

The Elections in Venezuela October 7, 2012

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The upcoming presidential election in Venezuela slated for October 7 will not be just another election. This election is of fundamental importance. President Chávez, after 14 years in government, is seeking to be re-elected yet again for a six-year term.

The Electoral System: Is It Reliable?

The electoral system has undeniable strengths and is technologically very advanced. If it functions adequately, it ensures that aspects fundamental to the monitoring and oversight of the electoral process—by parties, citizens, and observers—are transparent. The voter registries are available by polling station. The lists of persons in charge of the polling stations are also available; by law, they are designated by public lottery by the National Electoral Council (CNE). Those in the opposition overseeing the elections agree that the people in charge of the polling stations have, indeed, been appointed by lottery. In addition, the opposition has the names of the people in charge of the polling stations nationwide. And logically, the electoral legislation recognizes the right of candidates to name one poll watcher per polling station.

The system operates first by identifying the voter, using a fingerprint reader and the individual's national identification card. The person then votes for his or her candidate of choice. The machine gives the voter a printed receipt indicating for whom he or she voted, which the voter then places in a special, separate ballot box. Once the voting has ended and the polling station has closed, the machine prints copies of the vote

count, one of which is kept by each poll watcher, and sends them to a CNE tallying center. What follows is a meeting in one central polling station of the chairpersons of all the precincts; there, and in the presence of the poll watchers, they select by lottery which polling stations will be subject to an audit known as “citizen verification.” This consists of the manual counting of the paper voting receipts deposited in the special ballot box. The idea is to double-check the vote count issued by the machines against the manual count. This audit is very extensive. Finally, the CNE publishes on its website or in the *Gaceta Electoral* the results of each polling station. All of this allows for a three-way comparison: of the ballot results issued by the machine; of the results of the paper ballot count certified by “citizen verification;” and of these two with the voting results published in the *Gaceta Electoral*.

The system has flaws and is not absolutely infallible: Is there any such system that is? Nonetheless, we are convinced that it is reliable, allows for oversight and monitoring by the opposition, and rules out the possibility of a massive fraud that would go undetected. It is possible, however, that in those polling stations without opposition poll watchers, and where there is complicity of poll workers, one could, before closing time, forge the ballots of those who did not come out to vote but who were eligible to do so.

One essential flaw is the politicization of the National Electoral Council, which explains why it is so unenthusiastic about exercising some of its regulatory functions, especially with respect to the abuse of official publicity.

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The Conditions of Competition

Without a doubt the greatest weakness of the process lies in the inequitable conditions of competition. Media coverage is not even moderately balanced. With respect to the print media, a situation that in the past was very adverse for the government is more balanced today. In television, the government's predominance is overwhelming; it was estimated that by 2007 it controlled seven national television channels and 35 open community channels.

The government's indiscriminate and repeated use of the networks and the requirement that radio and television stations reproduce the president's messages have reached unjustifiable extremes under the Chávez government: since 1999, the networks have carried more than 2,300 broadcasts by the president, each lasting an average of 45 minutes. By virtue of another law, the broadcast media are obliged to carry ten minutes of institutional public notices every day, something that the opposition alleges constitutes campaign ads for the government candidate.

Campaign financing is particularly opaque, although it is clear that the overwhelming majority of spending is by the government candidate.

In addition, there is a consensus in Venezuela that the government's social programs, the so-called missions, are a decisive element in President Chávez's support among vast sectors of the population, especially the poor. The opposition charges that the delivery of such assistance on a massive scale—in the areas of health, education, food price subsidies, and housing—acts as forms of coercion of public officials and creates powerful clientelistic networks. Yet how can one separate in the public mind government programs and the guarantee of citizen rights, on the one hand, and on the other, the political use of these programs to construct clientelistic networks associated with the supposed generosity of a leader or a party?

Another fundamental feature of the campaign is the deep polarization in which it is unfolding. The existence of two major electoral blocs is one indication: the Democratic Unity Roundtable (MUD), which brings together two dozen political groupings, and the constellation that revolves around the United Socialist Party of Venezuela (PSUV). But the existence of two opposing electoral coalitions does not make for a polarized society; it could simply be a function of the reduction of options

available to voters. Yet in the Venezuelan case, these two coalitions embody visions of politics and of the country that are not only distinct but in clear confrontation with one another.

On the government side, politics is experienced as a kind of "revolutionary gesture" in which adversaries appear as irreconcilable enemies, agents of foreign interests, or defenders of unmentionable minority interests. The discourse is polarized and polarizing and serves to foster cohesion among its followers.

For its part, the MUD has made efforts to temper polarization. It emphasizes the need for unity and repudiates the government policy of "dividing Venezuelans." Its approach is aimed at strengthening a democratic regime understood in classic terms: the recognition of political pluralism, with institutional channels for co-existence and competition among the different political forces.

It is striking to foreign eyes that it is the government that promotes polarization (normally, governments call for unity based on the idea that they are working for everyone), while the opposition is calling for moderation (oppositions routinely tend to polarize in the name of future change).

In the end, the government and opposition embody two different languages, two different conceptions, two opposing ideas unable to forge common ground. Nonetheless, the Constitution represents a form of common ground, along with the fact that all political forces recognize elections as the sole source of legitimacy for federal, state, and local governments as well as the for the legislative branch (the National Assembly).

This point of agreement keeps the dispute between the two forces on a single plane. The election itself is perhaps the most important source of cohesion amidst the polarization in Venezuela today.

Violence is another factor in the electoral contest. Even though Venezuela has one of the highest crime rates in South America, violence thus far has not spilled over into the campaign and to the political life of the country, although that may not be the case forever.

The Coming Months

The cancer President Chávez is suffering is one of the great mysteries in Venezuela today. The speculation regarding his illness is subject to manipulation by adversaries and partisan interests, generating a political scenario plagued

by uncertainty. Article 233 of the Constitution spells out the mechanisms for dealing with future contingencies.

There are a relatively limited number of scenarios that could emerge as a result of the presidential elections. There possibilities are essentially four:

(A) President Chávez wins and is recognized by the opposition. In such a scenario, one can still envision a condemnation of the unfair context in which the electoral process took place, a context characterized by systematic advantages (*ventajismo*) with respect to the use of the media, the abuse of public spending, and state clientelism. In this scenario, it is likely that the MUD would remain united and reaffirm the path of electoral political struggle. The likelihood that this would be the reaction is heightened by the fact that gubernatorial elections take place on December 16, 2012, ten weeks after the October 7 presidential elections. Because the December elections will be focused not on the persona of President Chávez but on representatives of his party, one would imagine that the possibilities for the opposition would improve.

(B) President Chávez wins and the result is not recognized by all or part of the opposition, causing an eventual split. This scenario raises the crucial question of whether the opposition would be capable of remaining united if its presidential candidate is not victorious. The answer is probably yes, for the reasons cited above. Nonetheless, there is a possibility that the opposition would split, with some not only denouncing *ventajismo* but also making accusations of massive fraud at the polling stations and in the vote count, even if this position is not backed by credible evidence. One can imagine a scenario in which these sectors once again raise the banner of abstentionism and, even if they do not label it as such, seek an extra-constitutional resolution of the crisis. This could perhaps be the worst scenario for the opposition, which would be left badly divided and weakened going into the December gubernatorial elections, as well as relatively isolated internationally. Should this scenario develop, the reaction of Capriles himself will be crucial; his key task may well be to keep the opposition united.

(C) Capriles wins and his victory is recognized by the government. This would tend to normalize political relations in the country, bolster confidence in the elec-

toral system, and generate better conditions for the seeds of democratic coexistence to take root.

That said, a Capriles victory and its recognition by the Chávez administration would also open a complex scenario. First, there are 90 days from the election of the new president to his inauguration; this excessively long period could serve as an opportunity to aggravate tensions and disagreements. Once he has been inaugurated, the new president will be in a precarious position, without a majority in the National Assembly for at least a year-and-a-half until new legislative elections are held. He will also have to co-exist with a Supreme Court that is under the control of Chávez and his party; the same is true of other state entities such as the Office of the Human Rights Ombudsman (*Defensoría del Pueblo*), the Office of the Attorney General (*Ministerio Público*), the Office of the Comptroller General, and the National Electoral Council itself. This concentration of power in the hands of *chavismo* poses enormous governability challenges for the opposition. Seen from a different angle, however, the situation could make it easier for the government to recognize defeat: even if losing the presidency, *chavismo* will remain the dominant force institutionally. It will remain a considerable electoral force, not to mention its control of 15 of the 23 governorships in the country as well as the majority of mayors' offices.

Under this scenario, a Capriles administration would have to develop a sophisticated plan of political action aimed, first, at maintaining the unity of the forces that supported him while at the same time—and this will create tensions within his own coalition—pursuing a policy of openness that allows him to find tactical and even strategic allies in *chavista* sectors.

(D) Capriles wins and his victory is not recognized by the government. This is the most complex and potentially disruptive scenario. Naturally, the greater the margin of victory, and/or the more solid the evidence of fraud, the more serious it will be for the government. In this case the role of the armed forces could be decisive, along with international pressure or condemnation.

One could also imagine that once there is evidence of a government defeat, on the very night of the tallying of votes, a debate will open within the government itself—as it has in similar situations in other countries—as to whether or not to recognize the victory of the opposition. This constitutes a crucial moment during which

one should pay close attention to the armed forces. The role of the countries that are close to or influential with the government can be important; this group would include Brazil, Cuba, even Colombia, and also the European Union. By contrast, the United States should be cautious about expressing any opinions in the initial hours of the situation described above.