process at each voting table.
Apertura	New party created by former President Carlos Andrés Pérez, who won a Senate seat in the November 1998 elections.
Automatización	Generic name given to the automation of the voting process during the 1998 elections.
Boleta Electoral	Electoral ballot.
Centro de Votación	A voting center, typically established in a school to serve the surrounding neighborhood. It usually had multiple voting tables clustered into groups of three which shared a vote tabulating machine.
Centro Regional de Totalización	An automated vote tallying center. There was one established in each state plus one for the federal district and a national tallying center that aggregated results from regional centers. The Spanish company INDRA managed these centers.
Circunscripción	A voting district. Important for the regional elections, but less so in the presidential elections.
Comandante de Guarnición	The local garrison commander who controlled troops deployed for the Plan República in a given area. There were 26 garrison commanders.
CNE	The National Electoral Council (Consejo Nacional Electoral) organized the voting process across Venezuela. All seven Council members were independents.
COPEI	Comité de Organización Política Electoral Independente. A traditional Christian democratic party in Venezuela.



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Cotillón Electoral	Materials used at the voting tables, excluding the ballots. Includes pens, folders, ink, stamps, labels, and privacy booths.
Cuaderno de Electores	The register of voters assigned to a specific voting table.
CUFAN	Comando Unificado de las Fuerzas Armadas Nacionales (Armed Forces Unified Command). The CUFAN controlled the 70,000 troops deployed as part of the Plan República.
Impugnación	A challenge filed against the results of the elections that the CNE is legally empowered to review.
IRENE	Integración, Representación, Nueva Esperanza. A party formed to support the candidacy of Irene Sáez.
JER	Regional Electoral Council (Junta Electoral Regional). Charged with supervising elections at the state level, as well as tallying and confirming local electoral results.
La Causa R	Political party based on the independent union movement. A strong national party after the 1993 elections, it had only a limited regional presence during the 1998 elections.
Ley Orgánica del Sufragio y Participación Política	The Venezuelan electoral law.
Máquina de votación	A vote tabulating machine.
MAS	Movimiento Al Socialismo. Traditional socialist party in Venezuela. Part of the electoral coalition supporting candidate Hugo Chávez.
Mesa Electoral	A voting table, officially consisting of five poll workers who sat at a table to administer the vote. A voting center could have from one to nine voting tables, typically clustered in groups of three sharing a vote tabulating machine.
Miembro de Mesa	A poll worker.



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National Electoral Council	See CNE
ORA	Organización Renovadora Auténtica. Political party based in Maracay, Aragua state.
Patria Para Todos (PPT)	Fatherland for All party. Leftist party that split from the La Causa R party. It supported Hugo Chávez in the presidential race.
Plan República	Refers to both the plan and the personnel of the armed forces electoral security operation. Plan República were deployed at all polling sites, and although many were young soldiers, each polling center had an officer in charge. This plan has been implemented in every election since 1963 and is a source of pride for the Venezuelan military.
Polo Patriótico	Patriotic Pole. An electoral alliance bringing together several new and old, left and left-center parties to support candidate Hugo Chávez.
Proyecto Venezuela	Venezuela Project. New party backing candidate Henrique Salas Römer.
Queremos Elegir	Venezuelan nongovernmental organization formed in 1991 to develop and deepen democracy in Venezuela.
Recurso Jerárquico	An appeal filed challenging a technical or administrative aspect of the electoral process.
Sala de Sustanciación	Consejo Nacional Electoral committee assigned to determine the validity of tally sheets and compare them to the electronically transmitted results.
Tarjeta PCMCIA	Electronic memory card that stored the electoral software for each vote tabulating machine and tracked votes cast. The card was inserted into the machine at the opening of the polls, and an <i>acta en cero</i> was printed to show the card had not yet registered any votes.
Tarjetón	Alternative name for an electoral ballot.
Testigos Políticos	Poll watchers. Party witnesses to the voting process. Witnesses should have had free access to their assigned polling sites during the electoral process.



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

## EXECUTIVE SUMMARY

In brief, the 1998 Venezuelan elections proceeded as follows:

1. Although Venezuela has had competitive elections for four decades, changing political dynamics produced a high degree of uncertainty in the country, leading Venezuelans to invite international observers to monitor their elections for the first time. In particular, the decline of the two-party dominant system and the rise of independent candidates, the emergence of a former coup leader promising radical changes as the leading candidate, and the introduction of a new automated vote count and transmission system all caused uncertainty and some uneasiness among Venezuelans.

2. At the invitation of the Venezuelan National Electoral Council (CNE) and with the welcome of all the national political parties and major candidates, The Carter Center's Council of Freely Elected Heads of Government observed the Dec. 6, 1998, Venezuelan presidential election. Through two pre-election visits, a field office, and a 42-member international delegation on election day, the Center assessed election preparations, voting procedures, and the new automated system. The Center also fielded a small staff team to observe the Nov. 8 legislative and regional elections, and cooperated with the delegations formed by the Organization of American States (OAS), European Union (EU), and the International Republican Institute (IRI).

3. Prior to the elections, parties and candidates had been concerned about the preparations by the newly appointed CNE, the level of training of the newly drafted poll workers, the performance of the vote tabulating machines, and the willingness of all candidates and their supporters to accept the results peacefully.

4. Both the Nov. 8 and the Dec. 6 elections were peaceful. Voters demonstrated particular patience during the Nov. 8 elections as late starts, problems with the vote tabulating machines, and an extremely complicated ballot delayed the vote for hours. The CNE corrected many of these problems before the Dec. 6 election, which, with a simpler presidential ballot, proceeded much more smoothly. Security officials under the Plan República maintained an orderly process on both election days.

5. The Center's delegation visited 252 voting sites (many with three voting tables) in 13 states and the federal district on presidential election day. The delegation found 96 percent were open by 8 a.m. and 94 percent had party poll watchers (or witnesses) supporting at least two different candidates. Finding no significant problems, the delegation concluded that the elections clearly expressed the will of the Venezuelan people in one of the most transparent elections in the country's history.

6. Venezuelans introduced the world's first nationally integrated electronic network to count and transmit the votes to central headquarters. After the polls closed at 4 p.m. on Dec. 6, the CNE announced preliminary results at 6:37 p.m., with 76 percent of the results counted. The rapidity of the announcement and the decisive victory of Hugo Chávez, with 57 percent of the vote, contributed to the immediate acceptance of the results by Venezuelans and a calm election night. Gracious and conciliatory messages from both the winner and second-place finisher set the stage for Venezuela to move forward in tackling its serious socioeconomic problems.



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*Poll workers greet President Carter at a voting center in Caracas.*

RENATO CAPPELETTI

7. This report offers some suggestions for improving the electoral process in the future, including better accounting for party and campaign financing, an earlier audit of the voter registration list, more extensive voter education and poll worker training, and a revamping of the physical arrangement of voting tables to improve the flow of voters.

8. Venezuelans voted peacefully, but definitively for change. With more than 96 percent voting for the two candidates who promised to overhaul the system, Venezuelans carried out a peaceful revolution through the ballot box. Nevertheless, significant differences of opinion remain to test the skills of Venezuela's politicians. Key issues include: how to tackle the poverty afflicting the majority of the population while facing a fiscal deficit of 10 percent of Gross Domestic Product, how to best use Venezuela's rich petroleum resources, and how to restructure the political system through constitutional reform. We are confident that Venezuelans will rise to the challenge and address these issues with the same spirit of cooperation and commitment to democratic principles that The Carter Center witnessed Dec. 6. ■





## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

## HISTORICAL BACKGROUND

Venezuela has been a democracy for four decades, beginning with the transition from the authoritarian regime of General Marcos Pérez Jiménez in 1958.<sup>2</sup> During this time, it held nine presidential elections and experienced five peaceful transfers of power between opposing parties. Between 1958 and 1993, the election results for these offices were generally accepted and viewed as legitimate, although it was widely acknowledged that small-scale fraud occurred episodically.

Until 1993, democratic transfers of power occurred exclusively between the two traditional parties, social democratic Acción Democrática (AD) and Christian democratic Comité de Organización Política Electoral Independente (COPEI). Together these parties had garnered more than 90 percent of the votes in every election since 1973.

During the 1993 elections, this pattern of a strong two-party system began to collapse, resulting in the election of former President Rafael Caldera with the backing of a heterogeneous group of political parties. Remarkably, his supporters did not include the party he founded, COPEI. Although everyone accepted Caldera's election as legitimate, suspicions of electoral fraud existed concerning the allegedly low vote totals for a new left-labor party, La Causa R. President Caldera took office during a tumultuous period, which followed the indictment and ouster of a president and two failed coup attempts. The collapse of the financial system, the periodic suspension of constitutional guarantees, and a deep and persistent economic crisis marked his term in office.

This pattern of political uncertainty seemed

likely to be sustained in the 1998 elections, as evidenced by the dramatic shifts in public opinion during the first nine months of the election year. In December 1997, Irene Sáez, the mayor of the Chacao district of Caracas, led in the polls with 40 percent of voter preference. Claudio Fermín, a former leader of AD followed with 35 percent. After accepting the backing of the traditional party, COPEI, Sáez's popularity began to decline in March. By April 1998, she had dropped to 18 percent in voter preferences.

Meanwhile, Hugo Chávez, a former lieutenant colonel in the Venezuelan army and a leader of one of the failed 1992 coup attempts, began his dramatic ascent, registering 30 percent in polls taken in May and achieving 39 percent by August 1998. Henrique Salas Römer, a former governor of Carabobo state, also began to receive popular support, achieving 21 percent by August.<sup>3</sup> These shifts in popular opinion and having both front-runners as independents created a great concern about the outcome of the 1998 elections.

Adding to the uncertainty, a new electoral law mandated the automation of the voting system and the selection of a new, nonpartisan National Electoral Council (CNE). These steps were to reduce possible electoral fraud and increase the transparency of the 1998 elections. However, CNE members were selected only 10 months before the elections. In this short time, the new CNE had to learn about the Venezuelan electoral process and simultaneously take charge of a traditional bureaucracy that AD and COPEI parties had dominated. They also had to design and implement an automated voting system to handle both the regional and federal 1998 elections.



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To help reduce some of the uncertainty surrounding the process, the CNE took the unprecedented step of inviting international observers to witness the 1998 elections. In September, Dr. Rafael Parra Pérez, CNE president, invited former U.S. President Jimmy Carter and the Council of Freely Elected Heads of Government to participate as electoral observers during the upcoming elections (See Appendix 3). ■



RENATO CARPILLETTI

*John Newcomb, Neil Gaudry, Esther Low, and Jaime Ariezaga listen as other teams provide reports on their election day observations.*



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

## PRE-ELECTION PERIOD

PRE-ELECTION  
ASSESSMENT VISIT

To evaluate the need for observation, the Council of Freely Elected Heads of Government authorized an assessment trip from Oct. 6-9 by Dr. Jennifer McCoy, director of The Carter Center's Latin America and Caribbean Program (LACP), and Becky Castle, program coordinator. During their trip, McCoy and Castle met with then-president Rafael Caldera, five presidential candidates or their representatives, the minister of interior, the CNE, and Indra, the Spanish company that managed the automation of the voting process. All welcomed the participation of electoral observers in general, and many strongly favored the participation of The Carter Center and the Council of Freely Elected Heads of Government in particular.

Venezuelans cited several factors that made the 1998 elections unique in the country's democratic history and contributed to their desire to invite international observers. First, these elections represented a historic watershed in Venezuelan democracy, and voter preference polls reflected a desire for a profound political transformation. Traditional political institutions, such as the strong, hierarchical political parties, government-recognized labor and business federations, and a presidentialist system were all crumbling in the face of citizen demands for change and the decentralization of authority to governors and mayors. The fact that all four leading presidential candidates represented new political organizations, formed specifically to back their candidacies, confirmed the collapse of the two-party system. Ninety percent of the voters, as reflected in October opinion polls, desired a peaceful change in the political system, with approximately 45 percent

backing the populist candidacy of Chávez, and 40 percent backing the moderate candidacy of Römer.<sup>4</sup> Only 10 percent supported the status quo, as represented by the traditional parties AD and COPEI. The very high popularity of candidate Chávez, a former coup leader who promised to reform the constitution via a constituent assembly and revamp a system "corrupted" by traditional political elites, served as a prominent indicator of how deeply voters desired change in 1998.

The second set of concerns expressed by Venezuelans during the assessment visit focused on the unprecedented degree of automation being introduced into the voting process. Venezuela was the first country in the world to attempt to integrate an automated ballot counting system with a single national integrated network to transmit the voting results within minutes to a central headquarters. Having had previous electoral experience, the Indra company acted as the system integrator, coordinating hardware, software, logistics, and technical support for this process.

The CNE claimed that it would automate voting centers representing 92 percent of the registered voters with 7,000 voting machines. Only 900 voting machines had arrived to date, and the first full test of the automated system was slated to occur on Oct. 31, one week before the Nov. 8 legislative elections.

The newly reformed electoral system also called for more citizen participation in implementing the voting process to help improve transparency and deter fraud. There were 360,000 poll workers conscripted via a lottery system from among registered voters. They replaced the party poll workers who had previously managed voting centers.

The new system permitted party witnesses to observe the voting process, but only allowed them



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

to participate if not enough lottery-selected poll workers arrived to do the job. The introduction of citizen participation was intended to prevent a traditional source of electoral fraud in Venezuela, popularly known as “*acta mata voto*” (“the tally sheet trumps the ballot”). This type of fraud occurred when party poll workers at a given polling site conspired to redistribute the votes of those parties that did not have poll workers present when preparing the final tally sheet.

While Venezuelans praised the efforts to improve citizen participation, some doubted whether this new cadre of poll workers would be notified in a timely fashion and receive sufficient training. The CNE and Indra contracted with a Venezuelan university, the Universidad Simón Rodríguez, to train the poll workers, but this program began late and was criticized for using poor training materials. Venezuelans also questioned how many poll workers would actually show up on election day, even though the CNE had announced plans to pay them (approximately U.S. \$42 for the November elections) and had threatened substantial fines for those failing to appear for work.

Venezuelans also expressed concern about the effect that separation of the legislative and presidential elections would have on the electoral process. The two elections would be held within a month of each other, instead of simultaneously as had occurred on all previous occasions. The legislative and regional elections slated to take place Nov. 8 were the most complicated since they included five races on two ballots. Many of the ballots were extremely complex due to the large number of regional parties that could participate in any given voting district (more than 450 nationally and more than 80 in a single state). At the very least, multiple, complicated ballots could be

expected to introduce delays into the voting process, possibly raising tensions. Also, no one could predict how the split timing of the two elections would affect political support. The leading presidential candidates voiced widely held suspicions that the traditional parties devised the split to damage their candidacies, since the new political movements associated with the independent candidates were expected to perform poorly in the regional elections.

Following this visit, the Council of Freely Elected Heads of Government and The Carter Center decided to accept the invitation to send a delegation of electoral observers to monitor the 1998 presidential elections. The pre-conditions for observation were met: The mission had been invited by the proper authorities and enjoyed the welcome of all major parties. The Carter Center decided to participate because: a) the Venezuelan political system was shifting from a strong two-party system to one based on political fragmentation; b) the front-runner, Chávez Frias, was a former coup leader who had been jailed and pardoned, and whose strong organization and populist message appeared to be polarizing the electorate; and c) the experiment with an unprecedented degree of automation of the voting process raised concerns among voters.

The Carter Center opened a field office in Venezuela on Oct. 16 and organized a Nov. 2-3 pre-election visit by former President Jimmy Carter, Rosalynn Carter, and former Bolivian President Sánchez de Lozada to assess preparations for the Nov. 8 regional elections. The Carter Center also decided to send a three-person staff team to witness the regional elections and observe trouble spots in preparation for the Dec. 6 presidential elections.



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS



*Dr. Jennifer McCoy consults with President Carter during a pre-election press conference.*

### AUTOMATING THE VOTING PROCESS IN VENEZUELA

Venezuela is the first country in the world to attempt to fully integrate its polling centers into a single electronic network for transmitting and tabulating the votes of 92 percent of the registered voters.

Indra, as system integrator, contracted the manufacture of 7,000 voting machines to a U.S.-based company, Election Systems & Software. It also contracted for electoral software from Spain and transportation services from Venezuela. In addition, Indra reached an agreement with a Venezuelan university, the Universidad Simón Rodríguez, to select and train 8,400 technicians to support the automated voting system.

The CNE and Indra coordinated with the national telephone company and municipal electrical utilities to ensure that the appropriate technical infrastructure was available at each voting site.

To test the system as a whole, Indra conducted partial and full tests of the system before both the regional and presidential elections. Although

scheduled for Oct. 24, the first full test took place on Nov. 1, only one week before the regional election, due to delays in contracting for and delivering the vote tabulating machines.

The vote tabulating machines were designed to scan ballots as they were introduced into the ballot boxes, keeping a running tally of the votes cast on a removable PCMCIA memory card. This card also carried the tabulating software that only read the ballots assigned to specific voting stations.<sup>5</sup>

One voting machine was assigned to every three *mesas electorales* ("voting stations"). Each voting center, generally located in a school, could have up to nine *mesas electorales*. On election day, the presidents of the voting stations would ask an Indra technician to print out a tally sheet at the beginning of voting to show that no ballots had yet been cast (known as the "*acta en cero*" or the "zero tally sheet"). During the voting itself, each individual voter would feed his or her ballot into the voting machine, although an Indra technician would stand by to assist in case of difficulty. At the end of voting, the presidents of the *mesas electorales* would ask the Indra technician to transmit the voting



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

results via modem to the regional vote counting centers. These results were to be transmitted using data compression techniques that Indra assured the public would be tamperproof.

As the last step in the voting process, the machines would print out multiple copies of the final voting tally for the poll workers, electoral authorities, and party witnesses, who were required by law to sign them. However, they could make dissenting observations on the tally sheet. The signed originals of the tally sheet, along with the PCMCIA card, then were transported to the regional tabulating centers that would verify the accuracy of the electronically transmitted results.

The system incorporated multiple safeguards into the process. Voting machines included a battery backup that allowed them to operate for up to 12 hours. The machines were designed to shut down automatically if they were tampered with before or during the election. If any voting machine broke accidentally during the electoral process, Indra planned to attempt to repair it in the field. If this was not possible, then the *mesas electorales* using that particular machine would have to use a traditional manual voting method. Due to the expense of each voting machine, the CNE did not have a pool of replacement machines available during the regional elections, although additional machines

were later purchased for the presidential elections.

The CNE established one *Centro Regional de Totalización* in each of the 22 states and in the federal district. Indra operated these centers, but most were co-located with the *Juntas Electorales Regionales (JERs)*. Each of these regional centers was equipped with modems, servers, and personal computers to receive transmissions from voting machines, tabulate the regional results, and retransmit them to the national tabulating center located in CNE headquarters in Caracas. Vote tallies from manual centers would also be transported to the regional tabulating centers and entered into the automated system.

During the regional elections, each JER was charged with tabulating votes in its state and officially proclaiming the victors. Federal authorities at the CNE only received a record of the results via electronic transmission. Conversely, during the presidential elections, the regional tabulating centers would simply serve as way stations for the electronic transmission of the results to the CNE. The CNE would officially proclaim the president. Speed and accuracy were touted as the main advantages of the electronic voting system.

Table 1

**Planned Automation of the Voting Process**

DESCRIPTION	AUTOMATED	MANUAL	TOTAL	% AUTOMATED
VOTING CENTERS	4,852	3,419	8,271	58.7%
VOTING STATIONS	16,739	3,473	20,212	82.8%
REGISTERED VOTERS	9,960,338	963,795	10,924,133	91.2%

(Source: Consejo Nacional Electoral, October 1998)



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

*Ambassador George Jones, Dr. Jennifer McCoy, and President Carter observe a poll opening on Dec. 6, 1998.*

## PRE-ELECTION ASSESSMENT VISIT, NOV. 2-3

On Nov. 2, 1998, President and Mrs. Carter, accompanied by another member of the Council of Freely Elected Heads of Government, former Bolivian President Sánchez de Lozada, and Dr. McCoy arrived in Caracas to meet with President Caldera, the presidential candidates, the CNE, the minister of defense and military high command, and the OAS and European Union (EU) mission chiefs. They found the country calm and in the midst of preparations for the Nov. 8. regional elections.

### THE PRESIDENTIAL CANDIDATES

The delegation met with six presidential candidates during the pre-electoral assessment trip: Hugo Chávez Frias of Polo Patriótico, Henrique Salas Römer of Proyecto Venezuela, Irene Sáez of IRENE and COPEI, Luis Alfaro Ucero of Acción Democrática, Alfredo Ramos of La Causa R, and Miguel Rodríguez of Apertura. All assured the Council delegation that they would respect the results of the November and December elections. However, they also expressed concern about the electoral process and each other's intentions.

Chávez met with the Carter Center delegation and discussed his political platform and plans for a constituent assembly. As a former lieutenant colonel, who led a coup against the democratic government in 1992, he was jailed for two years. Later, he was pardoned by President Caldera, enabling him to run for office.



The Polo Patriótico was a coalition of left-of-center parties that included the *Movimiento Quinta República* (Fifth Republic Movement, Chávez's party), MAS, the third largest party, and *Patria Para Todos* (a splinter from the *Causa R* party). Chávez's campaign centered on a message of radical change, punishing those elites who had "ruined the country" and calling for a constituent assembly to thoroughly reform the political institutions of Venezuela's democracy, positions that raised fears among the middle and upper classes. In his meeting with the delegation, Chávez pledged to respect the election results. He also said he expected to win the second largest block of seats in the new Congress. He argued that the new constituent assembly, the central theme of his campaign, could be convened legally through a national referendum, a position many legal scholars disputed as being of doubtful constitutionality.

Römer, the successful former governor of Carabobo state who held second place in public opinion polls, also campaigned on a message of change. He advocated the continuing devolution of power and resources from the central government to the states and municipalities. Salas Römer expressed concern, shared by several other



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

candidates, that even though more independent persons led the new CNE, the electoral bureaucracy remained in the hands of the traditional parties which previously had been associated with fraud. He also stated that he did not expect to achieve great success in the Nov. 8 elections partly because the CNE-prepared ballots distorted his party symbol and made it difficult for voters to recognize.

Candidate Sáez, former mayor of a Caracas suburb, had seen her popularity drop precipitously after she accepted the endorsement of COPEI, the traditional Christian democratic party. In her meetings with Presidents Carter and Sánchez de Lozada, Sáez explained her decision by arguing that the survival of democracy and the governability of Venezuela depended on the survival of political institutions, such as the party system. Nevertheless, she expected to be strengthened by the positive results of COPEI in up to eight governorships that would vindicate her decision. Her principal concerns, which matched those of other candidates, included the new polling officials. Some of whom, she claimed, were illiterate and would not be properly trained to carry out their functions. She also raised the issue of campaign finance, pointing out that some candidates were running considerably more television advertising than was allowed under electoral law.<sup>6</sup>

AD candidate Ucero, expected his party to win more than half the gubernatorial races in the Nov. 8 elections, despite his own poor showing of 6 percent in the public opinion polls. He also thought that these victories would boost his own candidacy for the presidency. In his meeting with the delegation, Ucero expressed concern that the newly selected poll workers, who had replaced the traditional party representatives, would lack the training to carry out their functions. Like Sáez, he expressed concern that despite the electoral law's provision that students and teachers be included

at every voting table, many of these poll workers would be illiterate and unable to perform their duties. He also feared overall confusion and violence in states with close gubernatorial elections and cited the states of Zulia, Sucre, and Bolívar as particularly vulnerable in this respect.

Ramos expressed concern about the possibility of electoral fraud under the new automated voting system, claiming his own party had been deprived of victory due to fraud in previous elections. Miguel Rodríguez, representing a new party that includes former President Carlos Andrés Pérez, Apertura, discussed his unsuccessful attempt to form a coalition among opponents of Chávez.

#### ELECTORAL PREPARATIONS

The Carter Center pre-election delegation also visited the CNE for a briefing on the new electoral system and a demonstration of a vote tabulating machine.

In this meeting, the seven principal members of the CNE assured the delegation that the new system would be ready in time for the Nov. 8 elections. They also informed the delegation that the Oct. 31 national test of the automated voting system had been successful, with a 90 percent success rate in the transmission of results. The CNE reiterated its full confidence in the new automated voting system, arguing that it would increase transparency, accuracy, and speed in delivering results.

As the CNE explained, 80 percent of voters would use a fully automated voting system that included both automatic tabulation of ballots and electronic transmission of the results. Twelve percent would have their votes tallied automatically, but due to the absence of telephone lines, the results would be hand carried to the respective JER. The remaining 8 percent would cast their ballots by the traditional method, and these results would be tallied by poll workers at their voting center.





## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Given the high percentage of the population covered by the automated voting process, the CNE believed it would be able to transmit the results within a few hours of the end of voting at 4 p.m.

Each voter would cast two ballots: one for federal senators and deputies and a second ballot for state governors and assembly members. The Venezuelan electoral system allocated some positions such as the federal senate by proportional representation and a closed party list. For other posts, such as for state governor, the candidates competed nominally (first past the post). Federal deputies could be selected either by proportional representation from a closed party list, or nominally, from multimember districts.

Each ballot was 8 by 20 inches, and could contain identification boxes on both sides of the ballot for more than 80 parties (as was the case in the state of Miranda), with ovals next to each box for voters' selections. (See Appendix #5 for a sample legislative ballot.)

All of these different mechanisms for selecting candidates had to be accommodated in the regional elections, which resulted in a ballot that was diffi-

cult to read and interpret. The CNE assured the delegation that Venezuelans were accustomed to voting under the rules of the current electoral system, and they would have little difficulty interpreting the ballot. However, First Vice President Miriam Kornblith acknowledged the voting system had changed since 1993 to replace single-member districts with multimember districts in elections to the federal Chamber of Deputies and this might generate confusion. To minimize this concern, the CNE took steps to display poster-sized ballots at voting centers for voters to examine. The CNE also reported it was taking an active role in educating the public through a television and radio campaign that began Oct. 21.

During the pre-electoral visit, the Carter Center delegation met with the minister of defense, Vice Admiral Tito Rincón Bravo, and the military high command to discuss their role in the upcoming electoral process. The military high command assured Presidents Carter and Sánchez de Lozada of their impartiality during the electoral process and their firm commitment to respecting the election results.



*Augustín Berrios, President Aylwin Azocar, Mrs. Carter, President Sánchez de Lozada, presidential candidate Irene Sáez, President Carter, and Nicholas Brady meet at the Caracas Hilton before the Dec. 6 presidential elections.*

RENATO CARPILLETTI



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Since 1963, the armed forces had provided security for all aspects of elections, an operation known as Plan República. This operation involved the armed forces guarding electoral materials, voting centers, and regional and national vote tabulating centers, as well as maintaining public order on election day.

For the 1998 elections, 70,000 troops would be deployed under the direction of General Martínez Ochoa, commander of the National Armed Forces Unified Command (CUFAN). The armed forces also would be responsible for transporting tally sheets and the PCMCIA software cards containing a backup of the vote tally to the regional counting centers after the end of voting. Although the electoral results would be known long before these materials arrived, they were necessary for verifying the accuracy of the electronically transmitted results. The armed forces also were responsible for storing the ballots after the end of elections for at least 45 days, since these would provide a physical record of the vote, should there be a legal challenge to an official result. Because the armed forces enjoyed a very high degree of confidence among the population and were perceived as nonpartisan, Venezuelans viewed this substantial degree of military participation as an additional guarantee of the honesty and integrity of the electoral process.

### COOPERATION WITH INTERNATIONAL OBSERVERS

The delegation met with ambassadors and representatives of the OAS and EU, each of whom planned to field small delegations for the Nov. 8 regional elections and larger delegations for the Dec. 6 presidential elections. All three missions agreed to jointly coordinate deployment and share information. They also agreed to consult with each other before making any post-election public statements. The OAS delegation chief, Edgardo Reis, announced its plans to conduct a parallel vote tabulation during the presidential elections. While

the “quick count” would not provide information on the outcome any more rapidly than the new automated voting system, the OAS thought it would add confidence to the official results. The Carter Center agreed to help the OAS collect data if needed on Dec. 6, which would prove to be a useful collaboration. ■



OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

## THE LEGISLATIVE AND REGIONAL ELECTIONS

Following the Nov. 4 departure of the leadership team, three Carter Center staff members remained in the country to witness regional elections and perform a technical analysis of the voting process. Two staff members deployed to Zulia state, where a highly polarized and contentious race for governor was taking place. The third partnered with an EU observer from the United Kingdom to witness elections in Caracas and neighboring Vargas state. Carter Center staff also witnessed voting returns at regional vote tallying centers the evening of Nov. 8.

Zulia state was chosen because it was expected to have the most problematic regional elections. Supporters of both leading candidates had warned of possible electoral fraud and violence there, and the AD candidate for governor, Manuel Rosales, had publicly requested the presence of international observers.

Just prior to the elections, the CNE dismissed the members of the JER in Zulia state on grounds of mismanagement and partisanship. The CNE assigned its second vice president, Rafael Garcia Borges, as intervenor. He arrived the morning before the election to attempt to restore order and supervise the elections. The Carter Center team arrived in Maracaibo the evening of Nov. 7 and met with Borges and local political representatives. By the time the staff team visited the Zulia JER, Garcia Borges had successfully re-established control over the regional electoral machinery, and he assured The Carter Center staff the elections would proceed

smoothly.

On election day, the team visited eight voting centers and witnessed three poll openings and two poll closings. At these sites, the voting process proceeded freely and fairly, although the team noted some problems. The most common included delays at the start of voting and inexperienced poll workers. That evening, the staff team met with the regional Indra manager and witnessed the reception of the electronically transmitted results at the regional vote counting center. With more than 75



*Mesa workers check voters' identity and verify their eligibility to vote at a polling station in Vargas state.*

GEORGE JONES



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

percent of the results tabulated, the first official bulletin with electoral results for Zulia was issued shortly after 11 p.m. It gave an overwhelming victory to the Polo Patriótico candidate and incumbent governor, Francisco Arias Cardenas. At no time during election day did the Carter Center team witness disturbances or acts of violence, even though voters grew impatient with the long delays experienced at some voting centers.

The Carter Center/EU team deployed in Caracas also found that elections proceeded well, although with problems similar to those witnessed by the Zulia team. They visited nine voting centers in the neighborhoods of La Guaira and Catia-la-Mar in Vargas state, and Catia and 23 de Enero in Caracas. The principal problems observed were long delays before and during the voting process. Also, unlike Zulia, a significant number of *mesas electorales* had to use party witnesses because many poll workers selected by lottery never arrived. However, the team observed a high level of cooperation between poll workers and party witnesses at all locations they visited. The Caracas staff member observed closings at 5:30 p.m. and 8:30 p.m., and then observed the electoral returns at the regional tabulating center for the federal district. As in Zulia, the Caracas team did not witness any public distur-

bances or acts of violence, a common fear voiced by Venezuelans prior to the elections.

Following the regional elections, the Carter Center staff met with other EU observers to exchange information and opinions concerning the electoral process. EU teams, which had deployed to six states in Venezuela, observed problems very similar to those that the Center's teams witnessed in Caracas and Maracaibo. This factor helped improve confidence in the findings. Both the EU and the OAS made public statements concerning the regional legislative elections, but The Carter Center declined to do so due to the small number of observers it fielded. Instead, its teams focused on learning about the Venezuelan electoral process to prepare for observing the presidential elections.

### ANALYSIS OF THE NOV. 8 REGIONAL ELECTIONS

Politically, almost all major parties achieved their stated goals and thus could claim success in the legislative and regional elections. This relative success discouraged the parties from resorting to violence to alter the electoral results. The new automated voting system reported results with speed and accuracy despite some problems.



*John Newcomb (second from left) and Horace Sibley (fourth from left) meet with other international observers and CNE officials in the state of Sucre.*

ESTHER LOW



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Overall, these elections emphasized the continuing democratic convictions of the citizenry. Fifty-four percent of Venezuelans turned out to vote, a higher number than in previous regional elections.

Two parties had dominated the electoral scene between 1973 and 1993 – the social democratic party AD and the Christian democratic party COPEI. In 1993, new parties emerged on the scene to challenge their leadership, and in 1998, the number of parties proliferated. Three parties lost ground in the 1998 regional elections: COPEI, La Causa R (a left-labor party), and Convergencia (the electoral grouping that supported President Caldera). AD had mixed results, losing several governorships, but increasing its representation in

the legislature. The new party, the Movimiento Quinta República, led by Hugo Chávez, won about 25 percent of the congressional seats, and the coalition led by Chávez, the Polo Patriótico, won control of 35 percent of the seats in the Chamber of Deputies.

## THE GOVERNORSHIPS

Compared to predictions made before Nov. 8, AD lost ground in the gubernatorial elections, while the Polo Patriótico did considerably better. However, taking into account the electoral alliances among parties at the state level, the outcome was quite balanced. The results of the governors' races were as follows:

Table 2

## Outcomes in the 1998 Elections for Governors

Political Parties (Polo Patriótico indicated with asterisk)	Official Number of Governorships held in Alliance	Number of Governorships	Total Stake in Governorships
ACCIÓN DEMOCRÁTICA (AD)	8	1	9
COPEI	5	5	10
MAS*	4	5	9
MOVIMIENTO QUINTA REPÚBLICA*	1	6	7
PATRIA PARA TODOS*	2	7	9
PROYECTO VENEZUELA	1	2	3
LA CAUSA R	1	6	7
CONVERGENCIA	1	5	6

(Source: Alfredo Keller, Venezuelan electoral analyst)



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS



RENATO CARPELETTI

*A voter feeds his ballot into a voting machine with a technician's help.*

Several analysts spoke of the gubernatorial elections as a political earthquake that dramatically reshaped the distribution of party strength in the regions. Certainly, the reduction of AD's governorships from 12 to 8 indicated a shift away from the traditional parties, but at the same time, COPEI increased its governors from three to five. Victories of Polo Patriótico candidates in Vargas (the coastal state near Caracas) and in the plains state of Barinas (where Chávez's father won the governorship) surprised analysts. However, considering that 16 of 18 incumbent governors won re-election, the actual shift in state leadership was relatively small. Rather, the pattern of support for established regional leaders changed. This reflects the opportunistic alliances made by political parties on a state-by-state basis. For example, while the COPEI party was completely opposed to a Chávez victory in the presidential race, it was allied with his party, the Movimiento Quinta República, in the western state of Zulia, where they jointly won the governorship in the Nov. 8 elections. In another state, Delta Amacuro, AD and COPEI made an alliance to win the governor's race, even though they competed at the national level. Thus, electoral alliances gave multiple parties a stake in the success of each governor and in the results of the regional elections.

All parties generally accepted the outcome in the governors' races with the exception of the Polo Patriótico. It immediately challenged the results of these races in at least 7 of 23 states. AD then challenged the victories of Polo Patriótico candidates in the states of Barinas and Guárico. These legal challenges to the results of the Nov. 8 election are expected to take years to resolve through the process established by Venezuelan electoral law.<sup>7</sup>

#### OUTCOME OF THE CONGRESSIONAL RACES

The Nov. 8 elections produced an entirely heterogeneous Congress, in which no group has a governing majority. AD managed to remain the leading minority in both chambers of Congress, and it was the strongest party in the assembly of most states. Chávez's Movimiento Quinta República represents the second largest single party, followed by COPEI, and Proyecto Venezuela, the new party that supported presidential candidate Henrique Salas Römer. If Chávez's electoral alliance with the socialist party MAS and the radical party Patria Para Todos (PPT) holds together, the Polo Patriótico will control 34 percent of the deputies in the new Congress, compared to AD's 30 percent. In other words, any president would need to devise a workable majority in the Congress to govern.

The number of senators and deputies in the Venezuelan Congress varies from election to election because, to ensure proportional representation, some parties are assigned extra legislators according to their electoral quotient.<sup>8</sup> The electoral quotient is akin to the minimum number of votes required to elect a legislator, and it is used to calculate the number of legislators any given party should have in Congress. The base number of legislators (48 in the Senate and 189 in the Chamber of Deputies) is divided into the number of valid votes in the legislative elections (4,963,760) to determine the electoral quotient (103,412 in the Senate and 26,263 in the Chamber). The electoral quotient for a given Chamber is then divided into the total



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Table 3

**Composition of Venezuelan Congress***Electoral alliance Polo Patriótico indicated with asterisk*

Political Parties	New Congress		Previous Congress	
	Senators	Deputies	Senators	Deputies
AD	20 (33.9%)	62 (30.75%)	16 (30.2%)	55 (27.1%)
MVR*	12 (20.3%)	45 (22.27%)	0	0
MAS*	5 (8.47%)	18 (8.91%)	5 (9.43%)	24 (11.8%)
PCV*	0	1 (.495%)	0	0
PPT*	1 (1.7%)	7 (3.47%)	0	0
COPEI	8 (13.56%)	27 (13.37%)	14 (26.42%)	53 (26.11%)
Proyecto Venezuela	4 (6.78%)	20 (9.9%)	0	0
La Causa R	1 (1.7%)	7 (3.47%)	9 (16.98%)	40 (19.7%)
Apertura	3 (5.08%)	3 (1.485%)	0	0
Convergencia	3 (5.08%)	4 (1.98%)	5 (9.43%)	26 (12.81%)
IRENE	1 (1.7%)	2 (.99%)	0	0
Renovación	1 (1.7%)	2 (.99%)	0	0
Other	0	4 (1.98%)	4 (7.55%)	5 (2.46%)
<b>Total</b>	<b>59</b>	<b>202</b>	<b>53</b>	<b>203</b>

(Sources: El Nacional, 12-21-1998 and 1993 Consejo Supremo Electoral figures.)

Includes senators for life and legislators assigned by electoral quotient.)

number of votes any given party received nationally to determine the number of legislators they should have under the Venezuelan electoral law. If the actual number elected directly is less than this, extra legislators are assigned to this party. Thus a party such as IRENE, from which no deputies were directly elected but which received 61,112 votes, would receive two deputies by electoral quotient. In the Senate, this leads some particularly populous states, such as Miranda and Zulia, to be represented by three senators, instead of two. This system of calculating additional legislators generally only applies to parties that nationally received a substantial number of votes but were unable to elect any legislators in the nominal (first-past-the-post) races.

Venezuelans quickly realized that the 1998 congressional results could influence whether a new president would call for a constituent assembly. The issue of convening a constituent assembly to carry out a reform of the constitution was a dominant theme in 1998 election campaigns, reflecting a strong desire for change among the voters. It also was a controversial issue, because the 1961 Venezuelan constitution did not appear to provide a legal basis for such a constituent assembly. Many believe that the constitution must be amended by the Congress to permit such a measure or that the constituent assembly must be convened outside the framework established in the existing constitution.



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

The Polo Patriótico, the only group that supported calling for a constituent assembly without amending the constitution, was in the minority in both chambers of the legislature. Its presidential candidate, Hugo Chávez, argued that a referendum would provide the legal basis for convening a constituent assembly. In a meeting with Polo Patriótico's governors-elect on Nov. 14, Chávez restated his commitment to convening a constituent assembly with the power to dissolve Congress and the Supreme Court. He said the current electoral system produced a legislature that did not reflect the will of the people, and, if elected, he would sign the decree calling for a referendum on a constituent assembly on Feb. 15.

However, after the Nov. 8 elections, significant national figures, such as Pedro Nikken, a human rights lawyer, and Alan Brewer-Carias, a former minister of state, shifted their position on calling a constituent assembly. They argued that the new Congress would have sufficient legitimacy to successfully reform the constitution. Even the leadership of the MAS party (the socialist party allied with Polo Patriótico) called for a consensual approach to reforming the constitution, rather than a majoritarian one. One public opinion poll taken after the regional elections showed that while support for a constituent assembly was still high, voters preferred a consensual approach by a substantial margin.<sup>9</sup> These shifts in elite and mass opinion indicated that the constituent assembly issue would continue to be controversial both during and after the Dec. 6 presidential elections.

## TECHNICAL ASSESSMENT

The new voting system generally worked successfully, reporting more than 70 percent of the results within hours of the poll closings. By Nov. 15, 95 percent or more of all votes, whether automated or manual, had been tallied. Also, the lottery system for selecting poll workers seemed to have

worked partially, and many praised the poll workers' dedication and hard work during the electoral process.

However, the Nov. 8 elections revealed several flaws in the new system, most of which may have been associated with human error, inexperience, and inadequate planning. The four principal problems reported during this process were: the complexity of the ballots, the inexperience of the technicians operating the voting machines, the inadequate physical infrastructure of the voting sites, and delays caused by difficulty issuing credentials to poll workers and assembling a quorum of these workers so voting could begin. This resulted in long lines at polling places, with some voters reporting waits of up to four hours.

The security provided by the Plan República was generally praised, although crowd control presented a problem at some visited voting centers.

### BALLOT COMPLEXITY

The ballots' complexity for the regional elections led to two problems: delays due to the length of time voters needed to complete their ballots and a high number of null votes. The large number of parties on each ballot and the small print made it difficult for voters to find their preferred candidate. Poll workers at several of the sites visited by Carter Center observers reported that the ballots' complexity mostly affected the elderly or those with poor eyesight. This slowed the process while they received assistance. Moreover, since there often was only one voting booth per polling station, many voters experienced long lines.

Null votes were higher than expected in these elections, although they were distributed unevenly across the races for governors, national legislators, and local legislators. The governors' races typically had only 5 to 8 percent null votes, while votes for senators and deputies were tabulated as null 10-15 percent of the time, rising to 16-22 percent for state





## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

assembly races. In part, this distribution can be attributed to difficulty reading the ballots, but it also may reflect a lack of voter interest or knowledge about the regional legislative races.

#### INEXPERIENCE OF INDRA TECHNICIANS IN OPERATING VOTING MACHINES

Indra, a Spanish company, carried out the automation of the 1998 elections. It coordinated hardware, software, and training from both international and Venezuelan sources. The degree of automation achieved in the Venezuelan elections is unprecedented, and the Nov. 8 elections represented the first full operational test of the system.

According to the CNE, Indra, and the armed forces, about 10 percent of the voting machines failed during the regional elections, forcing poll workers to use the traditional manual voting method in these cases. Many of these failures were attributed to failures in the PCMCIA cards and technicians' errors. After the Nov. 8 elections, the Universidad Simón Rodríguez, the Venezuelan institution contracted to select and train the operators, announced it would retrain some of the operators before the Dec. 6 elections but claimed only 147 of the voting machines failed due to human error.

#### POOR PHYSICAL INFRASTRUCTURE

Although almost all sites seemed to have the requisite electrical and communications connections, many were too cramped to adequately hold the polling stations assigned to them. Most voting centers were established in schools and other public centers. However, the limited number of voting machines (one for every three polling stations) led the CNE to put several polling stations in each classroom, rather than one per room as had occurred in previous elections.

Overcrowding resulted, compounded by the fact that each classroom had only one entrance.

This contributed to long lines for voters and may have compromised ballot secrecy. Also, overcrowding led the local representatives of the Plan República to restrict access by party witnesses to the polling stations, often discriminating against the representatives of new or minority parties.

#### ASSEMBLING AND CERTIFYING POLL WORKERS

Many voting centers opened considerably later than expected Nov. 8 due to some absent poll workers. The CNE had selected a list of primary and alternate poll workers by lottery from the voters in the electoral registry months before the election. The Universidad Simón Rodríguez was to notify these voters of their selection and then provide training through its long-distance learning network. This differed from previous elections, in which political parties supplied the poll workers.

In the weeks leading up to the regional elections, there were widespread reports that the CNE had neither notified many citizens of their selection nor provided proper training to them. However, the CNE partially addressed this problem by conscripting more than three times as many poll workers (360,000) as were required to staff the voting tables.

A substantial number of poll workers selected by lottery either arrived late or did not appear on election day. Electoral regulations required voting station personnel be drawn from primary and alternate poll workers before party witnesses could be included. In Zulia, where sufficient poll workers showed up on election day, this was not as great a problem as in Caracas, where many tables had to be partially constituted with party witnesses.

Even when enough poll workers showed up, some of them were not admitted to the polling sites because they lacked credentials due to CNE delays in issuing them. This meant a substantial number of polling sites did not open until 9 or 10 a.m., instead of 6:30 a.m. as planned. This also contributed to



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delays in closing polling sites, some of which were still open for voting at 10 p.m. The CNE later reported that 18,000 party witnesses and 103,000 persons selected by lottery had served as poll workers during the regional elections.

### SECURITY AND THE PLAN REPÚBLICA

Almost all reports praised the operation of the armed forces electoral security operation, known as the Plan República, during the regional elections. Very few voting sites reported instances of abuse of authority by military officials. However, at some sites, military officials conducted security searches of male voters, although this was the exception rather than the rule. Also, there were almost no reports of electoral violence.

Electoral observers noted a clear pattern in the success of the Plan República, particularly in the area of crowd control. Due to problems cited earlier, in this report, many voting centers had long lines of people waiting to vote. In places where professional officers or noncommissioned officers were present, crowds generally waited in an orderly fashion. However, in places where security had been assigned to lower ranking soldiers (mainly conscripts), crowd control was poorer. Also, conscripts were generally less familiar with the role of electoral observers, which meant Carter Center observers were temporarily denied access to one set of voting tables in Maracaibo. EU observers reported a similar incident during their efforts.

### ALLEGATIONS OF FRAUD

A poll taken soon after the election showed a considerable degree of citizen confidence in the automated voting system. However, the results in several gubernatorial and legislative races were challenged by political parties. Allegations of fraud included tampering with tally-sheets, errors in tabulation, and electronic fraud during transmission of the results. Eventually, 155 challenges to the

outcomes of the elections of governors and federal state legislators were filed. Members of the Polo Patriótico filed many of these challenges, and other parties responded tit-for-tat. For example, the Polo Patriótico challenged the election results in Miranda state, although its candidate has lost by a wide margin. In Barinas, AD challenged the election of Hugo Chávez's father as governor.

In a separate motion, La Causa R filed a national challenge to the election, based on the claim that it was impossible to adequately audit electronically tabulated and transmitted voting results. (Under Venezuelan electoral law, any voting process must be auditable for it to be valid.) The Supreme Court quickly dismissed this challenge as groundless. All of these claims were made through the previously established legal process that assigns responsibility for conducting an initial investigation to the CNE.

In states where electoral results were challenged, some political activists marched on the location of the Regional Electoral Council (JER) to demand that it not proclaim an official victor until the results had been audited. In the 1993 and 1995 elections, similar protests resulted in the seizure of electoral council buildings by defeated political parties. To prevent a repetition of these events, the



*Carter Center delegate Jaime Areizaga speaks with an officer from the Plan República in Maracas.*



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Plan República garrisoned the JERs in all of the states where protests occurred, and no such seizures were reported following these regional elections.

Despite allegations of fraud, the CNE and the JER worked rapidly to proclaim victors in the Nov. 8 elections. The CNE believed it was obligated to designate official victors in all regional elections, despite legal challenges. In the weeks following the elections, the CNE ensured that all regional electoral councils carried out their legally mandated duties, despite the reluctance of some JERs in highly contested states to proclaim victors.

Only in Carabobo state, where an undercurrent of political conflict and intimidation existed, was the CNE forced to relocate the JER to Caracas to finish the process of tabulating, confirming, and proclaiming the official electoral results. According to CNE President Dr. Parra Pérez, the process of challenging the elections was entirely separate from that of adjudicating the Nov. 8 results. If previous experience holds true, these challenges will be tied up in the judicial system for years to come.

### THE REGIONAL ELECTIONS: A CONTINUING COMMITMENT TO THE DEMOCRATIC PROCESS

Venezuelan citizens expressed a continuing commitment to the democratic process in the Nov.

8 elections, one that went beyond what most analysts expected given extremely high abstention rates in past elections. Abstentionism decreased from previous regional elections by at least 15 percent to total 46 percent. Anecdotal evidence suggests that turnout would have been even higher if citizens had faced fewer obstacles. Certainly, the number of participants was lower than the expressed intention to vote (which exceeded 75 percent in most public opinion polls before Nov. 8). The two- to four-hour wait reported at many polling sites presented the primary obstacle and may have dissuaded as many as 5 percent to 10 percent of registered voters from participating. Several observers reported meeting voters who had returned two or three times to their polling site in hopes of finding a shorter wait. Participation was expected to be even higher in the December presidential elections.

Contrary to many expectations, the voting process took place peacefully throughout Venezuela. In the weeks after the elections, there were no significant reports of violence, and the few political protests that occurred were small and ended peacefully. Voters, poll workers, political witnesses, and soldiers all seemed to cooperate to make the

Table 4

### Abstentionism in 1998 Regional Elections

	Number of Voters	Percentage
Votes Cast	5,792,391	53.86%
Abstentionism	4,962,748	46.14%

(Source: CNE 1998 Regional Elections website)



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elections a success, despite some flaws in the new electoral process.

The shortcomings of the new system did not significantly affect the outcomes of the regional elections. Only in two states (Guárico and Vargas) were the results in the governor's race close enough that a legal challenge might reasonably change the outcome. Problems with delays, overcrowding, and mishandling of the electoral machines were expected to be less significant in the presidential elections due to a simpler ballot.

Following the regional elections, the CNE's first vice president, Miriam Kornblith, announced that all technicians would be retrained prior to the presidential elections. Also, all members of the voting stations were required to return for the December elections, guaranteeing a supply of experienced poll workers. The CNE announced it planned to re-engineer the flow of voters through the polling stations after the Dec. 6 elections. The commanders of the Plan República reviewed their performance based on their electoral experience and announced plans to end any security searches of voters prior to their entrance into voting sites and improve the access of party witnesses to the voting tables in crowded situations. ■



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# THE PRESIDENTIAL ELECTIONS

## THE CAMPAIGN

The regional elections' outcome had a decisive and polarizing impact on the presidential race, although this was not immediately apparent. Hugo Chávez and his coalition emerged successfully from their first test of popular support.

Meanwhile, the strength of the traditional parties, AD and COPEI, in the regional elections temporarily masked the weakness of their presidential candidates. Römer's party, Proyecto Venezuela, had not done as well as anticipated in regional elections. This was expected to have some impact on his standing among voters.

Following the Nov. 8 elections, AD and its candidate, Luis Alfaro Ucero, sought to position themselves as the principal challengers to the acknowledged front-runner, Chávez. Given that AD controlled 30 percent of the legislators in the new Congress and one-third of the governors, Ucero and the party leadership publicly argued this would translate into a strong boost for their candi-

date, replacing Römer of Proyecto Venezuela in second place. They also argued that any anti-Chávez coalition should be led by its presidential candidate, and they called on Salas Römer to resign to allow the formation of a "democratic pole." Candidate Chávez and the Polo Patriótico

also stated publicly that they saw AD as their principal contender. General Müller Rojas, Chavez's campaign manager argued that the strength shown

by AD in the regional elections would translate into strong support for the party in the presidential elections, and that Römer no longer presented the main challenger to the Polo Patriótico. Römer initially did not respond to these attacks, but he continued his policy of refusing any official support from other political organizations. Instead, Römer

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*The strength of the traditional parties, AD and COPEI, in the regional elections temporarily masked the weakness of their presidential candidates.*

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*President Carter and presidential candidate Henrique Salas Römer meet in Caracas prior to the elections.*



RENATO CAPPELLETTI



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called on the traditional parties to allow their activists, whom he believed favored his candidacy, to vote their conscience.

The post-Nov. 8 polls suggested that the presidential race remained polarized between Chávez and Römer, with the presidential candidates of the traditional parties trailing far behind.<sup>10</sup> Public opinion polls placed Chávez in the lead with 6 to 12 points over the fairly steady 38 percent for Römer, although one outlier (Consultores 21) placed Chávez ahead 57 percent to 26 percent. Uceró generally remained at 6 to 7 percent and Sáez at 3 percent. This was a shift from the polls before the Nov. 8 election, some of which had shown Römer practically tied with Chávez. Some analysts theorized that the twin attacks by AD and the Polo Patriótico on Römer damaged his standing with the public. However, others voiced suspicion that the polling data was being deliberately altered to manipulate public opinion.

This evidence of weak public support for candidates of the traditional parties led the newly elected regional leaders of AD and COPEI to rebel against them and force their ouster. By Nov. 13, COPEI began reconsidering the candidacy of Irene Sáez. It initially had sought to extricate itself from its trailing position through an alliance with AD.

The AD-COPEI coalition talks collapsed Nov. 24, when COPEI's leadership refused to support Uceró as the alliance candidate. Shortly thereafter, AD's governors rebelled and forced the party leadership to withdraw its support from Uceró. A full conclave of the party leadership (Comité Directivo Nacional) officially revoked Alfaro's candidacy on Nov. 27. COPEI adopted a "wait-and-see" position, quietly negotiating the resignation of its candidate, Sáez.

By revoking its support for its official candidate, AD's action provoked an electoral crisis. Venezuelan electoral law allows parties to name substitute candidates if their official nominee dies, is



*President Aylwin Azocar, President Carter, presidential candidate Hugo Chávez, President Sánchez de Lozada, and Secretary Nicholas Brady meet in Caracas prior to the Dec. 6 presidential elections.*

incapacitated, or resigns. COPEI avoided a crisis when Irene Sáez agreed to resign as the party's candidate, though she stayed in the race with the support of two smaller parties.

However, candidate Uceró refused to resign from his position as AD's candidate. The CNE, which is the body competent to issue new electoral regulations under current legislation, was therefore forced to rule on whether the AD slot on the ballot belonged to the party or the nominee. AD filed motions before the CNE and a court to compel Uceró to give up his position on the ballot. While Venezuelan electoral law (*Ley Orgánica del Sufragio y Participación Política*) does not speak to this issue, the law on political parties does establish that the symbols of a political party belong to the organization, not an individual.

Even though the CNE had not yet ruled on the issue, AD and COPEI quickly named Römer as their party nominee on Nov. 28 and 29 respectively. The party leaderships proceeded to order their activists to vote for the new nominee. In the meantime, although the CNE initially raised some doubts about whether a ballot spot could be taken away from a candidate, it eventually returned the



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party slot on the presidential ballot to Acción Democrática on Dec. 1. This allowed the party to officially substitute Römer for Ucero.

This electoral crisis had significant repercussions on the campaigns of the two leading presidential contenders, Chávez and Römer, and created additional uncertainty concerning the outcome. Chávez attacked the traditional parties for their treatment of their presidential candidates, accused the CNE of favoring the traditional parties with its ruling on the Ucero case, and denounced the nomination of Römer by AD and COPEI as a last gasp effort by the status quo to defeat him. In his final campaign rally, Chávez asserted that the only way he could lose the election would be through fraud, and that his alliance would be prepared to defend his victory.

In the meantime, Römer initially refused to accept the endorsement of AD and COPEI, citing his opposition to any negotiations with the status quo. In the very last week of the campaign, he accepted the support of the traditional parties, but only from their governors and mayors, rather than from their central leadership. Salas Römer was endorsed by 15 governors-elect and more than 200 mayors.

By receiving the endorsement of the regional leaders, Römer hoped to avoid the taint of being associated with the status quo leadership of the traditional parties. However, since opinion polls could not be published during the final week of the campaign, there was a great deal of uncertainty about the impact of AD and COPEI support for Römer.

## TECHNICAL PREPARATIONS

The CNE and the Plan República began preparing for the presidential elections shortly after Nov. 8. Given the failure of more than 550 voting machines in the previous elections, Indra made a considerable effort to restore damaged machines. The CNE and Indra announced that 2 percent of voting machine operators would be replaced, others would be re-trained, and a backup set of PCMCIA cards for the machines would be prepared for the presidential elections. The CNE also ordered an additional 720 voting machines (in addition to the original 7,000) for the presidential elections and began negotiations with local cellular telephone companies to extend the reach of the automated voting system. Even so, Eladio Hernández, a CNE automation manager, stated there were still 966 machines unable to transmit results electronically on election day, and their tally sheets would have to be transported to the national tabulating center by the soldiers of the Plan República.

The CNE conducted two tests of the voting machines and the electronic transmission network prior to the elections. The first occurred Nov. 25 and achieved 90 percent success in transmission of results. The second test was conducted Nov. 28, and it also reportedly was successful.

To reassure voters and the political parties of the effectiveness of the automated process, the CNE initiated a random audit of one ballot box from each of the 196 voting districts in Venezuela. The CNE did not complete the audit before the presidential election, but in those districts where it had occurred, no unusual discrepancies were revealed between the number of votes tallied manually and those transmitted electronically.



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The armed forces completed transferring materials used in the regional elections to the CNE by the second week of November. The voting machines were stored at regional garrisons or Indra warehouses in preparation for the presidential elections. Responding to rumors and public fears of unrest following the elections, General Martínez Ochoa, head of the Plan República, repeatedly reassured the nation that the armed forces were prepared to guarantee public order and stability. He also announced the armed forces had developed a contingency plan (Plan Soberanía) to restore order if disturbances occurred during or after the electoral process. On Nov. 30, the armed forces again deployed to guard voting centers and transport electoral materials.

## CAMPAIGN PROBLEMS AND COMPLAINTS

During November, the CNE concentrated on preparing for the presidential elections although it did follow up on a few complaints related to the political campaigns. The principal official action taken by the CNE in this area concerned political advertisements used by the Römer campaign. Under Venezuelan electoral law, political campaigns are not permitted to use advertising that depicts the image of an opposing candidate or their party symbols without their permission. Twice, the CNE banned political advertisements by the Römer campaign that included the image of Chávez. Candidate Römer later complained publicly that the CNE had singled him out on this issue.

Following regional elections, the political parties slowly began submitting their claims of fraud to the judicial process. The CNE's *Sala de Sustanciación*, which investigates fraud involving the overall electoral process, had received 14 official

claims by Nov. 14. The Consultoría Jurídica, which receives claims concerning individual tally sheets, had received none by Nov. 12. Eventually, these official claims would rise to 155, most of which were still pending in January 1999. In general, the CNE largely confined itself to receiving party complaints during November and delayed making formal decisions until after the presidential elections.

### DIFFICULTIES WITH THE PRESIDENTIAL BALLOT

The decision by the AD and COPEI parties to withdraw support for their own nominees and support Römer created a difficult problem for the CNE. By the time this substitution had been formalized, it was too late to change the ballots for the presidential elections. The first lot of ballots had already arrived in Venezuela on Nov. 15. As Appendix #5 shows, the presidential ballot had a picture of a party's presidential nominee in each identification box. After the substitution, voters who selected the AD or COPEI party would be voting for Römer, even though the ballot continued to depict the image of Uceró or Sáez.

A further complication was that Venezuelans could vote for more than one party in the presidential elections, as long as the parties they selected had nominated the same candidate. The vote tabulating software contained in the voting machines contained programmed information on these alliances, and the machines would therefore read ballots with multiple selections for the same candidate as valid. For example, a voter who favored Uceró as presidential candidate could fill in ovals for the Acción Democrática and ORA parties, both of which had nominated Uceró. This would be regarded as a valid vote by the tabulating software. However, the voting machine would read ballots as null if voters selected multiple parties that were not





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in an electoral alliance.

Once AD and COPEI substituted Römer for their original candidates, the pattern of electoral alliances programmed into the tabulating software was no longer valid. Juan Navarro, the president of Indra, announced to the public on Dec. 2 that it would be impossible to reprogram the software for the voting machines since too little time remained before the presidential election. Thus, returning to the previous example, a voter who cast a ballot for both AD and ORA in the presidential elections would no longer be casting a valid vote, since AD now supported Römer instead of Uceró.

Moreover, a Römer supporter who selected both AD and Proyecto Venezuela in his ballot (parties that now had an official electoral alliance) would have his vote mistakenly read as null by the voting machine, since it was not programmed to recognize the new alliance. One member of the COPEI party leadership informed The Carter Center that a study by his party indicated that no more than 4 percent of voters had selected multiple parties in previous elections. Even so, this margin could be significant in any close election, and many warned the Dec. 6 elections could be decided by a narrow margin.

One day before the elections, the CNE officially ruled each voter should select only one party on the presidential ballot. They issued instructions to all poll workers that they should inform the voters of this new ruling as they received their ballots. The press published this information and announced it on radio and television. However, it was not clear whether all registered voters and poll workers would be informed of this decision in a timely fashion. Furthermore, since AD and COPEI had nominated Römer only days before the presidential campaigns had ended, no one could be certain all voters had received information on the substitution. This created the possibility some voters could select AD or COPEI with the expectation of voting for Uceró

or Sáez respectively, but have their votes tabulated as supporting Römer. ■



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## THE OBSERVATION OF THE PRESIDENTIAL ELECTIONS

On Dec. 6, 1998, 6,988,291 Venezuelans (63.76 percent of registered voters) cast their ballots in a peaceful election for their ninth president of the democratic era. The Carter Center's Council of Freely Elected Heads of Government deployed a delegation of 42 observers from seven different countries.

Delegation leaders included President and Mrs. Carter, former Bolivian President Gonzalo Sánchez de Lozada, former Chilean President Patricio Aylwin, and former Secretary of the U.S. Department of the Treasury Nicholas Brady. The delegation also included representatives from the National Democratic Institute and the International Foundation for Election Systems.

The Council delegation was one of several international observer delegations, including those from the OAS, the EU, CAPEL, and the International Republican Institute. In all, more than 200 international observers were present during the 1998 presidential elections, according to the CNE.

### PREPARATIONS FOR ELECTORAL OBSERVATION

Council observers began arriving in Caracas Dec. 3. The observers met Dec. 4 for a full day of training, including meetings with representatives of leading presidential candidates, the CNE, and local nongovernmental organizations.

All political party representatives were confident of their candidate's victory, but also expressed a willingness to respect the elections' outcome.

Dr. Chang Motta, CNE technical director, briefed delegates on the automated voting system and preparations for the elections. He expressed confidence that the automated system would overcome problems registered during the November regional elections. Delegates also heard from a local nongovernmental organization, Queremos Elegir, concerning problems surrounding the 1998 elections. While Queremos Elegir praised the new participation of independents as poll workers and felt the elections would be fair, it was critical of the CNE for concentrating too heavily on the automation of the elections. Instead, it felt the CNE should have focused more on supervising the political campaigns, including monitoring campaign financing and political advertising, as Venezuela's electoral law requires.

On Dec. 5, the delegates deployed by ground and air to 14 different states to observe the presidential elections. (See Appendix 6 for deployment sites.) Teams were deployed to Venezuela's cities, which contain more than 80 percent of the population. Council observers also were present in rural areas and frontier states. The leadership divided into four teams, to observe in Caracas and the states of Miranda and Vargas.

Upon arrival, teams met with representatives



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of local political parties and the regional electoral council. The teams deployed to Monagas and Carabobo states also met with the military officers in charge of the local Plan República. In general, delegates were well-received and local officials were enthusiastic about the presence of international observers. Although some members of regional electoral councils expressed concern about possible problems during the elections, there was a consensus that the presidential elections would run more smoothly than the regional ones. Most local party officials expressed confidence the elections would be transparent. However, in states where results of the regional elections were challenged, especially Guárico, tension existed among the local parties as revealed in their meetings with the observers.

Several Carter Center teams assisted the OAS in gathering primary and secondary samples for the OAS "quick count." Both of these samples transmitted to Caracas on Dec. 6 and would enable the OAS to develop a relatively accurate picture of final electoral results. Teams also met with other international observers in the field, including delegates from the EU, the International Republican Institute, and the National Democratic Institute.

## THE LEADERSHIP TEAM AGENDA

On Dec. 4 and 5, the leadership team, which consisted of President and Mrs. Carter, President Aylwin, President Sánchez de Lozada, Secretary Nicholas Brady, and Dr. Jennifer McCoy, met with presidential candidates, party leaders, and government officials. The purpose of these meetings was to hear from Venezuelans how the electoral process had evolved in the month since the Council's

previous visit and what their expectations were concerning the outcome of the presidential elections. The leadership also met with other international observers, including the head of the OAS delegation, Secretary General Cesar Gaviria, and the head of the EU delegation, Ana Miranda. All agreed to share information among observers and to consult with other delegations before making public statements.

The leadership team met with President Caldera and several of his ministers at a lunch held in honor of the international observers at the Presidential Palace on Dec. 5. The president and his ministers expressed confidence in the transparency of the upcoming elections and downplayed any possibility of electoral violence. In a separate meeting with the minister of defense, Vice Admiral Rincón Bravo, and the commander of Plan República, General Martínez Ochoa, the leadership team received similar assurances that all necessary preparations for the election had been carried out. They also assured the Council that the armed forces would accept the outcome of the presidential elections, whatever the results. The minister of defense discounted rumors of military resistance to Chavez's election or to the convening of a constituent assembly.

## MEETING THE CANDIDATES

The leadership team met with presidential candidates Chávez, Römer, and Sáez. Römer expressed confidence in his own victory. He felt that the last-minute support by AD and COPEI would be positive for his candidacy, particularly in rural areas, although it might hurt him in Caracas. However, because he had run a close second throughout the campaign, Römer expressed concern that, should he win, his adversaries' reaction might be negative and possibly violent. He also was



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concerned that mass media would not respect rules prohibiting them from announcing exit polls until after voting centers closed. Römer thought an early announcement would hurt him, since it might be based on exit polls conducted mainly in urban areas.

In his meeting with Council leadership, Hugo Chávez also expressed confidence of victory and said he already was preparing to govern in a spirit of reconciliation and tolerance. He felt the last-minute substitution by AD and COPEI of their presidential candidates violated the law and it reflected the desperation of the status quo parties. Chávez restated his commitment to convene a constituent assembly through a national referendum and said this would be legal without prior reform to the constitution. The Council leadership team, while understanding his desire for radical change, reminded him that adhering to the strict constitutional process would

shore international and domestic confidence in his new government, should he win the election. The Council team emphasized it would be important for the victor to reach out to opponents and reassure both Venezuelans and the international community with a conciliatory message after the elections. Chávez reiterated he was a democrat and

would seek to govern democratically, but he understood it would take time for his opponents to feel confident of this.

Sáez acknowledged she was unlikely to win the

election, but said that, in a polarized electoral scenario, someone had to remain in the political center, acting as a conciliator. She cited her recent meetings with all the principal political parties and presidential candidates as evidence of her willingness to act as a bridge between the contending candidates. The leadership expressed its support for her role as a political conciliator.

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*The Council team emphasized it would be important for the victor to reach out to opponents.*

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MEETING THE PARTIES

The Council also decided to meet with the principal political parties, AD and COPEI, that had nominated new presidential candidates in the final week of the elections, AD and COPEI. Both parties' leaders believed the present polarized election offered a choice between dictatorship and democracy, and declared they had chosen to throw all their support behind the democratic option with the best possibility of winning the election, represented by Römer.



RENATO CAPPELLETTI

*President Sánchez de Lozada, General Martínez Ochoa, Minister of the Interior Vice Admiral Rincón Bravo, President Carter, Nicholas Brady, and President Aylwin Azocar at the Ministry of Defense residence in Caracas.*



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS



RENATO CARPELETTI

*Nicholas Brady, Mrs. Carter, President Carter, President Caldera, OAS secretary general César Gaviria, President Aylwin Azocar, President Sánchez de Lozada, Ana Miranda, Foreign Minister Burelli Rivas and other dignitaries meet at Miraflores, the Venezuelan presidential palace.*

Several party leaders also worried that, should Chávez win the election, he would choose to call a constituent assembly without reforming the constitution to permit it. They generally believed this path would lead to a political and military crisis.

Presidents Carter, Aylwin, and Sánchez de Lozada, and Secretary Brady met with several of the principal leaders of MAS in the afternoon of Dec. 5. The message of the MAS leadership was conciliatory. They said they believed that Chávez would win the election, but the possibility of electoral violence was overstated. They also said the traditional parties would have to renew themselves, but they looked forward to working with AD and COPEI to carry out the reforms needed to renew Venezuelan democracy. MAS leaders also felt that a consensual path to constitutional reform and a constituent assembly was viable.

### ELECTION DAY: DEC. 6, 1998

On election day, observers from the Council of Freely Elected Heads of Government visited 252 voting sites in 13 states and the federal district of Venezuela. Most began their days at 5:30 a.m., the official time set for poll workers to arrive and set up voting stations. Some observers reported finding long lines of voters even at this early hour, patiently waiting for the polling sites to open.

Observers visited voting centers throughout the day to evaluate the voting process and the political climate. At closing time, they also observed vote counts, mostly at automated voting sites. In almost all cases, observers were able to report these results to the Carter Center headquarters in Caracas. Delegates who participated in collecting primary and secondary samples for the OAS “quick count” reported results from designated voting centers to



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

OAS headquarters as well. While they noted occasional problems, Council observers felt the voting process went very smoothly and the functioning of the automated voting system was technologically impressive.

Council observers reported no significant problems in the overwhelming number of voting centers they visited. Almost 96 percent of centers were open by 8 a.m., and 68 percent were open shortly after the official time of 6:30 a.m. Although there were long lines at many voting centers early in the day, most voters had to wait for less than 30 minutes to vote, a considerable improvement over the experience of the regional elections. There were only two instances reported by Carter Center delegates in which voters had been waiting for more than two hours; in both cases, it was the result of a defective voting machine. Both voters and poll workers attributed the generally shorter waits to the experience gained in the November elections and the simpler presidential ballot.

Poll workers, party witnesses, and voters reported a good working relationship, and the

observers were favorably impressed by the relaxed atmosphere at most of the voting centers they visited. The observers found party witnesses supporting at least two different candidates in 94 percent of all voting centers. In 87 percent of the voting stations observed by the delegation, poll workers selected by lottery constituted the *mesas*, with the rest of the sites containing a mix of lottery and party workers. In more than 95 percent of cases, Carter Center observers found the poll workers to be nonpartisan and well-trained.

In about 10 percent of the centers, Carter Center observers reported poll workers had not received appropriate training from the Universidad Simón Rodríguez, but even in those instances, previous experience during the November elections ensured a smooth voting process.

Also, the CNE apparently communicated effectively with poll workers on short notice, since almost all observer teams reported voters were being informed of the latest CNE decision requiring them to select only one party on the presidential ballot.

*Polling booths set up at a voting center in readiness for the Dec. 6 elections.*



RENATTO CAPELETTI



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS



RENATTO CAPPELLETTI

*President Carter observes a voter preparing to feed her ballot into the vote tabulating machine.*

The vote tabulating machines operated smoothly throughout the day, showing considerable improvement over the reported rate of failure in the November elections. In almost all cases, poll workers and party witnesses had watched the Indra technician print out a tally sheet at the beginning of the vote that verified the machine had been set to a zero count. In 4 percent of the voting sites, party witnesses reported being unable to print out the “zero” tally due to a paper jam in the printer. In these instances, poll workers and party witnesses visually verified the zero count on the voting machine’s screen and noted this observation on the relevant electoral form. Only 15 voting sites visited by Council observers had malfunctioning vote tabulating machines.

Observers also noted some machines appeared to be more sensitive to how ballots were inserted than others. For example, in one voting center in a poor neighborhood of Caracas, delegates observed a machine that rejected most voters’ initial attempt to insert the ballot. This required the Indra

machine operator to assist almost all voters in casting their ballots at this voting site.

In fact, Carter Center observers reported that ballot secrecy was not completely assured in 13 percent of the sites because participation of the Indra machine operator in the voting process meant that the ballot might be observed as it was cast. However, they also reported that voters did not seem concerned by this reduced level of ballot secrecy. In almost all sites visited, both party witnesses and poll workers thought the voting process was proceeding very well.

In general, observers thought Plan República soldiers did an excellent job of providing security for the electoral process. They reported problems with crowd control in only four (of 252) voting sites visited, mainly in Caracas. Generally, voters responded positively to the military’s role in the elections, and relations between military personnel and poll workers were smooth.

However, observers in Carabobo and Bolívar states reported military presence was particularly



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

*President Aylwin Azocar listens to a poll worker who explains his role in the voting procedure at a voting center in Brisas del Paraíso, Caracas.*



GEORGE JONES

heavy. Some voters in Bolívar mentioned to the delegates that they thought the military had assumed too high a profile during the elections. The observer team in Carabobo noted the military paid close attention to their activity. They found it difficult to observe or to have a conversation with voters or poll workers without being overheard by a military officer. Overall, observers found the participation of the armed forces helpful in ensuring a peaceful and transparent electoral process.

The close of voting and tallying of ballots went

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*Overall, observers found the participation of the armed forces helpful in ensuring a peaceful and transparent electoral process.*

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particularly smoothly due to automation of the process. In centers that had been automated, the process of transmitting the results occurred within minutes of the close of voting. After transmission, observers reported it took poll workers and party witnesses little more than one hour to complete the necessary forms and provide the Plan República

with the documentation and tally sheets to be transported to the National Election Council. The clearest indication of the smoothness of the automated voting process was the rapidity with which the CNE was able to announce results on the evening of Dec. 6.

Overall, the Council of Freely Elected Heads of Government observers expressed enthusiasm about the election process and were impressed by the technology involved in the automation of the vote. Problems were reported in only 16 of 252 voting sites visited, and most of these would not affect the results of the elections. The delegates found voters, poll workers, party witnesses, and soldiers worked together harmoniously to make this a transparent and peaceful election that clearly reflected the will of the Venezuelan people.





## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

### ELECTION NIGHT

At 6:37 p.m. on Dec. 6, 1998, the CNE announced on live television that Hugo Chávez Frias had been elected president. The voting tally announced was 57 percent for president-elect Chávez and 39 percent for the second-place winner, Henrique Salas Römer, with a 65 percent turnout among registered voters. These results were announced based on returns from voting centers covering 76 percent of registered voters, which had been successfully transmitted electronically from across the country. President and Mrs. Carter and Dr. Jennifer McCoy observed the transmission of the results at the CNE's Caracas headquarters from 5 p.m. on, and they were on hand to congratulate the CNE council members for a successful electoral process when the first results were announced.

The rapidity with which the CNE announced the vote surprised most people and was seen as evidence of the success of the automated voting system. The OAS contacted the Carter Center shortly after the announcement by the CNE and informed the Council's leadership team that their

"quick count" showed a victory for Chávez of 59 percent to 38 percent. This information, drawn from a random sample of voting centers, gave the Carter Center confidence in the partial results its observers had been phoning in from across Venezuela.

Initially the second-place winner, Römer, said he would not concede the election until all votes had been tallied. This reflected his view that voting results expected to arrive later in the evening and on the following days, largely from rural areas, would tend to favor his candidacy. Shortly after the CNE made its announcement, the Römer campaign contacted the Carter Center headquarters. The leadership delegation reported that the OAS "quick count" and the delegation's own information matched the results provided by the CNE and confirmed the magnitude of Chávez's victory. The leadership also noted the delegation observed very few problems during the electoral process, none of which would affect the voting results.

By 8 p.m., Römer made a gracious and conciliatory concession speech on live television. Only four

*A hand-drawn poster in a local CNE office shows towns within the state of Táchira and lists voting center locations.*



ANNAMARI LAARSONEN



OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

hours after the official poll closing time, Chávez was the acknowledged president-elect of Venezuela. President-elect Chávez's initial statements also were conciliatory, and he proceeded to hold a lengthy press conference late on the evening of Dec. 6 to familiarize Venezuelans with his proposals for the upcoming government.

Prior to his departure from Venezuela, President Carter held a meeting with President-elect Chávez on the morning of Dec. 7 at the Circulo Militar in Caracas. President Carter offered his congratulations to the president-elect, and they discussed Chávez's plans for his government. President Carter also spoke by telephone with the second-place finisher, Römer, who had returned to Carabobo state the morning of Dec. 7. President Carter congratulated Römer on his campaign and concession speech, and they discussed his potential future role in Venezuelan politics.

As Presidents Carter and Sánchez de Lozada stated in their final press conference on Dec. 7, the Venezuelan people had voted peacefully, but definitively, for change. The leadership team also congratulated the voters, the CNE, poll workers, and soldiers on the success of the elections. President Carter called the electoral outcome a "peaceful revolution," a statement that Venezuelans quoted often in the days that followed. Chávez won by more than a million votes over his nearest rival, winning victories in 20 of 23 states. The margin of votes by which Chávez won left little room for

doubt as to the credibility of the results. Furthermore, as the preliminary statement from the Council of Freely Elected Heads of Government pointed out, the automated vote count system — the first national electronic system in the hemisphere — brought a new level of transparency and confidence to the process. This combination made the 1998 Venezuelan elections among the most peaceful and transparent in the country's 40-year history of democracy. ■

**Table 5**  
**Final Vote Totals —1998 Venezuelan Presidential Elections**

Candidate	Total Votes	Percentage of Votes
Hugo Chávez Frias	3,673,685	56.20%
Henrique Salas Römer	2,613,161	39.97%
Irene Sáez	184,568	2.82%
Luis Alfaro Ucero	27,586	0.42%
Miguel Rodríguez	19,629	0.30%

(Source: CNE, "Resultados Electorales Venezuela 1998")



OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Table 6

Official Electoral Statistics – 1998 Venezuelan Presidential Elections

	Total Votes	Percentage of Votes
Number of Registered Voters	11,001,913	
Number of Ballots Cast	6,988,291	63.76%
Number of Abstentions	3,971,239	36.24%
Valid Votes	6,537,304	93.55%
Null Votes	450,987	6.45%

(Source: CNE, “Resultados Electorales Venezuela 1998.”)

*Virginia López-Glass, Beatriz Fuentes, and Becky Castle staff the Caracas office.*



ANNAMARI LAAKSONEN



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

## POST-ELECTION OBSERVATION

Table 7  
Sample of States in Which the Results of the Governor's Election  
Were Challenged as of January 1999

State	Party	Challenging Party	Total Votes	Absolute Margin of Votes	Percentage Margin of Victory
Apure	José Montilla (AD)	Polo Patriótico	94,911	15,591	16.42%
Barinas	Hugo Chávez (MVR)	AD	157,171	3,084	1.96%
Bolívar	Jorge Carvajal (AD)	Polo Patriótico	258,259	12,717	4.92%
Carabobo	Enrique Salas Feo (Proyecto Venezuela)	Polo Patriótico	499,601	72,325	14.48%
Cojedes	José Galíndez (AD)	Polo Patriótico	81,640	21,121	25.87%
Falcón	José Curiel (COPEI)	Polo Patriótico	227,323	27,217	11.97%
Guárico	Eduardo Manuit (MVR)	AD	176,967	1,726	0.98%
Miranda	Eduardo Mendoza (COPEI)	Polo Patriótico	602,916	108,201	17.94%
Portuguesa	Iván Colmenares (MAS)	AD	197,080	7,955	4.04%
Sucre	Eloy Gil (AD)	Polo Patriótico	206,168	22,197	10.77%

(Source: CNE 1998 Regional Electoral Results)

## CHALLENGES TO THE 1998 ELECTORAL RESULTS

Hugo Chávez's margin of victory over his nearest contender, by more than one million votes, was of such magnitude that no challenges to the presidential electoral results were filed after Dec. 6. Initially, it seemed the results from the November regional elections would be respected, since all parties achieved at least partial success. However, 155 challenges, called *impugnaciones* in Venezuela, were filed against the results of the regional elections, many of them after the presidential elections had concluded. The CNE rejected 30 of these, and 112 were still pending as of Jan. 17, 1999. Nine challenges were

admitted for further investigation. Challenges in the governors' elections were filed in all states except for Zulia.<sup>11</sup>

The CNE is the body legally empowered to conduct the initial review of any challenge to an electoral process. An electoral process can be impugned by parties, voters, interested organizations by presenting a *Recurso Jerárquico* to the CNE.<sup>12</sup> A *Recurso Jerárquico* can challenge an outcome on one or more of the following grounds: 1) an error in the tally sheets or other official documents related to the functioning of a polling site; 2) an error in the act of totaling the electoral results; 3) an error in adjudicating the votes to a given candidate or party; 4) an error in proclaiming an electoral result. There is a period of 20 days



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

following any election in which to file a *Recurso Jerárquico*, except for a presidential election, when the filing period is 30 days.<sup>13</sup> However, Article 232 of the Electoral Law states the act of filing a challenge is not grounds for delaying the proclamation of an official victor in an election.<sup>14</sup>

Once the *Recurso* has been filed, the CNE's legal department (*Consultoría Jurídica*) is charged with investigating the allegation. This department can either dismiss the challenge if it is groundless, or ascertain the truth if the challenge has merit.

However, the CNE will call for a new election only if an impropriety materially could have altered the outcome of an electoral contest. For example, if the legal department determines electoral fraud was committed on tally sheets covering 5,000 votes, but the victor in that election won by 40,000 votes, the CNE would not call for a new election. In handling the 1998 regional elections, the CNE had a *Comité de Sustanciación* to speed the investigation of legal challenges to the totaling and adjudication of votes and the proclamation of victors, while the investigation of fraud committed regarding tally sheets remained in the hands of the *Consultoría Jurídica*.

Voters or parties who are dissatisfied with a decision made by the CNE regarding a *Recurso Jerárquico*, or who wish to challenge the administrative decisions, actions, or omissions of the CNE can file a *Recurso Contencioso Electoral*. Article 235 of the Electoral Law specifies that this is a rapid means of challenging CNE decisions in regard to parties, candidates, nominations, the electoral registry, and referendums.

A *Recurso Contencioso* must be filed within 15 days of the CNE action being challenged. If it addresses actions concerning the nomination and election of candidates for governor, state assembly, or municipal posts, this *Recurso* must be heard by the *Corte Primera de lo Contencioso Administrativo*

(an appeals court). If a *Recurso Contencioso* addresses elections to federal positions, the functioning of electoral bodies, the recognition of national parties, the adjudication or totalization of votes in a presidential election, or CNE decisions, it is heard directly by the Political-Administrative chamber of the Supreme Court.

In other words, the *Recurso Contencioso* can be filed both as an appeal to a CNE decision on a *Recurso Jerárquico*, or to challenge any other decision, action, or omission by the CNE. The courts have the authority to order the CNE to remedy any of the faults presented in a *Recurso Contencioso*. Should these faults be of such a magnitude to alter the result of a previous electoral process, a new election must be held within 60 days of the court's decision.

While the new 1997 Electoral Law sets fairly short deadlines, legal challenges to previous elections have not been quickly resolved. As General Martínez, commander of the 1998 Plan República, pointed out, the armed forces still are storing ballots from elections held over a decade ago because the legal challenges in these cases have not been resolved. While this is unusual, more recently, the CNE held new elections for governors two years after the challenged vote in 1993.

It is hoped that, under the provisions of the new Electoral Law, the process of appealing the 1998 election results will occur more quickly. However, some delays already have been introduced into the process since the investigation into the initial challenges was suspended for one month during the CNE's winter holidays. Nevertheless, as the previous table shows, most governors whose elections are being challenged were elected by substantial margins, which makes it unlikely that the CNE will overturn the official results. The elections to the legislative assemblies, typically decided by a small number of voters due to the limited size of the



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

electoral districts, are likely to provide more fertile grounds for successful electoral challenges.

## POLITICS IN THE WAKE OF THE 1998 ELECTIONS

Venezuela faced a difficult economic and political situation in 1999. The gap between President-elect Chávez's campaign promises and the economic realities of Venezuela appeared intractable. Arguments over the process of convening a constituent assembly generated intense political disagreement among political parties and in civil society. However, the presidential elections were universally viewed as legitimate, and Chávez was the unquestioned winner. Whatever the political and economic disagreements Venezuela faced, there was no question of Chávez's constitutional mandate to govern.

Reactions to Chávez's victory were initially positive. The President-elect's first messages to Venezuelans, both on television and at his victory rallies were conciliatory. His erstwhile opponents responded in a similar fashion. Most major political parties, including AD and COPEI, agreed to cooperate with the new government in the legislature to facilitate convening the constituent assembly, the centerpiece of Chávez's agenda. There was even some discussion among opposition parties with regard to granting the new president emergency powers to address the deepening economic crisis. Chávez's initial appointments of General Raúl Salazar as minister of defense, and Luis Miquilena, the executive coordinator of the Movimiento Quinta República, as minister of interior, were well-received. The economic markets also reacted well at first, with a sharp "relief" rally in the Caracas stock exchange, a reduction in interest rates, and an improvement in the exchange rate, following Chávez's initial conciliatory statements.

This early euphoria began to dissolve as Venezuelans confronted their profound economic crisis. One technical report by the Venezuelan Congress estimated that the 1999 fiscal deficit would reach 10.4 percent of GDP, the equivalent of nearly \$10 billion.<sup>15</sup> Analysts estimated that the deficit could be even larger if the new president fulfilled his campaign promises to raise salaries and wages. Chávez argued that the deficit gap could be closed through improved tax collection, a reform of the customs agency, a broader value-added tax, and a renegotiation of the foreign debt.

However, knowledgeable private sector economists estimated that these measures would not close the deficit by more than 2 percentage points in the medium term, leaving a substantial gap in government spending that would have to be closed by other means, including loans from international financial institutions. Since economic policy was not at the center of the presidential campaigns and did not dominate discussion after the election, many Venezuelans were uncertain about the economic direction of their country. This uncertainty was then reflected in a weakening of both the exchange rate and the stock market.

Also, politicians began to realize there was less consensus on the issue of the constituent assembly than had been previously. As a candidate, Chávez had promised to convene a referendum on a constituent assembly by executive decree on Feb. 15, 1999. His opponents argued that the existing constitution did not allow for the convening of a constituent assembly, nor for a referendum in the matter. They argued instead that the constitution needed to be reformed to permit such a procedure.

Chávez and his supporters denied a referendum would be unconstitutional, basing their arguments on their interpretation of the constitution and the electoral law. They also questioned the legitimacy



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

of the legislature elected in November 1998, since it was selected under rules governing the existing “discredited” political system. They further argued that voters in the regional elections were uncertain about who they had voted for due to the complexity of the electoral system.

In the wake of the election, AD and COPEI legislators offered to cooperate in a reform of the constitution to permit the convening of a constituent assembly, and newly elected Senator (and former President) Carlos Andrés Pérez stated that he would introduce such a reform once the new Congress convened Jan. 23, 1999.

Initially, President-elect Chávez seemed open to such a process, as long as the reform occurred by his Feb. 15 deadline for convening a referendum. However, Chávez and his supporters later rejected reforming the existing constitution. Only hours after his Feb. 2 inauguration, he issued a decree convening the referendum. This decree rejected a prior constitutional reform on the grounds that the “status quo” parties would use this opportunity to diminish the scope and the power of any constituent assembly. The Supreme Court ruled in January that using a referendum to convene a constituent assembly was indeed constitutional. ■



OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

## RECOMMENDATIONS AND SUGGESTIONS

The elections confirmed Venezuela's rich tradition of democratic choice of leadership. They also confirmed the deep desire for change among Venezuelans. As Venezuelans strive to improve their political and economic systems, we offer our congratulations and gratitude for being privileged to witness this demonstration of faith in democratic principles.

In the same spirit, we would like to offer our observations not only about the strengths, but also the weaknesses of the electoral process that could be improved in future elections. Our mission focused on the preparations for and conduct of the elections and did not include a systematic monitoring of the voter registration process or the campaign. Further, the suggestions below focus on procedural and legal aspects of the elections, rather than the structure of the electoral authorities.

### PROCEDURAL RECOMMENDATIONS

#### REGISTRO ELECTORAL

Although most political parties seemed satisfied with the current electoral registration process, The Carter Center heard some concerns about the adequacy of the Registro Electoral. Even though the CNE registered numerous new voters in 1998, The Carter Center would encourage Venezuelans to expand the number of opportunities for citizens to register. The program for computerized registry, introduced on a limited basis before the 1998 elections, should be expanded. Also, in the 1998 elections, the audit of the Registro Electoral began late, and results were not available before the November vote. In future elections, the CNE should audit the registry earlier in its preparations.

#### EDUCATING VOTERS

Venezuela overcame a major hurdle by successfully holding elections using a fully automated voting system for the first time. Council observers generally thought voters were sufficiently well-informed about the new voting system to cast a ballot that accurately reflected their preferences. However, given the complexity of the voting system and the ballots, the CNE should consider an earlier start to its voter education campaign than the one carried out during the 1998 elections, which began Oct. 21.

#### TRAINING POLL WORKERS

The replacement of party poll workers with those selected by lottery was a success during the 1998 elections. However, many delays associated with the voting process were caused by poor training of voters conscripted to operate the polling stations. This problem resulted not from any fault of the poll workers, but rather from the delays in their notification and in the haphazard nature of their



*A technician discusses her role with President and Mrs. Carter at a voting center in Caracas.*

RENATO CAPELETTI





## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS



RENATO CAPPELLETTI

*President Sánchez de Lozada (left) and Chuck Costello observe a mesa worker explaining the ballot and voting process to a voter in Caracas.*

training which began in October 1998. Notification and training of these workers should begin at a considerably earlier date in future elections.

### SUPPORTING THE AUTOMATED VOTING SYSTEM

Between the regional and presidential elections, there was a clear improvement in support for the voting machines and in the quality of the technicians. The CNE should take steps to ensure that, in future elections, technicians are properly trained and a pool of replacement voting machines is available, as done during the 1998 presidential elections.

### INCREASING AUTOMATION OF THE VOTE

In general, automation of the voting system accomplished its purpose: increasing transparency of the vote, reducing fraud, and reducing political tensions by providing accurate early electoral returns. To further this process, Venezuela should complete the process of automating the remaining voting centers that used manual voting during the 1998 elections. It also should further develop the

telecommunications infrastructure supporting the electronic transmission of voting results. Alternative means of reaching rural areas that lack this infrastructure, such as through satellite and cellular telephone, should be explored.

### RE-ENGINEERING THE VOTING PROCESS

Congestion in polling sites was clearly one of the main problems during the 1998 Venezuelan elections. This partially resulted from the decision to locate up to three *mesas electorales* and their vote tabulating machine in the same room. The flow of voters through the polling sites could be improved by adding more vote tabulating machines. This would allow the CNE to reduce the number of *mesas electorales* assigned to a given room.

Alternatively, the CNE should consider locating voting machines in a different room from the *mesas* assigned to it for small voting centers. By reducing congestion in the rooms where the voting takes place, the CNE could improve access for party witnesses and provide a higher degree of ballot secrecy for voters.

## LEGAL RECOMMENDATIONS

### CAMPAIGN FINANCE

Although the CNE is clearly empowered to supervise campaign and party finances, little effort was made in this area during the 1998 elections. This was reflected in violations of the restrictions on political advertising through the mass media. As part of the effort to increase transparency of the electoral process, the CNE should demand greater accountability from parties and candidates as to the sources of their funding. Some of this could be accomplished by enforcing current electoral law. However, increasing transparency and reducing corruption in this area may require further legislation, as well as upgrading the CNE's technical



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

capabilities to supervise the parties and candidates.

### CLARIFYING SUBSTITUTION RULES FOR CANDIDATES

Clearly, one of the major crises faced by the CNE during the electoral process was caused by the AD's and COPEI's last-minute decision to substitute their presidential nominees. The CNE should reaffirm its ruling to reserve control over the ballot spot for the party, rather than the candidate. The CNE should decide permanently to restrict voters to selecting a single oval in the presidential election. This would help reduce complexity in the voting process. However, Venezuelans should consider reforming the present electoral law to set reasonable deadlines for candidate substitutions. This would allow the CNE to provide accurate ballots to the voters and ensure that tabulating software is up to date.

### REDUCING BALLOT COMPLEXITY

The ballot in the regional elections could be considerably simplified by reducing the number of parties allowed to participate. Although this was not a problem during the presidential elections, the number of parties allowed on the ballot during regional elections greatly complicated voting (86 in Miranda state, for example).

Venezuelans may want to consider raising the requirements for registering new parties and altering electoral law to encourage smaller regional parties to merge. This would allow the CNE to give each party greater visibility on the ballot, reduce congestion due to the presence of large numbers of party witnesses, and reduce voter confusion regarding the ballot's complexity. ■



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## ENDNOTES

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<sup>2</sup> Venezuela is a federal republic, divided into 22 states and a federal district. Each state elects a governor and state legislative assembly. The terms of office for federal positions (presidency, Senate and Chamber of Deputies) are five years.

<sup>3</sup> VenEconomy special publication, Elections 1998 – Meet Your President, pp. 55-56. Polls conducted by Datanálisis.

<sup>4</sup> Datanálisis poll, released Oct. 30, 1998, published in El Universal. Poll conducted between 19 and 23 of October. A Mercanálisis poll released on Oct. 21, 1998, showed Hugo Chávez at 39 percent and Henrique Salas Römer at 38 percent.

<sup>5</sup> There are currently 196 electoral districts (circunscripciones electoral) in Venezuela.

<sup>6</sup> This apparent violation of electoral rules was partially verified by a local NGO, Queremos Elegir, which studied television advertising by the campaigns. Queremos Elegir found that candidates were exceeding the maximum amount of airtime allowed to any candidate on any given day (four minutes on any one station).

<sup>7</sup> Following the 1993 elections, legal challenges in two gubernatorial elections led to new elections, but only after a two-year delay.

<sup>8</sup> The Senate is elected by proportional representation, calculated on the basis of two seats per state. In other words, for a party to capture both seats in a given state, it must win twice as many votes as any other contender. Deputies are elected by a mixed system, with half of the positions available in a given state elected nominally and the other

half selected by a closed party list.

<sup>9</sup> Andrés Stambouli, Demoscopio poll, October 1998.

<sup>10</sup> Opinion polls by Datanálisis, Mercanálisis and Datos, published Nov. 23 to 29, 1998. The short time period between the regional and presidential elections prevented most Venezuelan polling organizations from conducting more than one survey of public opinion, and the results of these were all hurriedly published the last week of November, since Venezuelan electoral law forbids publication of poll results in the final week before an election.

<sup>11</sup> “Impugnada elección en 22 gobernaciones,” El Universal, Jan. 27, 1999.

<sup>12</sup> Voters or organizations located outside Caracas are allowed to submit a Recurso to the local Regional Electoral Council. This council must transmit the complaint within one day to the CNE.

<sup>13</sup> The law establishes an exception to these time limits when a challenge alleges that a candidate was not eligible to run for the position to which he or she was elected. For example, a candidate’s election might be challenged on the grounds that he or she does not meet the age or citizenship requirements. In this case, there is no time limit for filing a Recurso Jerárquico.

<sup>14</sup> Information on the legal procedures described in this section was provided by the Consultoria Jurídica of the CNE and drawn from the relevant articles (216-250) of the Ley Orgánica del Sufragio.

<sup>15</sup> “Estado requiere \$9,984 millones,” El Universal, Jan. 15, 1999.



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## THE COUNCIL OF FREELY ELECTED HEADS OF GOVERNMENT

Jimmy Carter, Chairman, former President of the United States of America (1977-81)

George Price, Vice-Chairman, former Prime Minister of Belize (1981-84, 1989-93;  
Premier, 1965-81)

### **Incumbents**

Fernando Henrique Cardoso, President of Brazil (1995-present)

Leonel Fernández Reyna, President of the Dominican Republic (1996-present)

Jamil Mahuad, President of Ecuador (1998-present)

Carlos Saúl Menem, President of Argentina (1989-present)

P.J. Patterson, Prime Minister of Jamaica (1992-present)

Ernesto Pérez Balladares, President of Panama (1994-present)

Arthur Robinson, President of Trinidad and Tobago (1997-present)

Miguel Angel Rodríguez, President of Costa Rica (1998-present)

Julio Maria Sanguinetti, President of Uruguay (1985-89, 1995-present)

### **Former presidents and prime ministers**

Raúl Alfonsín, former President of Argentina (1983-89)

Nicholas Ardito-Barletta, former President of Panama (1984-85)

Oscar Arias Sánchez, former President of Costa Rica (1986-90)

Jean-Bertrand Aristide, former President of Haiti (1991-96)

Patricio Aylwin Azocar, former President of Chile (1990-94)

Fernando Belaúnde Terry, former President of Peru (1963-68, 1980-85)

Belisario Betancur, former President of Colombia (1982-86)

Rafael Caldera, former President of Venezuela (1969-74, 1994-1999)

Rodrigo Carazo, former President of Costa Rica (1978-82)

Vinicio Cerezo, former President of Guatemala (1986-90)

Joseph Clark, former Prime Minister of Canada (1979-80)

John Compton, former Prime Minister of St. Lucia (1987-96)

Gerald Ford, former President of the United States (1974-77)

Oswaldo Hurtado, former President of Ecuador (1981-84)

Luis Alberto Lacalle, former President of Uruguay (1989-95)

Alfonso López Michelsen, former President of Colombia (1974-78)

Carlos Andrés Pérez, former President of Venezuela (1974-79, 1989-93)

Gonzalo Sánchez de Lozada, former President of Bolivia (1993-1997)

Erskine Sandiford, former Prime Minister of Barbados (1987-94)

Edward Seaga, former Prime Minister of Jamaica (1980-88)

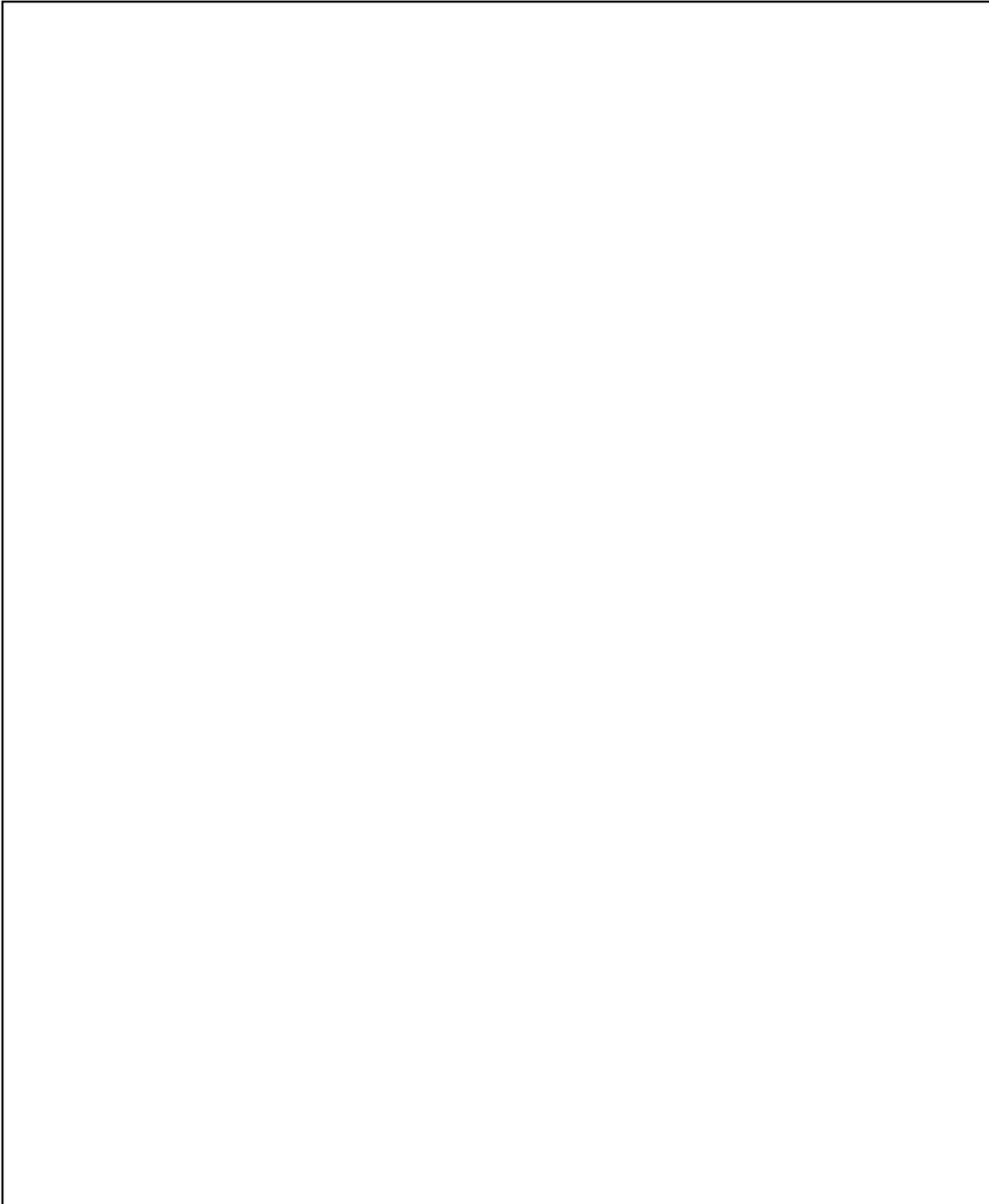
Pierre Trudeau, former Prime Minister of Canada (1968-79, 1980-84)

Juan Carlos Wasmosy, former President of Paraguay (1993-1998)



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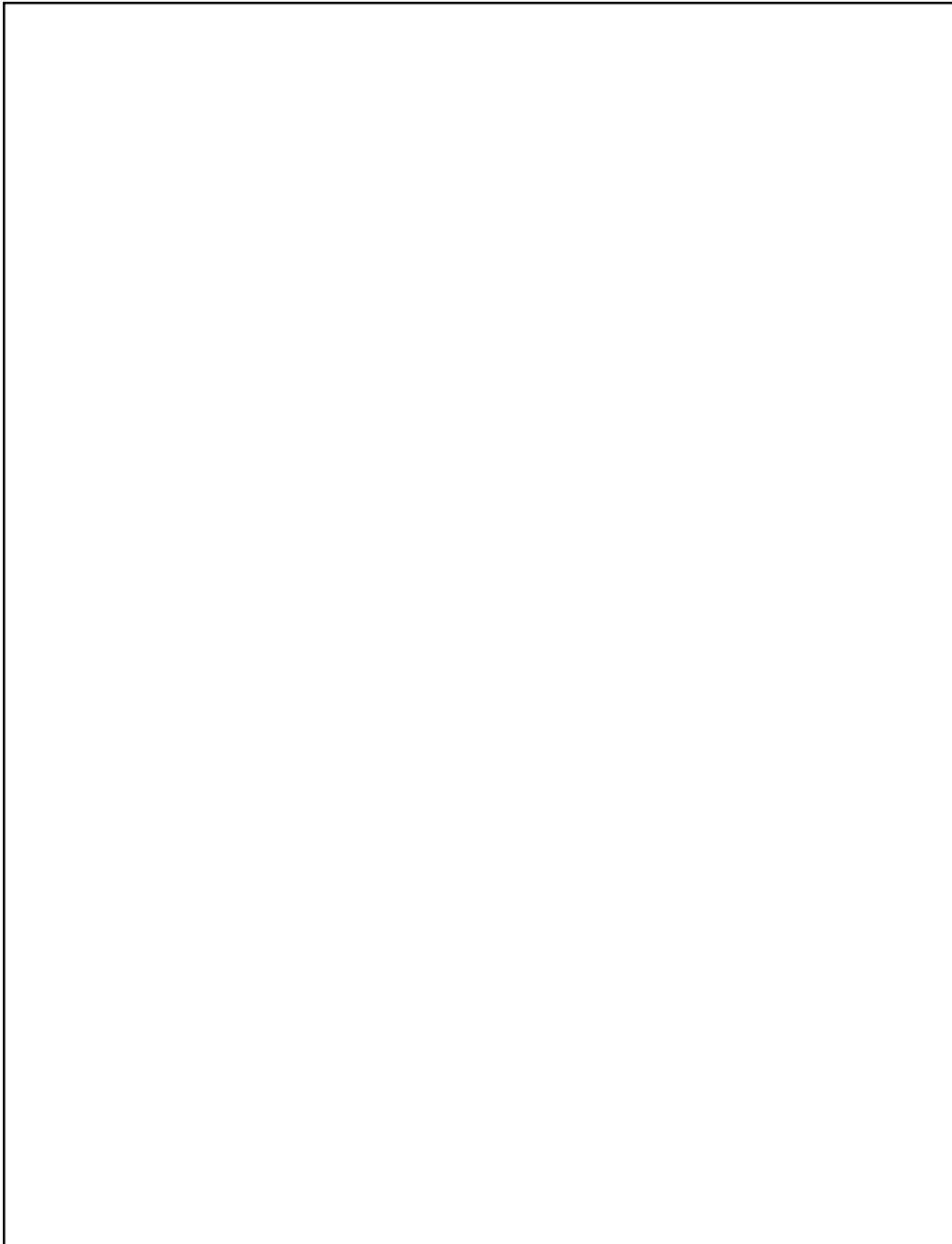
Appendix 2





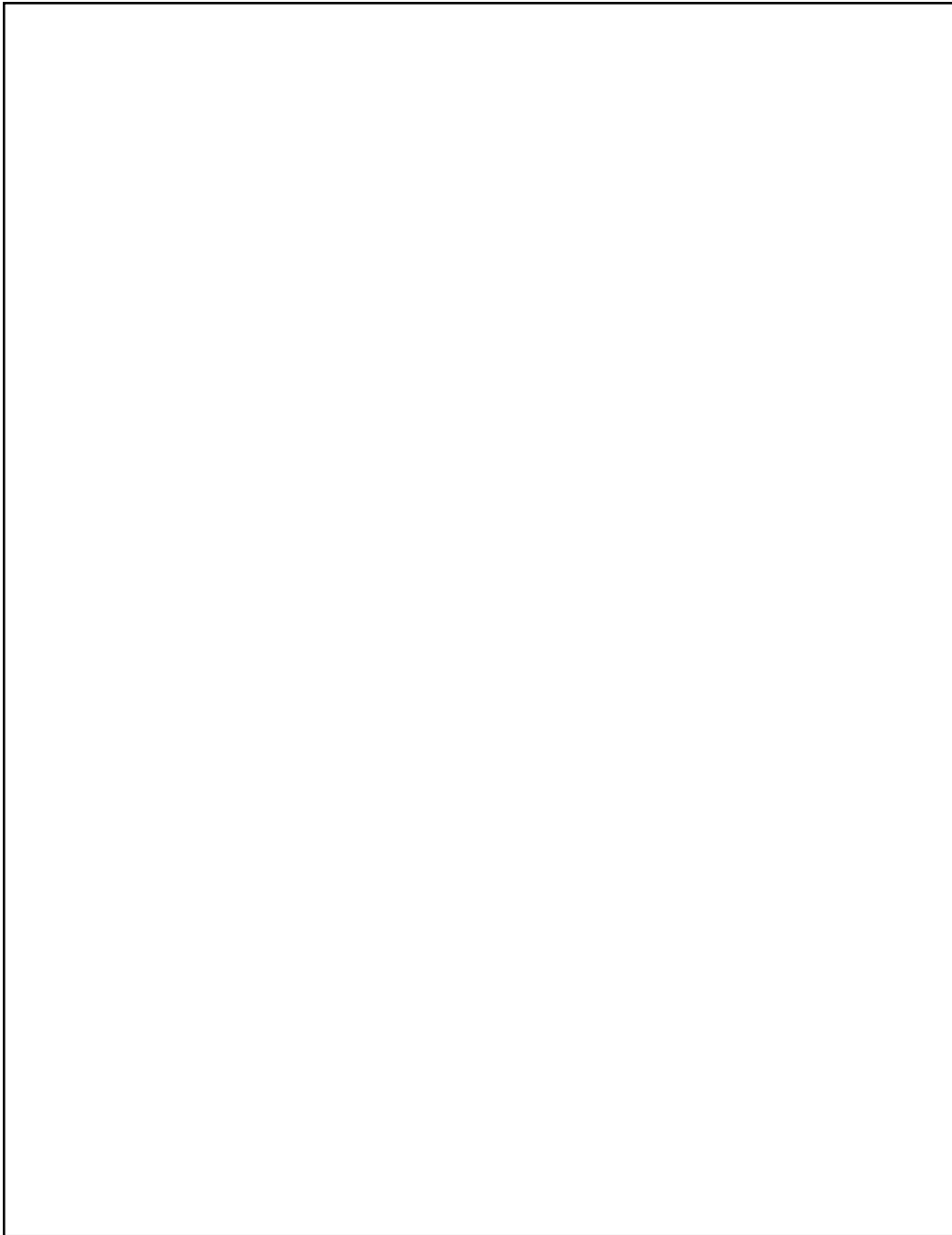
OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Appendix 3





OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS







## PRELIMINARY STATEMENT

Statement by former Presidents Jimmy Carter and  
Gonzalo Sánchez de Lozada

Nov. 4, 1998

PRESIDENT CARTER: It is an honor for my wife and me to be here in Venezuela to observe the elections in a country with a long and deep democratic tradition. We have been invited by the National Electoral Council as international observers. At the Carter Center we work with a group of thirty-one leaders from around the hemisphere, called the Council of Freely Elected Heads of Government. I have the pleasure of presenting a member of this group, former president of Bolivia, Gonzalo Sánchez de Lozada.

We are coming in order to support the democratic process, without any authority to determine the results, but with the ability to observe, and to inform the national and international community. It is a historic moment in the political development of Venezuela with the emergence of new parties and movements and independent candidates. It is an honor for us to be witnesses to the celebration of democracy in the coming weeks.

On this trip we have visited the National Electoral Council to learn about the electoral system here, and we watched a demonstration of the voting machines. We are very interested in seeing how this innovation functions during the elections. In addition, we have confidence that it will facilitate the vote-counting process and ensure a clean and honest tabulation.

We have also met with six of the presidential candidates, including Luis Alfaro Uceró, Hugo Chávez, Henrique Salas Römer, Irene Saez, Alfredo Ramos, and Miguel Rodríguez. All of them have told us that they respect the authority of the electoral council and that they will respect the results of the elections no matter who wins.

We will have a small group observing the November 8 (parliamentary and gubernatorial) elections and an international delegation of about 25 persons for the (presidential) elections on December 6.

In all elections, there are some problems and technical difficulties. In Sunday's elections, with the innovations in the ballot and the electoral system, and with the large number of parties and candidates, you are sure to see some irregularities. But if everyone remains calm and aware, no matter what anxieties may arise, we are confident that the elections are going to be an important celebration of the democracy in this country.



OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Now I would also like to present Dr. Jennifer McCoy, director of the Latin American Program at The Carter Center, and Dr. Harold Trinkunas, our representative during the election period.

I would now like to ask President Sánchez de Lozada to offer some brief comments.

**PRESIDENT SÁNCHEZ DE LOZADA:** Thank you, President Carter. We are all looking forward to being here in December. It is going to be a very important election; it has generated considerable anticipation throughout the hemisphere. Above all, I would like to emphasize that we are truly surprised at the number of candidates and parties – you are world champions in political parties, and the candidates are widely diverse. There are extremely novel and experimental systems that are going to be useful for all of Latin America.

We all accept that in the globalized society we have to exchange goods and services, but we also need to exchange knowledge. I am coming to see with great interest the large successes and the small defects, and hopefully to take away knowledge that will be useful for my country and other nations on the continent. You are going to have some complaints; we are here to try to clear them up, and we will go forward with great interest. ■



OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Appendix 5





## CARTER CENTER DEPLOYMENT TEAMS

1. **Caracas**  
President Carter, Mrs. Carter, Nancy Konigsmark, Jennifer McCoy, Curtis Kohlhaas
2. **Caracas and Baruta, Miranda State**  
Nicholas Brady, Harold Trinkunas
3. **Caracas and La Guaira and Catia la Mar, Vargas State**  
President Aylwin, George Jones
4. **Caracas**  
President Sánchez de Lozada, Chuck Costello
5. **Caracas, San Antonio de los Altos and Los Teques, Miranda State**  
Ron Burkle, John Burkle, John Hardman, Ken Abdalla, Ari Swiller
6. **Caracas**  
Becky Castle or Tanya Mujica, Deanna Congileo, Kent Spicer
7. **Maracay, Aragua State**  
Terrance Adamson, Jonathan Hartlyn
8. **San Juan de los Moros, Guárico State**  
Pablo Galarce, Neil Gaudry
9. **Barcelona, Anzoátegui State**  
Mary Anne Chalker, Jason Calder
10. **Barquisimeto, Lara State**  
Ed Casey, Fidel Chávez Mena
11. **San Cristóbal, Táchira State**  
Rodrigo Chávez Palacios, Annamari Laaksonen
12. **Cumaná, Sucre State**  
John Newcomb, Horace Sibley
13. **Maracaibo, Zulia State**  
Rafael Torribio, Ken Roberts
14. **Ciudad Bolívar, Bolívar State**  
Jesús Ortega, Vanessa Marti
15. **Maturín, Monagas State**  
Jaime Areizaga, Esther Low
16. **Barinas, Barinas State**  
Shelley McConnell, Debbie Palmer
17. **Mérida, Mérida State**  
Harry Vanden



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Appendix 7

## PRELIMINARY STATEMENT

Election Observer Delegation of The Carter Center  
and the Council of Freely Elected Heads of Government  
1998 Venezuelan Presidential Elections

Dec. 7, 1998

We congratulate the Venezuelan people for their enthusiastic participation in yesterday's election, and for their demonstration of faith in the democratic process. They voted calmly and peacefully, but definitively for change. We congratulate Venezuela's National Electoral Council and all of those who worked to ensure a smooth and efficient electoral process. The automated vote count system — the first national electronic system in the hemisphere — brought a new level of transparency and confidence to the process.

We were invited by the National Electoral Council and welcomed by the candidates to observe these elections, the 18th that we have monitored in this hemisphere. We are a delegation of 43 persons representing nine different countries of the Western Hemisphere and Europe. The delegation is led by three ex-presidents representing the Council of Freely Elected Heads of Government, based at The Carter Center: Patricio Aylwin of Chile, Gonzalo Sánchez de Lozada of Bolivia, and myself. We were joined by former secretary of the U.S. Department of the Treasury, Nicholas Brady.

As part of our observation activities, we made two pre-election visits in October and November, opened a field office in mid-October, and deployed a small staff observer team for the Nov. 8 elections. Immediately before the Dec. 6 elections, the delegation leaders met with the top three candidates, President Caldera, and the minister of defense. After the elections, the leaders spoke with both President-elect Chávez and the second-place finisher Henrique Salas Römer. We applaud their expressions of conciliation and calls for all Venezuelans to work together for the future of the country.

On election day, our delegation visited 252 voting sites in 13 states and the federal district of Venezuela. We will publish a final report in the coming weeks. Our preliminary findings include the following:

- The voting started before 8 a.m. in more than 93 percent of the sites we visited.
- Polling officials were professional and impartial. In more than 86 percent of the sites we visited, they were assigned their posts by lottery and had had experience in the Nov. 8 elections.



OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

- Our delegates overall reported that the soldiers working under the Plan República did an outstanding job in providing security and logistical support.
- In 94 percent of the sites with voting machines that we visited, the machines functioned well.
- Both electoral officials and party witnesses reported that the process was going smoothly in more than 95 percent of the sites we visited.

Overall, we found that the voters, poll workers, party witnesses and soldiers all worked together harmoniously to make this a transparent and peaceful election that clearly reflected the will of the Venezuelan people. We congratulate President-elect Hugo Chávez and the newly elected Congress and governors, and we urge them to address together the difficult challenges that face Venezuela. ■



OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

Appendix 8

CHECKLIST — VENEZUELA  
PRESIDENTIAL ELECTION  
DEC. 6, 1998

Team names: \_\_\_\_\_ Time of visit: \_\_\_\_\_

State: \_\_\_\_\_ Circumscription: \_\_\_\_ Center: \_\_\_\_\_ Table: \_\_\_\_\_

Voters registered: \_\_\_\_\_ Number who have voted: \_\_\_\_\_

Please write any descriptive comments on the back of the form.

Outside the Polling Center

- 1. How long has the first person in line been waiting to vote? \_\_\_\_\_ hrs.
- 2. Are the Plan República soldiers adequately regulating the flow of voters? Y N

Inside the Polling Center (select only one table per machine)

- 3. At what time was the first vote cast? (circle one)
  - 6 – 7 a.m.
  - 7 – 8 a.m.
  - 8 – 9 a.m.
  - 9 – 10 a.m.
  - after 10 a.m.
- 4. Are witnesses from at least two parties that support different candidates present and watching the procedures at the table? Y N
- 5. Did witnesses from at least two parties that support different candidates verify that the machine registered zero votes when voting started? Y N
- 6. The officials were:
  - a) assigned their post by lottery \_\_\_\_\_
  - b) party witnesses who became polling officials \_\_\_\_\_
  - c) some of both \_\_\_\_\_



## OBSERVATION OF THE 1998 VENEZUELAN ELECTIONS

- |   |  |      |     |
|---|--|------|-----|
| 7. Did the polling officials receive training from the CNE and/or the Universidad Simón Rodríguez?                    |  | Y    | N   |
| 8. Do the polling officials appear to be nonpartisan?   |  | Y    | N   |
| 9. Do the polling officials appear to be well-trained?  |  | Y    | N   |
| 10. Do the voters appear to understand the process?   |  | Y    | N   |
| 11. Is ballot secrecy assured?  | a) yes, completely   | ---- |     |
|   | b) except for Indra official                                   | ---- |     |
|   | c) no, unsatisfactory  | ---- |     |
| 12. If the table is automated, is the machine functioning smoothly?<br>(If the answer is no, please specify why not.) |  | NA   | Y N |
| 13. Do <i>polling officials</i> say the process is:   | a) going very well   | ---- |     |
|   | b) satisfactory  | ---- |     |
|   | c) unsatisfactory  | ---- |     |
| 14. Do at least two <i>witnesses</i> from parties supporting different candidates say the process is:                 | a) going very well   | ---- |     |
|   | b) satisfactory  | ---- |     |
|   | c) unsatisfactory  | ---- |     |
| 15. If they are present, do <i>domestic observers</i> (Queremos Eligir) say the process is:                           | a) going very well   | ---- |     |
|   | b) satisfactory  | ---- |     |
|   | c) unsatisfactory  | ---- |     |
| 16. In <i>your</i> view, is the voting process characterized by:  |  |      |     |
|   | a) no significant problems                                     | ---- |     |
|   | b) a few significant problems that will not affect the outcome | ---- |     |
|   | c) serious flaws that could affect the outcome of the vote     | ---- |     |

PLEASE ADD ANY DESCRIPTIVE COMMENTS BELOW

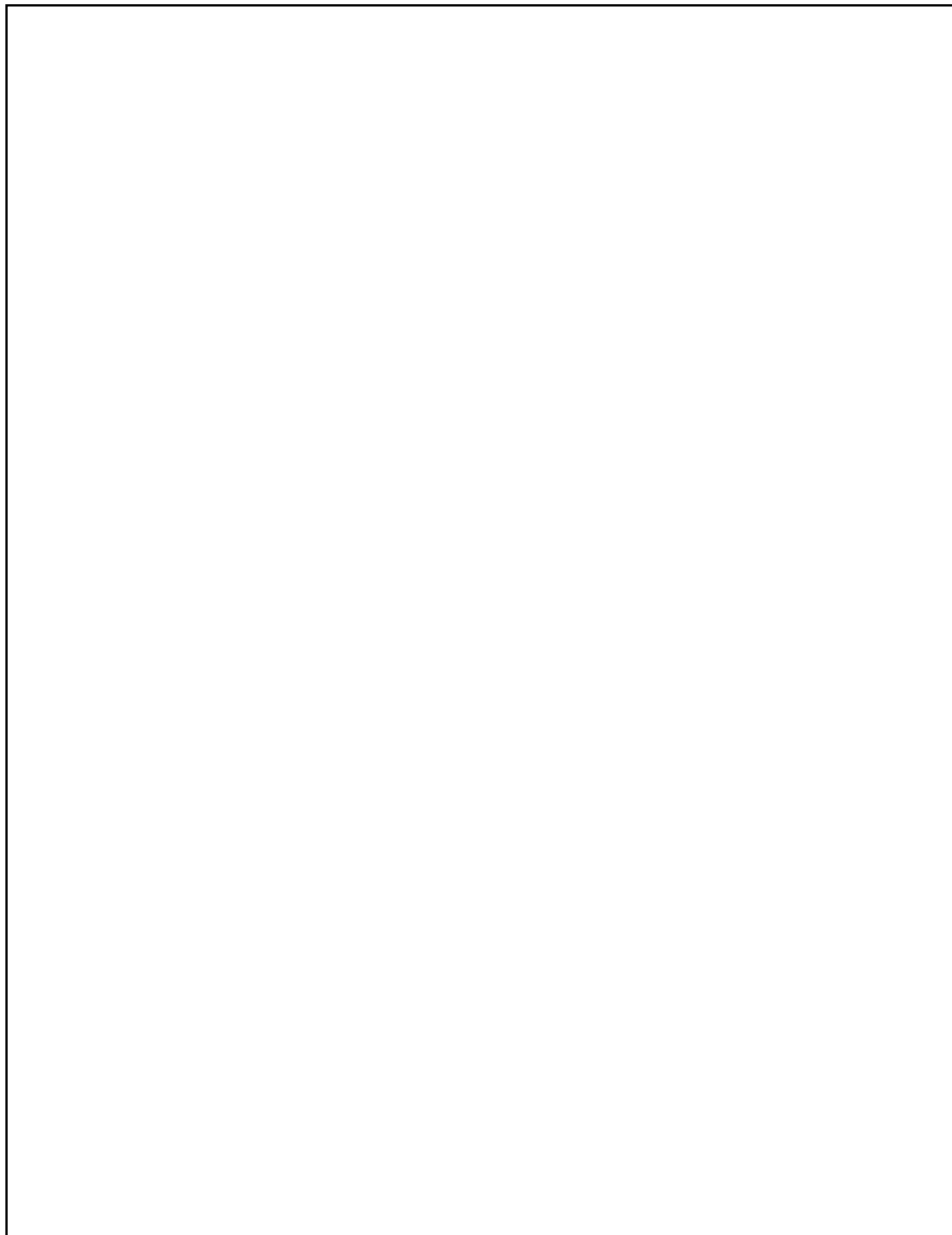
(Elaborate on the above questions, or discuss any evidence of poor organization, partisan procedure, or an intimidating or violent election climate.)





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Appendix 9





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

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

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pavilions house offices for the former president and first lady and most of the Center's program staff. The complex includes the Ivan Allen III Pavilion and the nondenominational Cecil B. Day

Chapel, other conference facilities, and administrative offices. Adjoining the Center is The Jimmy Carter Library and Museum, a repository for the records of the Carter administration. It is operated by the National Archives and Records Administration of the federal government and is open to the public. The Center and the Library and Museum

are known collectively as The Carter Presidential Center.

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

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