

THE VENEZUELAN TERM LIMITS REFERENDUM

[Report from the U.S. Delegation of International Electoral Accompaniers]

February 15, 2009

URBAN SEMILLAS

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DIVERSE STRATEGIES FOR ORGANIZING, INC.





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We would like to acknowledge those who made our trip possible. The logistical and personal support offered by the Washington, D.C.-based Latin America Information Office, and particularly by Alex Main, was indispensable. We thank Alex for his accessibility and support prior to, during, and following the trip. His work ensured that our trip went smoothly and was absolutely trouble-free.

We would also like to express our deep gratitude and appreciation to Venezuela's National Electoral Council (CNE) leadership; each member of the delegation felt privileged to be a part of this important process of participatory democracy. We deeply appreciate the patience and professionalism of the CNE staff who worked with our delegation, ensured that we had all the needed resources, and readily responded to each of our requests, including our wish to hold outside meetings and conversations with various sectors of Venezuelan society.

In addition, we would like to thank the members from both civil society and the Venezuelan government with whom we were able to meet. Their stories and experiences inform major parts of our report, and without their knowledgeable input it would not have been produced. We found the citizens of Venezuela across the political spectrum to be open, accessible, and politically engaged. From the barrio of La Vega to the coffee shops of Chacao, Venezuelans were gracious, kind, warm, and welcoming. They answered every question and freely shared their opinions, asking only that we tell the truth.

EXECUTIVE SUMMARY

The U.S. delegation found that the voting in Venezuela's 2009 referendum was, overall, fair, transparent, and clean. While there were a few instances of technical problems, we were impressed by the efficiency and simplicity with which Venezuelan voters were able to express their preferences. We often found ourselves wishing that elections in the United States were conducted with such uniform professionalism and care, and that the election results could be tallied as quickly. Our observations of Venezuelan popular democracy in action stand in marked contrast with media depictions of Venezuela's government as autocratic.

INTRODUCTION

History of Constitutional Reform

The 2009 referendum on term limits was the third such consultation on the Venezuelan constitution to be held since Hugo Chávez was elected in 1998. The first was the constitutional reform in 1999, which formally established the Bolivarian Republic of Venezuela and represented the first time a constitution had been approved by popular vote in the country's history. The second referendum, held in 2007, was to amend 69 articles of the constitution, and included two blocks of amendments which were both voted down.

Constitutional reforms and amendments, as outlined in Venezuela's 1999 Constitution, can be proposed by the president, the National Assembly, or 15 percent of registered voters through petitioning. The 2009 referendum was proposed in an amendment introduced in the National Assembly. The Constitution requires that proposals for constitutional reform and constitutional amendments must be debated three times in the National Assembly, changed if required, and then each change must be approved by two thirds of the members of the National Assembly to move forward. At that point, any proposed changes must be voted on by Venezuela's citizens in a national referendum within 30 days.

History of Electoral Observers

Chávez has garnered wide international attention and scrutiny since the Constitutional Reform of 1999 and his subsequent electoral victory in 2000. In an attempt to diffuse any possible criticism and guarantee the highest level of transparency during elections, the CNE invited international electoral observers to monitor every election and referendum between 2000 and 2008. Despite critiques from Chávez' opposition and some Western nations, Venezuela's elections have been internationally certified as free and fair. Following the December 2, 2007, referendum, the Carter Center congratulated the CNE "for the measured and responsible management of this critical democratic exercise and their efforts to strengthen the guarantees the electoral system offers the citizens." Overall, international accolades for transparency consistently describe Venezuela's current electoral process.

February 15, 2009 Referendum

The February 15, 2009 Referendum asked the people of Venezuela to vote on whether or not to amend five articles of the Constitution. These amendments would change the 1999 Constitution, which prohibits most elected officials from serving more than two consecutive terms in office, by removing these limits on reelection. These modifications specifically sought to change articles 160, 162, 174, 192, and 230, removing the term limits for governors, state legislators, mayors, National Assembly representatives, and the president. While approval of the amendments by referendum removes term limits, it still requires that elected officials be reelected each term (term lengths vary by position).

The question posed to the voters in the referendum was as follows: "Do you approve of amending articles 160, 162, 174, 192, and 230 of the Constitution of the Republic, as proposed by the National Assembly, which would expand the political rights of the people with the aim of allowing any citizen who holds a publicly elected office to be nominated as a candidate for the same office, for the constitutionally established term, exclusively depending on their election via popular vote?"

According to CNE officials, the international recognition of Venezuela's recent history of transparent, free, and fair elections made hosting international observers unnecessary. Nevertheless, the CNE invited 98 international electoral accompaniers, predominately from countries throughout Latin America and Europe as well as the Middle East and North America. As accompaniers, rather than full-fledged observers, the delegation was present in Caracas from February 12 to 17 to observe the voting process on the day of the referendum (February 15) and conduct interviews with members of the Venezuelan government and civil society.

Goals of Delegation

The delegation's goals were to:

1. Gain a preliminary understanding of the pre-referendum environment based on conversations with members of civil society organizations (CSOs) in Venezuela.
2. Observe the referendum vote on Sunday, February 15, 2009.
3. Deepen personal and organizational understanding of the Venezuelan electoral process.
4. Contribute to domestic and international press coverage of the results of the referendum.
5. Offer observations and recommendations to the CNE, CSO, and elected officials.

Particular attention was paid by delegation members to the ways Afro-Venezuelan, indigenous, and socio-economically marginalized citizens were incorporated into the electoral system.

REFERENDUM OF 2009



Contextualizing the Referendum

Since his election as president of the newly named Bolivarian Republic of Venezuela in 1998, Hugo Chávez Frias has come under steady criticism from some leaders of the Global North, perhaps most especially in the United States. Such criticisms stem from opposition to Chávez's rejection of conservative economic policies that to date have consistently failed to bring economic expansion to much of the Global South. Chávez's promotion of a form of democratic socialism that challenges multinational lending institutions, as well as the current framework of free trade and market deregulation, while promoting alternative economic models, has met with great opposition.

It is hard to overstate the importance of Venezuela's news media, both of the left and the right, in framing the country's electoral politics. The Chávez administration has also been consistently criticized by the international press. Such criticism has been centered on Chávez's efforts to extend social services to historically disenfranchised communities, the use of public funds, the nationalization and governance of Venezuela's oil processing and revenues, and proposed changes to the electoral system.

A recent report by Fairness and Accuracy in Reporting (FAIR) concluded that over the past 10 years, editors at four leading U.S. newspapers (The New York Times, The Washington Post, the Los Angeles Times, and The Miami Herald) have been wholly biased in their reporting of politics in Venezuela in comparison with their coverage of Colombia. Much of the media commentary in the United States, as well as in the corporate Venezuelan media, has depicted Chávez as an autocrat, if not a dictator, and his political movement as based solely on inciting “the mob” to vote for him in exchange for the government’s generous social programs. Our findings in this report, at least on the question of elections and their fairness and openness, seriously challenge this portrayal.

Summary of the Venezuelan Voting Process

Venezuela’s electoral process includes multiple mechanisms to stop fraud. A cédula, or national identification card, is required to participate in the voting process. Obtaining a cédula was historically difficult for many of Venezuela’s Afro-Venezuelan, indigenous and socially marginalized citizens, and thus constituted a mechanism of disenfranchisement. People reported submitting paperwork requesting a cédula year after year without success. Under Chávez, cédula distribution, and thus voter enrollment, has increased exponentially through outreach to previously ignored barrios surrounding Venezuela’s larger cities and rural areas. Under this outreach effort, named Mission Identity (Mision Identidad), millions of cédulas were distributed and over five and a half million Venezuelans registered to vote for the first time.

The voting process was as follows:

- 1.** Voters confirm their enrollment at a particular polling center, typically a school, on a list posted outside.
- 2.** Voters enter the polling location and present their cédula to CNE workers to verify they are at the correct polling place. At this time they also have their identity verified through a thumbprint machine (ink thumbprints were used in small locations).
- 3.** Once confirmed, voters sign to verify their identity and are referred to their specific polling booth based on the last two digits of their cédula.
- 4.** Voters enter their assigned polling booth, usually a classroom, referred to by Venezuelans as the mesa electoral (electoral table). Each mesa is in fact a series of four tables, arranged in a horseshoe configuration: (1) the Secretary 1 table, where voters check in; (2) the President table, where the CNE official in charge of the voting sits, operating the voting machine and giving voters instructions; (3) the voting machine; (4) Secretary 2 table, where fingers are inked. Upon entering, each voter begins with the Secretary 1 table, presenting his or her cédula to confirm once again that they are in the correct room.
- 5.** The mesa president instructs the voter to proceed to the electronic voting machine. The president hits a button, activating the voting machine, and the voter is asked to vote using the touch-screen computer. Once completed, the machine issues a paper receipt, which the voter uses to confirm a correct vote. If it is correct, the voter folds the receipt and stuffs it in a ballot box. (Throwing away or tampering with a paper ballot is a crime under Venezuelan law, punishable with up to two years’ jail time.)
- 6.** At the Secretary 2 table, voters dip their little finger in blue ink to mark that they have voted, in an effort to prevent double voting.



In addition to CNE representatives at each mesa, two official witnesses, each identified as representing the Yes or the No political position ("Bloque Sí" or "Bloque No"), were present. Each mesa also included a witness from the CNE (el testigo).

DELEGATION ACTIVITIES



Delegation Activities: CNE

The CNE held various events to contextualize the 2009 referendum within Venezuelan and Latin American politics:

- A panel to begin official referendum activities featuring CNE president Tibisay Lucena. The panel presentations included a short history of referendums in Venezuela and focused on the technological advances of Venezuela's electoral processes.
- A panel featuring electoral officials from throughout Latin America discussed their respective experiences with participatory democracy in recent years.
- A trip to the factory where election machines are made to illustrate technological precautions in place to stop any potential voter fraud.

Delegation Activities: CSO

To gain a greater understanding of the referendum's context, the delegation also had the opportunity to meet with leaders from multiple CSOs, including:

- Luis Lander, Director of Ojo Electoral: Mr. Lander discussed the work of Ojo Electoral, a non-partisan Venezuelan election monitoring organization, and their suggestions for further electoral transparency and accountability.
- Leopoldo López, former mayor of the Chacao municipality of Caracas: Mr. López outlined his participation in the "No" referendum campaign and his efforts to promote an alternative political agenda inclusive of both major political parties' priorities, emphasizing human rights, security, and poverty.

- Frente de Las Mujeres por la “Sí”: This women’s group, located in La Vega, Caracas, said they supported the amendment proposed in the referendum because of the tangible changes in their quality of life since the election of President Chávez. These changes included, but were not limited to, a fully operational medical center within their community, the political enfranchisement of their community through the granting of cédulas, a marked increase in affordable access to secondary and university education, and legal measures against domestic abuse, including representation for victims. The delegation was able to visit one of the medical centers in La Vega, a community that previously had no access to free healthcare.
- Professor Luis Bigott, Representative of 5th Commission for Social Issues and Human Development of the Andean Parliament Group of Venezuela: Professor Bigott gave the delegation a brief overview of the history of Afro-Venezuelan communities, the impact of Constitutional recognition of Afro-descendant communities, and his current efforts to support academic institutions and research projects about Afro-Venezuelans, including the Barlovento Center of Integral Studies (CEIBA).
- A presentation by Carlos Escarrá, a congressional representative of the United Socialist Party of Venezuela (PSUV) who gave a brief history of the PSUV and its current policies.

DELEGATION OBSERVATIONS



Inside the Polling Stations

With over 69 percent voter turnout, including both Yes and No voters, the referendum was a successful example of Venezuela’s participatory process of democracy. Election Day was calm, free of violence, and people on both sides of the referendum said the process was very smooth and well carried out. Venezuelans were able to exercise their right to vote with little or no difficulty.

Voting centers were well-organized, very well-staffed, and the locations observed by the U.S. delegation and other internationals contained all the necessary materials, ensuring that voter turnaround from entering to completion of the vote was very expedient and easy. Where present, the fingerprinting machines were highly effective. Two of the locations we visited did not have the machines and were thus using paper and ink to fingerprint.

The voting centers were generally quite accessible. Elderly voters, those unable to read, or voters who otherwise required assistance were allowed to bring one friend or family member to assist them. We observed wheelchair users being assisted by family members, and even carried up stairs by members of Plan República, the army battalion that secures Venezuela’s elections. Chairs available for anyone waiting made the process easier for the elderly and demonstrated a procedure that assured accessibility and people’s right to vote.

Overall, voters seemed familiar with the machines and process, a fact that we attributed to the CNE’s national voter education campaign, which included media advertisements as well as adverts on television, in parks and plazas, on the metro and through posters. We did hear reports of nullified votes at the voting

stations, likely due to some users' unfamiliarity with the highly sensitive electronic voting machines, but these were few. In the end, nullified votes amounted to only 1.76 percent of votes cast. The machines were fast, trouble free, and accurate in the data collection, and fast and easy with the data transmission.

Poll workers, who had received a 30-day training, maintained CNE protocols and seemed well equipped to deal with any challenges on the day of the election. Workers appeared generally well-organized, calm, competent, and efficient. If there was a problem, CNE mediated well between the voter and the table. It was heartening to see that the staff came from the community, which seemed to produce a comfortable and informal environment that made people feel engaged and safe. Observers found the station closing processes to be particularly impressive. Election staff meticulously followed the rules outlined, the data transmission processes were well monitored by representatives supporting and opposing the amendments in the referendum, and the audit process was completely transparent. Half of the polling booths were audited, during which boxes were assembled in the presence of witnesses, each ballot was read aloud, and the ballot receipt was shown to witnesses and the counting staff then placed in a box held by a witness.

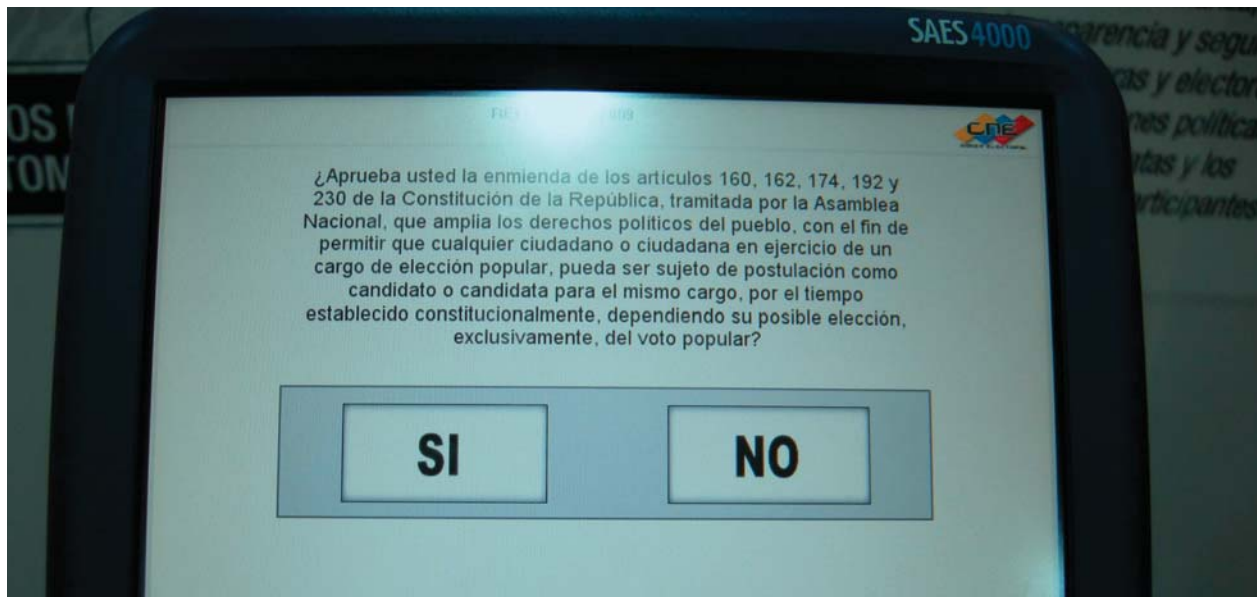
Outside the Polling Stations

The CNE did a good job of preserving the integrity of the voting stations. At one site, the area around the station was blocked to all vehicular traffic, making it more accessible to pedestrians. It appeared that the polling places were located in accessible parts of the community and staffed by community members.

Observers saw no propaganda on the actual sites, although it was visible on surrounding buildings. Party colors were present among the voters. The delegation noted that in many of the public schools, where voting took place, there were plaques and other signs with messages along the lines of "This school was made possible by the revolutionary government of Hugo Chávez." This could be interpreted as mildly prejudicial. There were no external organizations visible, although at one site the delegation witnessed an argument between a group of people and the electoral authorities over the permanence of the ink applied to voters' fingers at the end of voting. The delegation was unable to discern whether this group of people was in fact an organization or just a group of likeminded voters.

Poll Opening, Closing, and Audits

More than half of the locations we visited, including La Escuela Experimental, where we attended the formal opening, did not open on time, generally opening 30 minutes to an hour late. However, according to a CNE official this was an improvement over previous elections, when stations opened as late as two to four hours after the scheduled time. While equipment was present, the absence of a few staff members caused delays.



Comments

The vote was sufficiently private for voters. However, in the future, to prevent any possible intimidation, the voter booths—made of folded cardboard slats that did not entirely conceal the voter—could be made higher. From a U.S. perspective, the presence of armed soldiers in the voting centers could be interpreted as intimidating rather than as a reassuring measure against disruption or fraud. It must be noted that there is a much higher degree of normalcy surrounding the presence of the military during civil functions in Venezuela than there is in the United States. Most of the soldiers who interacted with the delegation had a friendly disposition.

We noted that the relaxed, informal environment at the voting stations allowed for casual conversations in which voters' preferences were voiced, giving rise to the concern that some voters might have felt uncomfortable.



CONCLUSIONS & RECOMMENDATIONS



As a delegation, we were wholly impressed with the extent of accountable, transparent, participatory democracy as illustrated by Venezuela's referendum vote on February 15, 2009. While recognizing our limitations as a group due to the short duration of our role as accompaniers, we offer these recommendations based on our observations:

To the CNE

- * A number of delegation members were uncomfortable with some of the language in the question posed in the referendum, specifically the phrase that describes the proposed constitutional amendment as one that "would expand the political rights of the people." While the language was approved by the National Assembly and CNE, the phrasing of the amendment favors a Yes vote and should have been left out.
- * Having accompaniers move between many stations gave them greater breadth of exposure to the experiences of voters at different locations. The CNE should, however, consider having some accompaniers remain at a single polling station, or perhaps two, over the course of the day. The accompaniment in East Caracas was often a bit hurried and the accompanier felt unable to fully appreciate the dynamics at any single station, especially in an opposition stronghold where tension was running high. Also, the accompaniment session lasted only from the morning hours through mid-afternoon, though voting lasted until 6 pm.
- * Overall the programming created by the CNE gave accompaniers a holistic understanding of the voting process, the context of the referendum, and recent technological advances. However, a workshop by a non-governmental and non-partisan electoral group, such as Ojo Electoral, would have also been helpful for international accompaniers.

To regional actors

- * As a delegation, we have more than 90 years of collective experience in the areas of human rights, economic development, and community organizing. In our work we are privileged to have learned from partners, networks, and cooperatives throughout Latin America, the Caribbean, and Africa. As a result of our experiences, we believe that there are many opportunities for Venezuelans to share their best practices and lessons learned with people facing similar problems of equitable development, and vice versa. As such, we encourage the governments of the region, the private sector, and International NGOs to encourage, facilitate, and support greater South-South cooperation and exchange.

To U.S. State Department, Congress, CSO

- * Based on our observations we suggest the U.S. Department of State take concrete steps to normalize relations with Venezuela. These would include recognition of the importance of participatory democracy within Venezuela. We consider the State Department's statement of February 17, 2009 to be a first step toward normalization. According to statements by Gordon Duguid, Acting Deputy Department of State Spokesman, the referendum ". . . process was held consistent with democratic principles." This statement illustrates a marked change from previous recent reactions to Venezuela's democratic processes as articulated by the U.S. government.

Such statements are not sufficient, however, and must be elevated by a change in attitude towards Venezuela's democratically elected government, which has been treated with severe disdain since 2000. Venezuela must be added to the list of allies of the United States who promote human rights and fair and free electoral processes.

- * The delegation's experience illustrates the immediate need for an expansion in positive statements by U.S. based civil society organizations who work on Venezuela. We implore U.S. CSOs working with partners in the region to promote U.S.-Venezuela policies based on the priorities of CSOs within Venezuela.

DELEGATE & ORGANIZATION INFORMATION



Diverse Strategies for Organizing, Inc. (DSO)

Diverse Strategies for Organizing, Inc. (DSO), founded in 1991 by Victor Griego, Jr., is a public affairs consulting firm specializing in community relations, government relations, and political consulting. Our reputation for success rests on an intimate knowledge of Southern California communities and a strong network of relationships with civic, labor and political leadership across the state. We work within the public and private sectors, crafting strategic programs to deliver community support for organizational objectives, and helping clients navigate the legislative process.

- Victor Griego is the founder and CEO of Diverse Strategies for Organizing, Inc. (DSO). Mr. Griego has led the DSO organization on a pathway to high visibility in the Latino community through involvement in political and community campaigns that focus on the mobilization of residents, volunteers, organizers and community leaders. A nationally recognized political strategist, facilitator and organizer with 25 years of successful experience in political, grassroots and community organizing, Mr. Griego has been an instrumental catalyst in planning and conducting various community involvement projects, including union wage and benefit issues, voter registration drives, public education campaigns and in the elections of local, state and federal candidates.

North American Congress on Latin America (NACLA)

The North American Congress on Latin America publishes NACLA Report on the Americas, the oldest and most widely read progressive magazine covering Latin America and its relationship with the United States. Each issue of the bimonthly magazine examines a single topic in depth, offering comprehensive, analytic coverage of Latin America not found anywhere else in the English-language press.

- Pablo Morales has been editor of the NACLA Report on the Americas since January 2007. Born in Seattle to Bolivian and North American parents, he holds degrees from Wesleyan University and New York University. His research interests include U.S.-Cuban relations, informal empire, and race and ethnicity in the Americas.

TransAfrica Forum

TransAfrica Forum is the oldest and largest African American human rights and social justice advocacy organization promoting diversity and equity in the foreign policy arena and justice for the African World. To this end, TransAfrica Forum serves as an educational and organizing center that encourages progressive viewpoints in the United States foreign policy arena and advocates justice for the people of Africa and the African Diaspora. The organization promotes solidarity with the oppressed and supports human rights, gender equity, democracy, and sustainable economic and environmental development practices in Africa and other countries where people of African descent reside.

- Imani Countess serves as TransAfrica Forum's Senior Director of Public Affairs. At TransAfrica Ms. Countess conceptualizes and implements public outreach activities to educate and motivate diverse communities around U.S. foreign policy. She also serves as a senior advisor to the Executive Director and helps shape TransAfrica Forum's policy positions. Imani Countess served for five years as the US national coordinator of the American Friends Service Committee Africa Program. Traveling throughout the continent of Africa and its global Diaspora, Ms. Countess created cutting-edge political and activist training events to increase public participation in policy making.
- Nora Rasman is the Program Assistant at TransAfrica Forum and her work includes policy research and administrative assistance. Before coming to TransAfrica Forum, Nora spent time working at Boston University's Howard Thurman Center and working with youth in Boston Public Schools. She is also a member of Groundwork Anti-Racism Collective, an Unitarian youth and young adult anti-racism organizing initiative. Nora is a recent graduate from Boston University with a Bachelor of Science degree in U.S. History.

Urban Semillas

Urban Semillas is a socially conscientious, reconnaissance and outreach, community-based, watershed driven organization. Their overarching goal is to educate underserved and monolingual (Spanish-speaking) communities about watershed and social justice issues, and provide these with community-building skills, thus empowering them to participate in local and citywide planning as well as playing an active role in city, state and nationwide policies.

- Miguel Luna is the Executive Director of Urban Semillas. Mr. Luna specializes in cultivating relationships with and between community-based organizations, businesses, elected officials and their representatives, environmental organizations, academia, governmental agencies and individual stakeholders. He guest-lectures at Universities throughout the state of California, presenting on topics like: "Understanding Diversity within Diversity", "Cultivating Community Relationships vs. Marketing", "Sight, Site, Cite: Having a vision, Choosing a project location, Developing a plan" and "Community Reconnaissance: Outreach".