



# VENEZUELAN PRESIDENTIAL ELECTIONS CANADIAN DELEGATION OBSERVATION

COMMON FRONTIERS REPORT—JUNE 2018







## INTRODUCTION

Our delegation participated in elections monitoring for the May 20, 2018 Presidential elections, and was composed of members of Unifor, the Ontario Secondary School Teachers' Federation, the Canadian Union of Postal Workers, The United Church, Common Frontiers and Rabble.ca.

Members were on the ground from May 14-22 and visited various communities, had meetings with human rights groups, labour leaders, victims of the violence of the Guarimbas, elected officials, constitutional experts and other Venezuelans. Our delegation visited about half a dozen polling stations across Caracas in El 23 de Enero, Santa Teresa, La Guaira y El Valle.

At these polling stations, we witnessed people lined up outside and sitting inside waiting to vote—always in an orderly manner. Voters had access to unobstructed voting in total secrecy and representatives of opposition parties were present at all polling centers and tables we visited. We spoke to both government and opposition supporters and none indicated any real issues with the voting process.

The consistency and organization across polling stations and locations that we visited reinforced that the training and oversight produced a fair election. We witnessed a transparent, secure, democratic and orderly electoral and voting process.

Venezuela has a strong participatory democracy and we caught a glimpse of that as we observed people engaged in political debate in the streets and saw

Canadian election observers—**Raul Burbano**, Program Director, Common Frontiers, **Mohamad Alsadi**, Director of International Department, Unifor National, **Jim Hodgson**, Latin America Program Coordinator, The United Church of Canada, **Wayne Milliner**, Ontario Secondary School Teachers' Federation, **Don Foreman**, Canadian Union of Postal Workers, **Humberto DaSilva**, Rabble.ca



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political graffiti and presidential candidates' signs on street walls and on lamp polls across the city.

As in the past, the National Electoral Council (CNE) has overseen a process that demonstrates organization, access to information for voters, security, identification authentication, automation and oversight.

In this report we summarize many complaints by the opposition parties regarding the voting process but we did not witness any of the allegations put forward by the opposition.

Our delegation was impressed by the electoral process and felt confident that the results of the elections represent the will of the majority of Venezuelans who voted.

Venezuela has a strong and vibrant democracy and the elections on May 20th was one important step in that process.

The delegation's collective experience with election observation expands six countries around the world, including: Haiti (1990), South Africa (1994), Bolivia (2009), Honduras (2013), and Venezuela (2004 and 2010).

<sup>1</sup><https://venezuelasos2014.wordpress.com/2014/02/27/whats-happening-in-venezuela-what-are-guarimbas/>





## GENERAL OVERVIEW

On May 20, 2018 Venezuelans went to the polls to elect a President as well as 502 Municipal and State Legislative Councils for a term of, 2019-2025.

Originally, the CNE had set the date of the elections for April 22, 2018 at the request of the National Constituent Assembly (Asamblea Nacional Constituyente). However, on March 1, 2018, the Electoral Power postponed the elections to May 20, to coincide with the election of the Municipal and State Legislative Councils.

Historically, elections in Venezuela are held in December to coincide with the inauguration of the new president, which according to the constitution should be in January. However, in February of 2018 after the conclusion of peace negotiations between the Venezuelan government and the opposition, a key demand of the opposition was to hold elections as early as possible.

The Venezuelan presidential elections were held in the context of extreme external pressure and interference. The elections had been condemned<sup>2</sup> by Canadian and U.S. governments, and several neighbouring governments. In a speech to the Organization of American States on May 8, U.S. Vice-President Mike Pence called the election a “sham” and demanded it be suspended. Canada’s

Minister of Foreign Affairs, Chrystia Freeland, called the elections “illegitimate” that “entrenches a dictatorial regime.”

The head of the National Electoral Council (CNE), Tibisay Lucena, called the attacks against the CNE political, not based on facts but rather following the narrative of the extreme right-wing opposition. “The vote can’t be underestimated, least of all by anti-democratic media that try to impede the electoral process.”<sup>3</sup>

It is important to note that the opposition Democratic Unity Roundtable (MUD) to coalition boycotted the elections because they felt that the conditions were not conducive for elections, and because the election date was not subject to the laws of the country.

<sup>2</sup><http://rabble.ca/blogs/bloggers/2018/05/canadian-observers-venezuelas-controversial-election-bring-solidarity-and>

<sup>3</sup><https://www.efe.com/efe/english/world/venezuela-electoral-council-slams-foreign-meddling-in-presidential-election/50000262-3616914>

## SIGNING OF THE ELECTORAL GUARANTEES

Presidential candidates agreed to move forward with the enhanced electoral guarantees agreement. The agreement included, among other things, challenges to pro-government “red points” controlled by Chavistas (which had to be moved farther away from voting centers), a call for international observers, and the return of voting center locations changed during the election of the Constituent Assembly and the 2017 regional elections.

The Electoral Power agreed to these concession to the parties, candidates and the public as part of a national reconciliation strategy. On the same day of the signing of the agreement, Tibisay Lucena, President of the CNE, confirmed that the period of registration for presidential candidates had ended. At that point, there were six registered candidates for the presidential elections: current President Nicolas Maduro, Henri Falcón, Reinaldo Quijada, Francisco Visconti, Luis Alejandro Ratti, and Javier Bertucci.

Once the date was set by the CNE an official timetable was released that outlined the electoral timetable from April 22, 2018 until midnight on May 17, 2018.

## NATIONAL ELECTORAL SCENARIO

On January 25, 2018, the Constitutional Chamber of the Supreme Court of Justice Venezuela (TJV) ruled to exclude the MUD coalition from participating in the presidential elections. The (TSJ) stated that the MUD’s structure, the grouping of various political organizations, violated the electoral process. The court explained, “In the Bolivarian Republic of Venezuela one cannot be a member of two political parties at the same time, because the interests of one and the other could coincide in some aspects, but there will always be distinctions, which make this unethical and inoperative.”<sup>4</sup>

That same month, party leaders of the MUD, Democratic Action (AD), Voluntad Popular (VP) (Popular Will) and Progressive Advance (AP), as well as spokespersons from these organizations, announced that they would participate in the presidential elections. Juan Pablo Guanipa, Andrés Velásquez, Claudio Fermín, Henry Ramos Allup and Henri Falcón announced their candidacy by convening primary elections within the coalition.



After nearly two years of peace negotiations between the government and the opposition parties, an agreement was reached in early February 2018, called “*Agreement of Democratic Coexistence for Venezuela*.”<sup>5</sup> It established a political, economic, and social framework to solve the country’s problems. Included in the agreement was a date for elections and extended electoral guarantees.

That same week former U.S. Secretary of State Rex Tillerson while on a tour of Latin America openly called for regime change in Venezuela.

On February 21 some coalition parties announced a boycott of the elections while other members like Progressive Advance (AP) did not boycott. “The premature and unconditional event that is announced for April 22, 2018 is just a show of the government to pretend a legitimacy that it does not have,”<sup>6</sup> said opposition coordinator Angel Oropeza at a press conference.

<sup>4</sup><https://venezuelanalysis.com/News/13618>

<sup>5</sup><http://www.diplomacyandcommerce.rs/below-the-agreement-venezuelas-opposition-refused-to-sign-after-two-years-of-negotiations->

<sup>6</sup><http://www.newindianexpress.com/world/2018/feb/22/venezuelan-opposition-says-wont-contest-april-22-polls-without-guarantees-1777181.html> and [dialogue-with-the-government-of-the-bolivarian-republic-of-venezuela/](http://www.diplomacyandcommerce.rs/below-the-agreement-venezuelas-opposition-refused-to-sign-after-two-years-of-negotiations-)





## REACTIONS TO ELECTORAL OPPOSITION

### OPPOSITION DISQUALIFICATIONS

Some opposition candidates' ban from taking part in the elections, was due to administrative and criminal proceedings against them. Henrique Capriles, candidate in the elections of 2012 and 2013 is barred for 15 years for "administrative irregularities" which include taking suspicious donations from abroad<sup>7</sup> while he was governor. Leopoldo López, who is serving almost 14 years for the 2014 protests that resulted in the deaths of 43 people following his calls for street protests. Others, like María Corina Machado are accused of being the ring leaders in a plot to assassinate President Nicolás Maduro<sup>8</sup> and Major General Miguel Rodríguez Torres, a dissident chavista, are now imprisoned for alleged conspiracy against the constitution and of sowing division within the armed forces."

The National Constituent Assembly did not re-validate some political parties of the opposition because they did not participate in the municipal elections of 2017. Under the ANC's new rules, parties must undertake a reapplication process if

they didn't participate in the "immediately previous" election. To participate in the national, regional or municipal electoral processes, political parties must have participated in the immediately previous elections of the constitutional period at the national, regional or municipal level.<sup>9</sup>

The Democratic Action (AD) party was successful in registering. The Popular Will (VP) and the Partido Unión y Entendimiento (Puente) (Union and Understanding Party) parties refused to do so, while Primero Justicia (PJ) (First Justice) did not meet the requirements to go to the "repair" period.

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<sup>7</sup><https://www.aljazeera.com/news/2017/04/henrique-capriles-venezuela-banned-public-office-170407230838078.html>

<sup>8</sup><https://venezuelanalysis.com/analysis/10729>

<sup>9</sup><https://venezuelanalysis.com/ANALYSIS/13564>

President Maduro said on several occasions that advancing the elections was a demand from the Venezuelan opposition and global right wing who had spent more than a year asking for early elections.

The opposition declared that the government had moved up the elections taking advantage of a disorganized opposition and the social and political climate that benefited the government.

## ELECTORAL SYSTEM AND PROCESS

### a. Electoral Registry

The Venezuelan Electoral Registry determines the number of people who are eligible to vote. From it are chosen voters that partake in the mandatory electoral service at polling stations. In 2018, 531 polling stations were opened.

On February 15, President Maduro announced an extension to voter registry. This resulted in approximately 1 million new voters being able to register for the elections.

### b. Registration of Voters

A total of 20,527,571 registered voters were eligible to participate in the elections of the president while only 18,919,364 were eligible to vote for legislative councils.

### c. Audits and Voting Process

The complete system of electoral guarantees included four phases:

- 1 Technical audits of the automated system, with the presence of three representatives from each political organization
- 2 Security of the electoral process
- 3 National observation
- 4 International accompaniment

Specifically, for this process, the following audits were incorporated:

- Printout of the voting results
- Since 2015, an adjustment was made to the number of votes with fingerprint that can be done at each voting machine.
- As of 2015, audits of the voting process are transmitted online and can be seen anywhere around the world.
- The invitation of international technical assistants.
- A mock election is run on a sample of voting machines one week in advance of the election.
- A telecommunications audit is conducted during all phases.
- Citizen audit.

In accordance with the electoral timetable and members of political organizations, experts of the CNE carried out a draw to choose randomly voters who would serve in regional meetings, municipal boards and polling stations during the elections of May 20, 2018. Also, in early March a new phase of voter registry and update to voter data was initiated.



## THE VOTING PROCESS

In terms of the voting process, the Constitution of the Bolivarian Republic of Venezuela establishes citizen participation as the main part of their democracy and designates the National Electoral Council (CNE) as the governing body of any election process. The process remains the same for each electoral event.

The country's electoral cycle consists of several stages, namely:

- 1 Electoral Laws and Procedures,
- 2 Registration of Voters, Parties and Candidates,
- 3 Audits and Voting Process,
- 4 Counting of Votes, Results and subsequent audits,
- 5 International accompaniment.

Since 2004, the electoral process in Venezuela is fully automated in all of its phases. To date, 13 elections have been held with the same system. Voting centres open their doors from 6:00 a.m. to 6:00 p.m., though they remain open as long as there are voters waiting to vote. The process is carried out following the traditional method of what is called the "electoral horseshoe."

Venezuela's election process has been lauded by numerous organizations and observers not only for its high turnout, but also for the transparency and checks involved in the voting and scrutiny.

Former U.S. President Jimmy Carter said: "Of the 92 elections that we've monitored, I would say that the election process in Venezuela is the best in the world."

Below are all the elements involved in the vote.

### Requirements and Eligibility

Venezuelans who are 18 years of age or older are eligible to vote in an election, after registering.

Venezuelans living abroad are also eligible to vote, after meeting these requirements.

Article 63 of the constitution says: 'Suffrage is a right. It is exercised through free, universal, direct and secret ballots. The law will guarantee the principle of individuality of suffrage and proportional representation.'

### Security and Guarantees

Venezuela's elections utilize the latest in secure voting technology to ensure that each vote is counted fairly and cannot be tampered with. It was the first in the world to use voting machines that print a receipt so that each voter can confirm their vote with a physical copy.

Beginning in 2012, Venezuela's elections used biometric authentication to activate the voting machine.

The current voting machines in use are the Smartmatic Auditable Election System (SAES) by Smartmatic, which are 100 percent auditable at each stage.

The final vote count is confirmed with the physical vouchers that voters put in the receipt box, and then transmitted electronically through a network isolated from the internet and any computer to assure that no interference can assure.

The vote will be witnessed and audited by international and national political observers, technicians and political organizations. The National Electoral Council has invited the United Nations and the Caribbean Community (Caricom) to send representatives to observe the process.

### Poll Closing and Tally Scrutinization

Polls are closed at a polling station only after everyone in line to vote has voted.

Once tally scrutinization on the machine finishes, a random paper ballot audit announced where the machines to be audited are randomly selected drawing numbers, and the machine's serial number is recorded. The paper ballot box corresponding to the machine is also selected and opened and the results for each candidate are openly counted.

This is compared and audited with the original tally printed from the electronic results, and any anomaly or discrepancy is recorded in the audit report.

The original audit report is signed by election poll staff and observers from each party present, then sealed and handed to the military for delivery to the CNE.

Copies of the report are handed over to the representatives of the two highest vote getters.



# VOTING

These are the five steps involved in voting in Venezuela:

1

When arriving at a polling station, voters are directed to the voting table that corresponds to them. At the table, there is a list with voters' identification card numbers to allow a person to confirm their table.



2

The voter presents their ID document to the polling station president, who instructs the operator to register the voter's data in the system. The voter places his index fingerprint on the machine to validate their identification and this in turn opens the machine. The voter is then asked if they know how to vote, if there is any doubt about the voting process, the election official explains the steps involved.



3

They exercise their right to vote by pressing the box where their preferred candidate appears and then pressing the word VOTE that appears at the bottom of the screen. The machine then prints a receipt of the vote for the voter to confirm.



4

The voter then deposits this receipt in the corresponding ballot box.



5

Finally, the voter signs and places their fingerprint in the elections voting logbook to confirm that they have voted, and have a finger marked with indelible ink.



## VOTING DATA TRANSMISSION

After the voting process is finalized, the voting results are transmitted to the *Centro Nacional de Totalization* (National Tallying Centre). After the results have been transmitted, they are printed and a public audit is carried out on 54% of the boxes containing the voting ballots. Once satisfied, the witnesses of the political organizations sign an agreement confirming that the audit is in order.

The automated voting system has seven instances of vote verification:

- The physical vote.
- The internal memory of each machine.
- The removable memory of each machine.
- The voting results of the polling station.
- The electronic vote transmitted to the tallying centres.
- The electronic record transmitted to the tallying centres.
- The printed record of voting results.

Five candidates from different political parties participated in this presidential election, Nicolás Maduro Moros of United Socialist Party (PSUV). Henri Falcón of Progressive Advance, Javier Bertucci of Hope for Change party, Reinaldo Quijada of the Popular Political Unity and Luis Alejandro Ratti an independent candidate. For more details about the candidates and their platform, read *"Venezuelans heading to the polls have a variety of candidates to choose from."*<sup>16</sup>



## ELECTION RESULTS

The National Electoral Council of Venezuela (CNE) announced on Sunday, May 20, the victory of Nicolás Maduro in the presidential elections. According to the electoral body, there were 8,603,936 million votes valid on Election Day; with more than 98.78% of the votes counted, Maduro won with 6,190,612 votes (67.8%). In second place was the opposition candidate and ex-governor Henri Falcón, of the Avanzada Progresista (AP) party, with 1,917,036 votes (21%). In third place came Javier Bertucci, of Esperanza por el Cambio (Hope for Change), with 925,042 of the votes, while Reinaldo Quijada, of the Unidad Popular Política 89 (UPP89), received 34,614 votes of Venezuelans.<sup>17</sup>

The three states with the highest abstention rate during the electoral event were Táchira (72.31%), Mérida (63.03%) and Zulia (62.5%).

Ten states exceeded the average percentage of null votes nationally, of 1.9%. Among the three with the highest rates are Mérida (3.65%), the Capital District (3.53%) and Vargas (2.64%). Zulia is the state with the lowest number of invalid votes with 0.98%, followed by Sucre and Monagas with 1.28% and 1.41%, respectively.

CNE results show that Bertucci obtained more votes than Falcón in the states of Bolívar and Carabobo. In the first state, Bertucci obtained 106,520 votes (24.91%), surpassing Falcón, who was received 61,261 votes (14.32%). In the state of Carabobo, the difference is smaller: 126,813 votes (18.12%) for Bertucci and 110,489 votes (15.79%) for Falcón. The state of Falcón was the third state that most supported Bertucci, with 49,987 votes (15.37%).

The elections saw low voter turn out, reaching only 46.02%.

After being declared winner, President Nicolás Maduro, invited all candidates, and opposition sectors to partake in a national dialogue to address their differences and find solutions to the crisis facing the country.

<sup>16</sup><http://rabble.ca/blogs/bloggers/2018/05/venezuelans-heading-polls-have-variety-candidates-choose>

<sup>17</sup>[http://www.cne.gob.ve/web/sala\\_prensa/noticia\\_detallada.php?id=3716](http://www.cne.gob.ve/web/sala_prensa/noticia_detallada.php?id=3716)



# OPPOSITION CANDIDATES CONTEST ELECTORAL RESULTS

As happens after many elections, opposition candidates deny fraud and contest the election results. These elections were no different, opposition candidates are challenging the electoral results alleging many irregularities took place.

They must make their case to the National Electoral Council (CNE) and have 20 days to submit any documentation.

Henri Falcón was the first candidate to allege the vote was "illegitimate" but called for new elections in October. Javier Bertucci and an official of the CNE Luis Emilio Rondón announced that they did not recognize the results of the elections since they considered that they were flawed because Venezuelans' freedom to exercise their right to vote had been undermined.



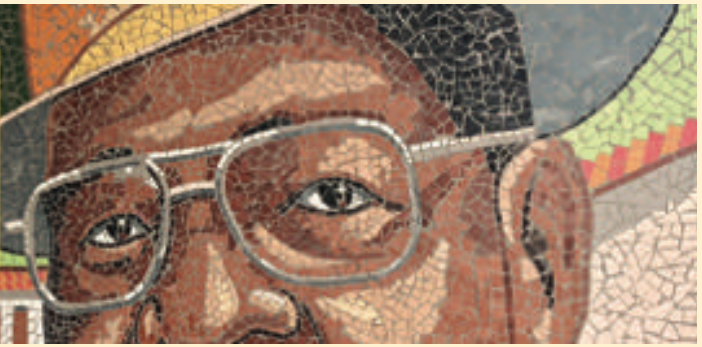
The principal complaints by the opposition candidates focused on the fact that the government did not comply with an agreement signed with the candidates and the CNE since:

- 1 The incumbent Maduro, had an advantage because of access to state resources such as privileged access to domestic media. "These ruling party advantages did not allow Venezuelans to express themselves and these factors distorted the will of the majority of Venezuelans.
- 2 The "red spots" were supposed to be at least 200 metres away from the polling stations. Opposition members allege that some red points were too close, only 5 or 10 metres away and some even located inside polling stations. It is also alleged that voters' identity cards were scanned in these so-called red points and voters were asked for a series of proofs to show that the person had voted.<sup>18</sup>
- 3 Assisted voting was condemned as a strategy of the ruling party. There are more than 142 thousand complaints of assisted voting.
- 4 Witnesses for opposition candidates at polling stations were subjected to pressure.
- 5 Polling stations were not closed at 6:00 p.m. as had been agreed to with the CNE and the Plan Republic.
- 6 Allegations of witnesses prevented from entering some polling stations.
- 7 There were also complaints of vote and conscience buying.

The "red spots" located near voting centres have been part of the PSUV's mobilization strategy for years. This is also a common strategy of other parties who set up their own kiosks near voting centres. Party members are encouraged to check in after voting to help forecast voter participation. Transport logistics for those with mobility challenges and food and water for fellow electoral witnesses at the voting centres are coordinated from these spots. "It is true that Chavistas scan their government-issued Homeland ID Card, which is also used to coordinate state social programs such as the CLAP food distribution network. However, voting is secret in Venezuela and there is absolutely no way for the PSUV to know how those scanning their cards voted"

<sup>18</sup><https://venezuelanalysis.com/analysis/13836>

# INTERNATIONAL OBSERVERS



The CNE extended invitations to the United Nations, the European Union and Organization of American States to monitor the presidential elections.

The CNE invited 150 electoral observers such as former presidents and prime ministers. In addition, our delegation was part of a broader international mission of observers that included over 250 experts from 60 countries around the world, including electoral technicians, representatives from non-government organizations, labour experts, and academics.

The consensus from all international observers was unanimous, the May 20th presidential elections were fair, transparent and represented the will of the Venezuelan people.

"I do not have any doubt about the voting process. It is an advanced automatic voting system. I come here to keep the peace, coordinate and promote dialogue to improve the democratic mechanism here", said Jose Luis Rodriguez Zapatero, former Spanish Prime Minister and international observer.<sup>19</sup>

"The Venezuelan elections are developing with absolute normalcy. I've attended four polling stations. There is a permanent flow of citizenship, with short waiting and voting times. Very modern system with double control. From what I've seen, impeccable organization"

—**Former Ecuadoran President Rafael Correa**<sup>20</sup>

"100 percent of the electoral poll stations are open, we've asked witnesses from various political parties and they have all emphasized that the elections occurred with normality" —**Carlos Lopez, one of the 150 international observers**<sup>21</sup>

The international observer mission led by the Council of Electoral Experts of Latin America (CEELA), comprised of former top electoral officials from the region, quoted "Technically, up until today, we have not observed any element that can disqualify the electoral process. We can emphasize that these elections must be recognized because they are the result of the will of the Venezuelan people." —**President Nicanor Moscoto**<sup>22</sup>

"Elections in Venezuela from an observers view on the ground are not only free and fair but are safe, secure, and legitimate.

"Venezuela's electoral process is highly advanced, thorough and secure - producing free and fair elections. The integrity of Venezuela's electoral system leaves no doubt that the results of the Presidential elections represents the will of the people." —**Raul Burbano, Program Director, Common Frontiers.**

"Our Canadian delegation saw an election that was expertly run, had good participation, and which had no fraud that was evident to us. President Maduro has promised a new national dialogue to achieve some way of living with the opposition. The problem is that at least since their failed coup attempt in 2002, most opposition forces have shown little or no interest in any solution other than either complete capitulation or regime change through force. Venezuelans merit attention and solidarity as they find a way forward."

—**Jim Hodgson, Latin America program coordinator, The United Church of Canada**

"What I witnessed in Venezuela's presidential election in 2018 impressed me as a thoroughly deliberated and fail safe election methodology. Venezuela's elections were designed to exceed the most rigorous international standards in anticipation of criticism, both logical and spurious. Given the practices we have recently seen in western democracies in regard to vote suppression, gerrymandering, and questionable voting methodologies, Venezuelan electoral practice should be regarded as the international gold standard."

—**Humberto daSilva, Rabble.ca**

"The election process in Venezuela in a word is impressive. The National Electoral Council (CNE) has overseen a process that demonstrates organization, access to information for voters, security, identification authentication, automation and oversight. Our election processes are far less sophisticated and we could learn a lot from the CNE." —**Wayne Milliner, Ontario Secondary School Teachers' Federation**

There is no doubt in my mind that what I witnessed was a clear expression of the people's democratic will. While groups such as the Lima Group lead by Canada are screaming fraud and government interference in the election process, not one shred of evidence has been produced to back up such claims." —**Don Foreman, Canadian Union of Postal Workers**

<sup>19</sup><https://www.telesurtv.net/english/news/Venezuela-After-Victory-Maduro-Calls-for-Lasting-Dialogue-20180520-0036.html>

<sup>20</sup><https://twitter.com/MashiRafael/status/998271732036358145>

<sup>21</sup><https://www.telesurtv.net/english/news/150-Observers-Stress-Smooth-Electoral-Process-in-Venezuela-20180520-0029.html>

<sup>22</sup><https://www.telesurtv.net/english/news/Ceela-Electoral-Experts-Say-Venezuela-Vote-Reflects-Will-of-the-People-Must-Be-Respected-20180521-0017.html>