

Myths and facts of the Venezuelan election system

Whenever elections are held in Venezuela, local and foreign media and political players launch a campaign to delegitimize the election system and question its results.

It is a paradoxical fact, through which political leaders and organizations, which frequently take part in election events, either winning or losing, as is logical in a democracy, only recognize the election events when the results favor them.

Over the years, this attitude that is inconsistent with democratic principles has been creating and disseminating a number of myths about the election system, its processes, its technical management, its results and, of course, the suitability of those heading the election institution.

There are many and diverse myths and delirious hypothesis have been created almost about every stage of the process. These hypothesis sustain that the Venezuelan election system and, therefore, the results derived from it, lack legitimacy because the process is susceptible to fraud and manipulation of the results. These attacks are intended to hide the reality of a political, protagonist and participatory dynamics through which Venezuelans express their will through a secure and transparent election system.

Know the truth about some of the most disseminated myths against the Venezuelan election system.

Myth: The National Electoral Council (CNE) organized an illegal election process of a National Constituent Assembly, because the elections were unconstitutionally convened.

Fact: The elections of the National Constituent Assembly (ANC) were held on July 30, 2017. Stating that these elections were illegal is equivalent to intentionally ignoring the Venezuelan legal framework and especially, the contents of the Constitution of the Bolivarian Republic of Venezuela.

President Nicolás Maduro had the initiative and convened the ANC. The President of the Bolivarian Republic of Venezuela is fully empowered to do this, according to article 348 of the National Constitution, which provides for how an ANC is convened and explicitly establishes the convening parties.

This presidential decision triggered a media diatribe about whether the President had the power or not to convene the ANC in a direct manner, i.e., without submitting it to a previous referendum. This was duly clarified in a ruling by the Supreme Tribunal of Justice, as corresponds to the legal framework currently in force in Venezuela.

Once the initiative was launched by the authorized party and in compliance with the ruling handed down by the Supreme Tribunal of Justice, the CNE organized the process to elect the members of the ANC. Those accusing the Venezuelan electoral authority of having committed an illegal action for having organized and managed those elections are ignoring the legal powers of the CNE, which neither include legally interpreting the Constitution nor disregarding the constitutional actions of another branch of power.

The reality today, when Venezuela is amidst a constituent process, is that some are trying to ignore the fact that the ANC is sovereign and emerges from the people and that its decisions, according to the Constitution, cannot be impeded by the constituted powers.

Myth: Convening the National Constituent Assembly was not submitted to a people's referendum. This fact renders the ANC illegitimate.

Fact: The debate about whether convening the constituent power is only possible if it is approved through a referendum was clarified precisely during the discussions of the National Constituent Assembly in 1999, which drafted the Constitution currently in force.

The minutes of debates the 1999 National Constituent Assembly reports the discussion and time at which the constituents refused to introduce the national referendum as a mechanism that would condition convening an ANC and this was clearly expressed in the constitutional text.

The global public opinion has been deceived alleging the fact that Hugo Chávez, in his first act as president elect in February 1999 convened a referendum to ask the people whether they wanted to elect a National Constituent Assembly.

This is a fact, but they are deliberately hiding the reality that the Constitution in force at that time, which was drafted in 1961, did not provide for any manner to convene a Constituent Assembly and much less the mechanisms to activate it. Therefore, Hugo Chávez, in an act of political will and invested with the democratic legitimacy as President elect, convened the people through a decree to express themselves about his proposal to draft a new Constitution through the constituent power.

Hugo Chávez himself, the promoter of 1999 Constitution, proposed the Constituent Assembly that the ANC would be directly convened. In his own words, the constituent power should be kept “awaken” in the constitutional text, ready to be activated when highly important national circumstances so demanded.

Myth: The National Electoral Council (CNE) is not an independent entity and is on the government’s side, favoring it with opportunistic actions.

Fact: In Venezuela, elections are organized and managed by an independent Branch of Power, the Electoral Branch of Power, which is exercised by the CNE. This means that elections are organized neither by ministries nor by government agencies, but by an autonomous branch of power with powers clearly set out in the Constitution.

The independent and impartial exercise of the National Electoral Council has been demonstrated in the results of the different elections in which political organizations supporting the government or opposition parties have won. Moreover, the protection of the election results by CNE and its demands for respect for said results have guaranteed, for instance, the victory of candidates in some elections for a different of only a few votes.

Myth: The National Electoral Council commits fraud because they change the election results.

Fact: Changing the results is technically impossible in the Venezuelan election system. Automated voting in all its parts and a system of electoral assurances, which includes audits throughout the steps of the process, prevent the will of the Venezuelan voters from being tampered with or manipulated.

This is a myth fired by reports of alleged frauds that have not been proven and have never passed beyond media shows. This is the matrix according to which there could be a criminal agreement among all the members of a polling station to stuff voting machines with ballots without the presence of a voter, or that a voter can cast more than one vote.

The fact is that the functioning of the polling station is the most dynamic expression of a shared surveillance system. To be able to cast a vote without the presence of the voter, it is necessary that all parties competing in an election agree to violate the rules in favor of just one of them and that the members of the polling station and even the CNE employees are involved in the crime.

The most absurd of all statements is that this myth obviates the fact that in Venezuela, biometric identification is required to vote, which renders it practically impossible to steal the identity of another individual. With the identification through fingerprints, the CNE guarantees the principle of one voter, one vote.

It has also been stated that the election results can be changed by the CE once they have been transmitted from the polling stations. Those stating this forget that any change would be easily and quickly detected by the political organizations involved in the election, because they have copies of the tally sheets from each and every polling station. Furthermore, they take part in the audits made to the tallying system and the transmission means before and after the election.

Myth: The National Electoral Council (CNE) does not guarantee access of opposition witnesses to the polling centers.

Fact: This myth is intended to create the idea that the opposition political organizations do not win elections because they cannot look after they votes at the polling stations because their witnesses are prevented from entering certain polling centers. The fact is that that representatives from political parties sometimes abuse of the witness figure to generate pressures and disturbance at polling centers, usually in coordination with some media. Faced with this manipulation, CNE exercises its control by strictly abiding by the rule, according to which, witnesses have to be credited for them to be present and act at an election; there should be only one witness per political party or alliance; and rules have to be obeyed.

Myth: Elections to be held on May 20th are not true elections, because they don't take place under democratic conditions.

Fact: Elections of next May 20th at which the President of the Republic and members of the regional legislative councils will be elected are guaranteed not only by the System of Election Assurances that governs elections in Venezuela since 2004 and has been consolidated with the participation of political organizations, but also by agreements made earlier this year, which were endorsed by the National Constituent Assembly (ANC) and assumed as their own by the National Electoral Council.

The first agreement is the result of the round of dialogues between the Venezuelan government and the opposition from December 2017 to February 2018, known as the Dialogue Table that was promoted by the President of the Dominican Republic, Danilo Medina, and had Spain's former president José Luis Rodríguez Zapatero and foreign ministers from the region as mediators. The agreement reached at this Table was not signed by the representatives of the opposition but by the President of the Republic. This document contains six topics related to election process, which were included by the CNE as part of the assurances of this process.

The second agreement was signed, under the auspices of the election entity, by the political organizations and the candidates participating in the presidential race.

Both agreements contain the electoral demands that have been made by opposition political organizations, including those already existing in the system of electoral assurances and have been applied by CNE for many years.

The National Electoral Council has created a unique election system backed up by the most complete assurance system known throughout the world, which turns elections in Venezuela into the secure, transparent and reliable expression of the sovereign expression of the people of Venezuela and clear manifestation of a vibrating, participatory and protagonist democracy.

Myth: The CNE banned opposition parties and leaders from running for office to favor the government.

Fact: The Electoral Branch of Power, as a body of the National Public Power, is obliged to strictly abide by the current legal framework. The Constitutional Chamber of the Supreme Tribunal of Justice, through Ruling No. 53 of January 25, 2018, PARTIALLY REPEALED the call by the National Electoral Council on January 17, 2018, to national political organizations to renew their member rolls, and ORDERED the exclusion of "Mesa de la Unidad Democrática (MUD)" from the process.

The Constitutional Chamber took this action to safeguard the right to political participation through organizations that are legally and legitimately constituted for this purpose. The decision was based, among other things, on the irregularities committed by MUD during the process to collect the manifestations of will to promote the recall referendum against President Nicolás Maduro, requested by that organization in April 2016.

In the “Rules to regulate the Promotion and Request of Recall Referendums against Mandates of Elected Offices,” set out in RESOLUTION No. 070906-2770, Electoral Gazette No. 405, of December 18, 2007, the National Electoral Council defined a series of criteria to meet the requirements to activate a Recall Referendum, which were opportunely shared with the MUD, the organization that requested the process.

However, once the first stage of data digitalization of the manifestations of will, the National Electoral Council found that out of 1,957,779 records in favor of the Recall Referendum, 605,727 had to be annulled due to irregularities, such as:

- 307, 747 did not meet one or more of the criteria established in the rule.
- 86,105 only had the fingerprint of the voter, without any other identification.
- 1,805 only had the signature of the voter
- 53,658 had irregularities in the Election Roll.
- 10,995 were dead
- 9,333 do not appear in the record of holders of personal ID cards
- 3,003 were under 18 years of age
- 1,335 had been banned from running for office upon a definite sentence.
- 659 had a personal identity card with an annulled serial number

Given the intention of unscrupulous people to usurp other people’s identity, who fraudulently wanted to activate a unique and innovative sovereign right consecrated in the Constitution, the National Electoral Council requested the Attorney General’s Office to investigate the case. Therefore, 30% of the fingerprint record that did not match the election roll were transferred to the Attorney General’s Office for the corresponding investigation.

At the same time, the Criminal Courts from seven States in the country admitted the criminal lawsuit and issued precautionary measures suspending the collection process of 1% of manifestations of will by the members of “Mesa de la Unidad Democrática (MUD),” for allegedly having committed the crimes of false statement to a public servant, taking advantage of a false act, and provision of false data to the Electoral Authority.

After this, the process to collect 1% of the manifestations of will for the recall referendum was suspended and the participation of the organization with political purposes known as Mesa de la Unidad Democrática (MUD) was questioned.

The National Electoral Council, upon complying with the decision of the Criminal Courts and Ruling No. 53 of January 25, 2018, ratified their obedience to the constitutional and legal frameworks currently in force in the Venezuelan State.

Myth: The National Electoral Council hinders the registration of Venezuelan who live abroad and of new young voters to prevent votes against the government from being cast.

Fact: The Venezuelan Electoral Roll is a robust list that registers 97% of the citizens meeting the requirements to vote, which is significant considering that in Venezuela voting is a right and not a duty. This is so thanks to the policies developed by the National Electoral Council to guarantee the exercise of the right to vote.

Although the registration or update of data in the Electoral Roll can be made at any time, for each election process, CNE deploys special activities to provide easy access to citizens.

It is also stated that a similar situation is observed for those who want to register or update their data outside the country. The fact is that to exercise the right to vote out of the country, Venezuelans, according to the law, should demonstrate that they are permanent legal residents in the country they are in. This is the only requirement, in addition to the presentation of the personal identity document. This is part of the procedure taking place during the special activities at Venezuelan consulates and embassies throughout the world, which are organized when a presidential election is to be held. Venezuelans who do not reside in the Venezuelan territory are authorized to participate in presidential elections only.

In relation to the upcoming May 20's elections, CNE organized a special event for registration in the electoral roll, which lasted one month both in Venezuela and abroad.

Myth: CNE does not properly inform voters in order to hinder participation

Fact: One of the myths that has been repeated over recent years is the alleged lack of information about the events to register in the Electoral Roll, supposedly to prevent new voters from registering. The truth is that the National Electoral Council begins to disseminate information from the very moment when the election schedule, approved for each election, is made public. This schedule states the activities with their respective dates, including special events to register in the Electoral Roll. The release of the election schedule is duly informed to the political organizations and citizens.



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It is difficult not being informed about the special registration events in the Electoral Roll, because they consist of the installation of sites to register or update data with a heavily transit of people, such as public squares, markets and Metro stations. These events are usually organized by political organizations to mobilize their activists, especially the younger ones.

It is a notorious fact that since 2000, after the creation of the Electoral Branch of Power, the National Electoral Council has followed a policy to include 20% of Venezuelans who had been historically marginalized from the Electoral Roll, depriving them of the right to participate in the country's political life. The efforts deployed by the election authority to put an end to that form of exclusion has made it possible that today, only 3% of those at the voting age are not included in the voters' roll.