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REPORT OF THE ELECTORAL OBSERVATION MISSION  
IN THE REPUBLIC OF VENEZUELA

Election of Representatives to the National Constituent Assembly  
July 25, 1999

This document is being distributed to the permanent missions and will be presented to the Permanent Council of the Organization.

ORGANIZATION OF AMERICAN STATES  
WASHINGTON, D.C.

THE SECRETARY GENERAL

SG/UPD-499/00

May 1, 2000

Excellency:

I have the honor to address Your Excellency and to transmit to you the Report of the Electoral Observation Mission on the July 1999 election of representatives to the National Constituent Assembly of Venezuela and that Mission's report on the second referendum, which was held in December 1999. Please be so kind as to arrange for the joint circulation of these two reports to the members of the Permanent Council.

Accept, Excellency, the renewed assurances of my highest consideration.

César Gaviria

His Excellency Marcelo Ostría Trigo  
Ambassador, Permanent Representative of Bolivia  
Chair of the Permanent Council of the  
Organization of American States  
Washington, D.C.

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**ORGANIZATION OF AMERICAN STATES**

**REPORT**

**ELECTORAL OBSERVATION MISSION  
IN THE REPUBLIC OF VENEZUELA**

**Election of Representatives to the National Constituent Assembly  
July 25, 1999**

**Unit for the Promotion of Democracy**

Subject to Revision and not for Release to General Public Pending Consideration by Permanent Council

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## I. INTRODUCTION<sup>1/</sup>

On June 24, 1999, the Minister of Foreign Relations of Venezuela, Dr. José Vicente Rangel Vale contacted the Secretary-General of the OAS, Dr. César Gaviria, to inform him that the National Electoral Council had expressed its interest in inviting the Organization to send an observation mission for the election of representatives to the National Constituent Assembly to be held on July 25, 1999.

The Secretary-General replied to the Ministry of Foreign Relations of Venezuela that, according to the applicable provisions, observation missions were conditioned upon the obtainment of external resources for financing, but that he anticipated a favorable decision on initiating the necessary formalities.

In accordance with the procedure, proposals to obtain the necessary financing were sent to the representatives of several member states and permanent observers. Owing to a favorable response from the Government of the United States of America, it was possible to inform the authorities of the Republic of Venezuela of the decision to organize the observation requested and of the appointment of Mr. Santiago Murray, Special Advisor to the Unit for the Promotion of Democracy, as Chief of Mission.

On July 16, Ambassador Virginia Contreras, the Permanent Representative of Venezuela, and the Secretary-General of the OAS signed the Privileges and Immunities Agreement necessary for the mission to take place.

Mr. Andrés Caleca, President of the National Electoral Council of Venezuela, and Mr. Santiago Murray, representing the General Secretariat, signed the Agreement on Procedures for the OAS Electoral Observation Mission at the Organization's headquarters on July 23, 1999.

## II. LEGAL FRAMEWORK

### 1. Political Division and Population

Venezuela is a federal state whose national territory is divided politically into 23 autonomous and equal states, 333 *municipios*, one Federal District, and a number of federal territories and departments (72 islands).<sup>2</sup> The country's population is approximately 23,645,000, an estimated 2% of which is indigenous.

The number of *municipios* in each of the states is shown below:

STATE	No. of Municipios
AMAZONAS	7

1 The note referred to as ANNEX I.

2 National Constitution (CN) articles 2, 9 and 16.

ANZOATEGUI	21
APURE	7
ARAGUA	17
BARINAS	11
BOLIVAR	11
CARABOBO	14
COJEDES	9
DELTA AMACURO	4
DTO. FEDERAL	1
FALCON	25
GUARICO	15
LARA	9
MERIDA	23
MIRANDA	21
MONAGAS	13
NVA ESPARTA	11
PORTUGUESA	14
SUCRE	15
TACHIRA	29
TRUJILLO	20
VARGAS	1
YARACUY	14
ZULIA	21
TOTAL	333



## 2. Structure of the Government

The executive branch consists of the President of the Republic and the Ministers appointed to the President's Cabinet. The executive branch is elected by a direct vote for a term of five years, renewable only after two consecutive periods.<sup>3</sup>

The legislative branch consists of the National Congress. The Congress is composed of two chambers: the Senate (47 members) and the Chamber of Deputies (199 members). It is elected by direct vote for a five-year period. Former Presidents of the Republic are members of the Senate for life.<sup>4</sup>

The judicial branch is made up of the Supreme Court of Justice and lower courts.<sup>5</sup> state governors and mayors are elected by direct vote for a period of five years.<sup>6</sup>

## 3. Political Parties and Movements in Venezuela

The National Constitution (CN) protects the right to political party formation and representation.<sup>7</sup> The registered political groups are as follows:

AD	ACCIÓN DEMOCRÁTICA
APERTUR	APERTURA A LA PARTICIPACIÓN NACIONAL
CAUSA R	CAUSA RADICAL
COPEI	COMITÉ DE ORGANIZACIÓN POLÍTICO ELECTORAL INDEPENDIENTE
EL	ELECTORES LIBRES
FD	FACTOR DEMOCRÁTICO
FIN	FRENTE INDEPENDIENTE NACIONAL
GE	GENTE EMERGENTE
ICC	INDEPENDIENTES CON EL CAMBIO
IPCN	INDEPENDIENTES POR LA COMUNIDAD NACIONAL
IRENE	INTEGRACIÓN, REPRESENTACIÓN, NUEVA ESPERANZA
LA LLAVE	LA LLAVE DE VENEZUELA
MAS	MOVIMIENTO AL SOCIALISMO
MEP	MOVIMIENTO ELECTORAL DEL PUEBLO
MIN	MOVIMIENTO INTEGRIDAD NACIONAL
MVR	MOVIMIENTO V REPÚBLICA
NR	NUEVO RUMBO
ONDA	ORGANIZACIÓN NACIONALISTA DEMOCRÁTICA
OPINA	OPINIÓN NACIONAL
ORA	ORGANIZACIÓN RENOVADORA AUTÉNTICA
PARTICIPA	PARTICIPACIÓN COMUNITARIA
PCV	PARTIDO COMUNISTA DE VENEZUELA

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3 CN, Title VI, articles 181 *et seq.*

4 CN, Title V, articles 138 *et seq.*

5 CN, Title VII, articles 204 *et seq.*

6 CN, articles 22 and 29.

7 CN, articles 113 and 114. See also the Political Parties Act, Public Meetings and Events (1965).

PLV	PARTIDO LABORAL VENEZOLANO
PPT	PATRIA PARA TODOS
PQAC	POR QUERER A LA CIUDAD
PRVZL	PROYECTO VENEZUELA
RENECE	RESCATE NACIONAL ELECTORAL
SI	MOVIMIENTO SOLIDARIDAD INDEPENDIENTE
URD	UNION REPUBLICANA DEMOCRÁTICA
VU	VENEZUELA UNIDA

#### 4. The Venezuelan Electoral System

Over the 40 years of democratic life in Venezuela, the Electoral Act has been reformed 12 times. The most recent reform was made through the Ley Orgánica del Sufragio y Participación Política [Voting and Political Participation Act] (LOSPP), enacted on December 30, 1997, substantially amending, *inter alia*, the provisions concerning public consultation mechanisms.

The LOSPP applies to all election processes conducted on Venezuelan territory for the election of the President of the Republic, the senators and deputies of the Congress of the Republic, the state governors, deputies to the legislative assemblies, mayors, town councillors, members of the Parish Councils, and other authorities and representatives provided for in the laws.

The new electoral system was applied for the first time on November 8, 1998, to elect senators and deputies to the National Congress and the deputies to the Legislative Assemblies. It was applied again on December 6, 1998, for the presidential election.

##### a) Electoral authorities

The national agencies for Electoral Administration are as follows:<sup>8</sup>

- National Electoral Council (CNE)
- Electoral Boards (JE)
- Election bureaus (ME)

Non-affiliation with political parties or movements is a condition for membership of these electoral bodies. Their decisions are adopted by simple majority, except in cases where the law requires qualified majorities.

The National Electoral Council (CNE) is the highest body. It is established permanently, functions autonomously, and has jurisdiction over the entire country. It is headquartered in the capital of the Republic and is composed of seven principal members and seven alternates. It is responsible for administering, organizing, and supervising the electoral processes, rule-making (e.g. the issuance of regulations) and jurisdictional

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<sup>8</sup> LOSPP, article 23, adopted on December 13, 1997. These provisions replaced the Supreme Electoral Council with the National Electoral Council, essentially maintaining the provisions governing the subsidiary bodies.

functions (e.g. the annulment of elections).<sup>9</sup> Complaints may be filed with judicial authorities against the acts and omissions of the CNE under electoral dispute procedures.

The Electoral Boards (JE) are temporarily established subsidiary bodies with state or municipal jurisdiction for the organization and supervision of electoral processes. The five members of each board, and their alternates, are selected by lot by the CNE. The functions of the JEs are explicitly established in the LOSPP.<sup>10</sup>

The election bureaus are composed of five members and a secretary, and are selected by lot from lists of teachers, students, and voters. They are responsible for conducting the voting and vote counting processes. Their functions are temporary and are exercised from the moment the bureau is established, up to signature of the vote counting record.<sup>11</sup>

b) Political Rights and Duties

Suffrage is universal, direct, secret, and compulsory. The Constitution provides that "voting is a right and a public function".

This right is recognized for "all Venezuelans over the age of 18 who are not subject to judicial restraint or political ineligibility."<sup>12</sup> Members of the armed forces are not entitled to vote during their period of active military service.

With regard to voting as a public function, the electoral legislation establishes electoral service as an obligation for citizens to participate in the subsidiary electoral bodies, provided they have been selected by lot according to a public process established in the law, and are not subject to any of the grounds for exception in respect of this function.<sup>13</sup>

c) Voting Register

Under current law, the names of citizens who have obtained the right to vote in elections for executive offices and deliberating bodies within the political and administrative structure of the Republic of Venezuela are entered in the voting register.

The voting registration office is responsible for maintaining the voting register under the direction and supervision of the National Electoral Council.<sup>14</sup>

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9 LOSPP, articles 24, 49-54, and 235-250. The law provides that Congress shall elect the members "during the first six months of the year in which the national public election period begins".

10 LOSPP articles 37-41 and 57-64. For the presidential elections of 1998, 23 regional election boards and 330 municipal boards were established. For the election of representatives to the ANC, these subsidiary electoral bodies were the same as for the 1998 elections, although with certain modifications.

11 LOSPP articles 41 and 70-74.

12 CN articles 110 and 111. The vote may be extended to foreigners for municipal elections, subject to conditions specified in the law, *inter alia*, more than 10 years of legal residence in the country.

13 LOSPP articles 30-48. Under the Law, the CNE coordinates the instruction program for members of the election bureaus and electoral boards, and the directors of the educational institutions where the polling centers operate are responsible for training the bureau members and secretaries for each center.

14 LOSPP articles 87-89.

d) Automation of Voting Procedures

The law provides that the process of voting, counting and totaling the votes, and determining the winners must be totally automated. Consequently, the work of election bureau members is confined to signing the machine-printed results. In cases where such a system cannot be implemented for reasons of transportation, security, or service infrastructure, the law provides for use of a manual system, subject to a reasoned decision of the National Electoral System (CNE).<sup>15</sup>

**5. The Election of Representatives to the National Constituent Assembly (ANC)**

A referendum was held on April 25, 1999, to decide on convening a National Constituent Assembly (ANC) "for the purpose of transforming the state and creating a new legal order to permit the effective functioning of social and participatory democracy."<sup>16</sup> Although the abstention of registered voters during the referendum exceeded 60 percent, more than 80 percent of the votes counted were affirmative.<sup>17</sup> Accordingly, on May 5, 1999, the National Electoral Council (CNE) announced the holding of elections for representatives to the ANC on July 25, 1999, subject to the election guidelines (BC) approved through referendum on April 25, 1999, and the regulatory provisions approved by the CNE, in addition to the applicable provisions of the National Constitution and LOSPP.<sup>18</sup>

Composition of the ANC

Under the applicable provisions, the ANC was to be composed of 131 representatives, in a single chamber, with a period of 18 days to perform its functions. The provisions also specified that, once established, the ANC would issue its own operating statutes "subject to the values and principles of the history of our Republic, and compliance with international treaties, agreements, and commitments legitimately undertaken by the Republic, the progressive character of fundamental human rights, and democratic guarantees, with the most absolute observance of the commitments undertaken".<sup>19</sup>

The third guideline provided that the constituents would be elected on a nominal basis (by name and surname). According to the applicable provisions, registered Venezuelan voters over the age of 21 were eligible to be candidates.<sup>20</sup> Guideline no. 1

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15 LOSPP articles 154-157.

16 Text of the first question of the Referendum. The second concerned the acceptance or rejection of the election guidelines proposed by the National Executive Branch in the notice convening the Assembly, as partially amended by the National Electoral Council.

17 Approximately 3,630,666 citizens voted, with nearly 7 million registered voters abstaining.

18 See the ruling of the Supreme Court of Justice of July 22 to the effect that all the provisions mentioned were applicable to the July 25, 1999 election process.

19 BC, article 8/ The reference to ANC as "originating authority endowed with public sovereignty", was stricken by a ruling of the Supreme Court of Justice on April 13, 1999.

20 BC, article 4. Candidates could submit their own nomination or be nominated by legally constituted political parties or civil associations. Not eligible were persons occupying the offices of President of the Republic, presidents and directors of state-autonomous institutes or enterprises, governors and secretaries of government, senators and deputies in the National

provided that: "104 constituents from 24 regional constituencies, coinciding with the states and the federal district, would be elected, based on the criterion of one percent of the country's total population (234,103) relative to the population of each constituency" (see table on the following page).

According to the same provision, "pursuant to the exceptions specified in the Constitution and commitments undertaken in international treaties and agreements, the indigenous communities of Venezuela will be represented by three constituents elected in accordance with the rules established for this purpose by the National Electoral Council, taking their ancestral customs and practices into account".

It should be noted that in this election Article 144 of LOSPP, required that a minimum of 30 percent of the registered candidates for national, state, municipal, and parish deliberating bodies must be women.<sup>21</sup>

For the 128 representative positions, 1,159 candidates were nominated. During the process of verifying signatures, the list of national candidates was reduced from 104 to 93 and the list for regional candidates from 1,066 to 1,140.<sup>22</sup> As shown in the following table, the two states with the greatest number of candidates, apart from the Federal District, were Zulia and Miranda.

<b>STATE</b>	<b>No. of candidates</b>	<b>No. of Rep.</b>
DTO. FEDERAL	93	8
AMAZONAS	15	2
ANZOATEGUI	47	5
APURE	12	2
ARAGUA	78	6
BARINAS	16	2
BOLIVAR	52	5
CARABOBO	76	9
COJEDES	21	2
DELTA AMACURO	15	2
FALCON	38	3
GUARICO	21	3
LARA	65	7
MERIDA	23	3
MIRANDA	92	11
MONAGAS	29	3
NVA ESPARTA	30	2
PORTUGUESA	31	3
SUCRE	31	3

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Congress and state Legislative Assemblies, mayors and municipal councillors, Supreme Court justices and Lower Court judges, the prosecutor-general, the Comptroller-General, the General Procurator, active members of the military, and members of the CNE. See also CNE regulations articles 15 and 23. It is stipulated in this last instrument that candidates who are public officials and not required to resign must take unpaid leave as from a date prior to their nomination.

21 Female candidates for the ANC accounted for 8 percent of the national candidates and 5 percent of the regional candidates.

22 The process for verifying signatures endorsing the candidates comes under the responsibility of the National Electoral Council and the regional boards, for national and state candidates respectively. See LOSPP, articles 130-151.

TACHIRA	28	4
TRUJILLO	16	2
VARGAS	67	2
YARACUY	19	2
ZULIA	107	13
Total national const.	93	24 <sup>23</sup>

According to the Permanent Voting Register, there were 10,986,871 voters in the Republic of Venezuela distributed among the 20,281 election bureaus and 8,403 authorized polling centers throughout the country, as shown in the following table:<sup>24</sup>

STATE	VOTERS	PERCENTAGE OF VOTERS	CENTERS	BUREAUS
DTO. FEDERAL	1,173,371	10.72 %	559	1988
AMAZONAS	39,455	0.36%	45	73
ANZOATEGUI	537,973	4.91%	342	957
APURE	163,972	1.47%	172	322
ARAGUA	687,092	6.26%	316	1,190
BARINAS	264,232	2.40%	300	536
BOLIVAR	501,734	4.55%	429	925
CARABOBO	841,730	7.66%	335	1,421
COJEDES	127,360	1.17%	133	244
DELTA AMACURO	59,911	0.55%	118	157
FALCON	396,119	3.61%	450	789
GUARICO	294,173	2.69%	256	559
LARA	704,551	6.44%	539	1,329
MERIDA	346,411	3.16%	366	677
MIRANDA	1,169,430	10.63%	636	1,968
MONAGAS	320,094	2.92%	267	591
NVA ESPARTA	192,684	1.72%	121	321
PORTUGUESA	338,379	3.07%	490	735
SUCRE	388,788	3.55%	453	799
TACHIRA	463,411	4.23%	458	932
TRUJILLO	310,931	2.85%	418	635
VARGAS	178,819	1.63%	109	312
YARACUY	233,980	2.14%	273	464
ZULIA	1,242,823	11.31%	704	2,188
TOTAL	10,986,871	100.00%	8,403	20,281

23 Each citizen was allowed to select only 10 of these.

24 The complete and final voter list was delivered on June 15, 1999.

According to the data in the table above, there were 35,160 fewer registered voters than for the referendum of April 1999. According to the CNE, the difference was the result of updating the list, which excluded 2,000 members of the armed forces, 82,469 deceased, and 23 contested by the Office of Records Oversight. The number of new citizens placed on the list was 48,938.

### Election Campaign

In accordance with the election rules and schedule approved by the CNE, the period established for the election campaign was from June 24 to July 23.

With respect to election campaign financing, CNE has the authority to investigate the origin of campaign funds and limit them if appropriate. According to the applicable provisions, political organizations and candidates may not receive anonymous contributions. Administrative irregularities and election rule violations committed during the campaign period are punished in accordance with the appropriate provisions of the LOSPP.<sup>25</sup> During the course of the campaign, the CNE announced that it would impose fines on public officials committing acts in breach of the election rules, including the President of the Republic.

### The Republic Plan

The Republic Plan was established in 1963. This was the name given to the operation of distributing voting materials and providing security during the voting process. The operation was entrusted to the armed forces (air force, army, navy, and national guard).

The activity includes logistics and the distribution, delivery, custody, and collection of voting materials, including the custody and delivery of diskettes and punch cards containing the election information for each ballot processed by a voting machine, the identification number of the machine, and the corresponding polling center.

### Election Bureaus

The bureaus had to be in place by 5:30 a.m., with the presence of at least three members to examine the voting materials and sign the Record of Induction.<sup>26</sup> The voting was to begin at 6:00 a.m. and continue without interruption until all voters present, waiting their turn, had voted. The polling centers were to close at 4:00 p.m. The activities of the bureaus may be observed by representatives of the political parties and candidates ("witnesses"), when duly accredited by the CNE or the JEs. as appropriate.<sup>27</sup>

### Voting

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25 See Chapter III, Title VII. See specifically articles 5 and 201.

26 The absence of principle members is covered by alternate members in the same bureau or series of continuing bureaus, in the order of their appointment, or in their absence, by the election witnesses of the political parties having obtained the greatest number of votes, by order of the votes obtained, in the election of deputies to Congress, until such time as the Electoral Board adopts appropriate measures in accordance with the arrangements approved by the CNE.

27 LOSPP, articles 75-84.

In accordance with the regulations approved by the CNE, one side of the voting ballot showed the list for the national constituency, and the other side the list for the regional constituencies.<sup>28</sup> The ballot showed only the numbered list of candidates by name and surname, in alphabetical order, and their photographs. Voters could select up to a maximum of ten candidates for the national constituencies and as many candidates for regional representative as corresponded to the regional constituency concerned.<sup>29</sup> A vote was to be considered invalid in cases where the voter had selected more than the authorized number of candidates or marked their votes outside of the appropriate area (an oval). It was also established that physically disabled voters could be accompanied by a trusted person. According to circular no. 56, the CNE notified the electoral boards that physically disabled or illiterate voters could be accompanied by a trusted person in accordance with article 34 of Resolution No. 990519-154, approved by the CNE at its meeting on May 19, 1999.

After casting their votes, voters were to place their ballot in the slots of a scanning device, go to the election bureau to retrieve their voting permit, and sign the log.

### System of Voting

Assistance is provided for each voting machine by a technician trained in its operation. The voting machine technician must confirm that the infrastructure of the polling center (space, electricity, telephone), are adequate for its operation. During the process of examining the premises prior to the day of the vote, the technician receives the voting machine and printer from the CNE automation office, installs the equipment, and verifies that it is functioning properly. On the day of the vote, the technician must install the machine and printer, show that the ballot box is empty, print out the vote count record with all data reset to 0, and turn it over to the chair of the corresponding bureau. This record is issued so that bureau members and political party witnesses can verify that the machine has been reset, and an entry to that effect is made in the voting record.

A total of 6,998 voting machines were obtained for the entire country – one machine for every three bureaus. That number of machines was to permit more than 90 percent of all registered voters to vote automatically.<sup>30</sup>

The following table shows the number of bureaus and voting machines per state.

<b>STATE</b>	<b>No. of bureaus</b>	<b>No. of voting machines</b>
DTO FEDERAL	1988	774
AMAZONAS	73	27
ANZOATEGUI	957	353
APURE	322	104
ARAGUA	1190	432

28 Outside of national territory, only the ballots for national office are provided. The voting ballots do not show any partisan symbols or colors. See BC article three and REG. Articles 31-36.

29 BC article three 2.

30 Based on a simulation conducted on June 18, 1999, it was determined that voters would need approximately 5 minutes to cast their votes, taking into account that on average they would be choosing from approximately 16 candidates. Accordingly, to streamline the process, the CNE increased the number of booths per election bureau to 20 in certain cases.



BARINAS	536	160
BOLIVAR	925	313
CARABOBO	1421	516
COJEDES	244	84
DELTA AMACURO	157	40
FALCON	789	250
GUARICO	559	189
LARA	1329	454
MERIDA	677	220
MIRANDA	1968	736
MONAGAS	591	204
NVA ESPARTA	321	152
PORTUGUESA	735	199
SUCRE	799	256
TACHIRA	932	292
TRUJILLO	685	186
VARGAS	312	121
YARACUY	464	160
ZULIA	2187	786
TOTAL GENERAL	20.281	6.998

The voting machines operate in three stages. First, upon activation and before the voter begins, the machine prints a "zero vote annotation", confirming that no prior vote had been made on the ballot. The next stage is the voting itself, which includes reading the ballots, indication of the voter's preferences using the machine, and cumulative totals by category. Once the voter has marked his preferences on the ballot it is deposited in the voting machine tray, which confirms whether the votes are valid or not and then differentiates and counts them. The machine processes both sides of the ballot simultaneously (so that the ballot may be placed in the machine in any position), for up to 300 selections per side, analyzing voter marks with a double optical scanner, adjusting the cumulative total for each type of selection. Finally, at the end of the day, and as part of the closing process, the voting machine prints the vote count record, and any further human manipulation is blocked. Only the number of copies (of the same record) needed for notification of the authorities of the results and distribution to the political party witnesses can be obtained. Included among the steps for this closing process are the transmission of data to the tabulation center, via telephone or telegraph lines or cellular or satellite transmission, depending on the location concerned.<sup>31</sup>

It should be noted that the ballot box is equipped for auditing. This ensures that in the event of any complaint, the ballots will be available and inalterable for the purposes of recounting.<sup>32</sup>

### The Counting of Votes

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31 Some machines do not have communication mechanisms. In those cases the cata cards are transported by Republic Plan officials to the appropriate tabulation center.

32 According to its preliminary conclusions, the internal audit, initiated on August 14, 1999, detected certain discrepancies resulting from erroneous ballot readings, but in principle, and according to information from the CNE, these would not affect the results of the election.

The election bureau is responsible for counting the votes cast and invalidating those that do not meet specified conditions. This stage is completed with the signature of the teller records for the national and regional election ballots.<sup>33</sup>

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33 REG. Arts. 38-39. See also LOSPP arts. 168-174.

The portion of the CNE ruling establishing the criteria for invalidating votes is reprinted below:

**I. National Election Votes will be invalidated under the following circumstances:**

1. When the voter marks more than 10 candidates for national office, the number of invalidated votes will be 10.
2. When the voter makes no selection, the number of invalid votes will be counted as 10.
3. When the voter marks fewer than the 10 selections he is entitled to make, the selections marked are considered valid and those not marked are considered invalid.
4. Votes marked by the voter outside of the oval will be counted as invalid.

**II. Votes for Regional Elections will be counted as invalid under the following circumstances:**

1. When the voter marks a greater number of candidates than the number to be elected for his constituency, the number of invalid votes counted will be equal to the number of candidates for that constituency.
2. When the voter does not mark any candidate, the number of votes counted as invalid will be equal to the number of constituents to be elected for that constituency.
3. When the voter marks a number of candidates that is less than the number of constituents to be elected, the selections marked will be considered valid and the number of invalid votes will be counted as the number of remaining selections required to equal the maximum number of constituents to be elected for that constituency.
4. Votes marked by the voter outside of the oval will be counted

**III. It will count as a null vote in the National or Regional Election, when the citizen votes in favor of a candidate that has died or resigned.**

The Tabulation of Votes

Within 48 hours after the votes have been counted, and based on the corresponding records, the Regional Electoral Boards (for the representatives of each state) and the CNE (for the national representatives) must tabulate the results automatically.<sup>34</sup> The totals may be audited by representatives of the political parties and candidates ("witnesses"), if duly accredited by the CNE or the JREs, as appropriate. The regional centers process the information for the regional elections and send the national election data from each bureau directly to the National Tabulation Center.<sup>35</sup>

<sup>34</sup> REG., articles 40-42. See also LOSPP articles 175-18

<sup>35</sup> Subsequently, the total results for each region are sent. The regional centers are connected by digital relays with the national center (64 Kbps frame relay provided by CANTV and redundant dedicated lines and digital radio connections in the case of contingencies". The representatives of CANTV indicated that the communication was protected by encryption changing every two seconds. The representatives of INDRA (the private company marketing the process) indicated that non-commercial encryption algorithms were used.



### Proclamation of the Winners

Once the tabulation records have been signed by the appropriate authorities (JRE and CNE), these same authorities proclaim the candidates having obtained the greatest number of votes to be elected for their respective constituencies and extends to them the appropriate credentials.<sup>36</sup>

### Rules for the Selection of Indigenous Representatives to the ANC (RERI)<sup>37</sup>

Under these rules, between June 28 and July 8, 1999, the indigenous peoples and communities, following their practices and customs, were to elect their delegates to the state assemblies. The number of these delegates, by ethnicity, was determined on the basis of the population recorded in the Venezuelan indigenous census (1992).<sup>38</sup> Once selected, the 580 delegates formed the National Assembly of Indigenous Peoples, convened for July 17 for the purpose of selecting three representatives to the ANC: one for the western region (Mérida, Trujillo and Zulia), another for the eastern region (Anzoátegui, Bolívar, Delta Amacuro, Monagas and Sucre) and a third for the southern region (Amazonas and Apure). Under the rules, to be elected as an indigenous community representative, candidates had to be "Venezuelan by birth, born in an indigenous community, speak the indigenous language of their community and correctly speak, read, and write Spanish"<sup>39</sup>. The selection process was to be conducted and supervised jointly by the CNE and the National Indian Council of Venezuela (CONIVE). The proclamations and delivery of credentials were to be handled by the CNE.<sup>40</sup>

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36 REG. Art. 43. See also BC art. 3.

37 The RERI was approved by the CNE in resolution 990623-265.

38 Total population: 315,815. More than 1,000 community assemblies were organized to appoint 3,500 regional delegates who, in 10 state assemblies, designated 580 national delegates.

39 RERI, art. 18.

40 RERI, articles 19-20.

### **III. THE OBSERVATION MISSION**

#### **1. Structure and Territorial Distribution**

The mission conducted its work during the period July 15-28, 1999, and was composed of international observers from 16 member states and one from a permanent observer state.<sup>41</sup>

Taking into account the availability of financial resources, the mission was deployed territorially so as to cover those areas which, based on their population density, were particularly significant for the purposes of the mission. A central station was established in the capital of the country, and nine regional substations were established in the cities of Barinas, Barquisimeto, Bolívar, Cumaná, Maracaibo, Mérida, Puerto La Cruz, San Fernando and Valencia. The country's 23 states were covered by these substations.

#### **2. The Pre-electoral Phase - General Panorama**

During the days leading up to the election, interviews were conducted throughout the country with various government, military, electoral, union, and ecclesiastical authorities, as well as candidates from the various states of Venezuela.<sup>42</sup> The members of the OAS\_Observation Mission met with these individuals to inform them on the general objectives of the mission, obtain information on potential problems that might arise during the campaign, and to gather testimony and hear any complaints about presumed irregularities and/or concerns.

Some of the political leaders interviewed – most of them independents – indicated dissatisfaction with some of the radio, print, and television media that had not offered them the opportunity to present their political campaign platforms. They also affirmed that the campaign had been marked by abuses of power and of the media in support of candidates favored by the government. It should be noted in this connection that the Audit Committee of the Chamber of Deputies had urged all public officials to refrain from participating in the election campaign and from using resources to promote candidates for the ANC. The CNE, for its part, had sent communications informing the President of the

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41 Santiago Murray, Chief of Mission, Cristina Tomassoni, Deputy Chief of Mission; Carla Vaccarella, Coordinadora Logística; Observadores internacionales: Moisés Benamor; Claudia Barelli; Jamileth Bermúdez; Ana Cristina Borjes; Cresencio Herminio Cáceres; Gilberto Caniza; Patricia Cartes; Magali Castillo; Martín Carvajal; Beatriz Céspedes; Ricardo Cohen; Sherry Cunningham; Eileen Dillon; Josefina Duarte; Jamel Espinoza; Alfredo Fischer; Carlos Flores; Luis Antonio Fretes; Victor Fuentealba; Walter Galmarini; Crista Gándara; Edelma Gómez; Mariela Gómez Roquero; Luz Angela González; Juan Carlos Grillo Posada; Alejandro Guidi; Walter Hernández Canelo; Augusto Jordán Quiroga; Luc Lapointe; Amelia León; Max López; Judith Lobos; Senen Magariños; Percy Medina; Marleng Molina; Darren Nance; Guillermo Olave; Marco Ortega; Dionisio Palacios; Juan Ramón Paredes; Salvador Paz; Daniela Piñeiro; Bernice Robertson; Manuel Ruiz Gutiérrez; Gladys Salazar; Gilda Segreda; Ernesto Serna Avila; Dominique Stervelick; David Sweney; Osman Valdés; Ricardo Viteri.

42 The individuals interviewed at each of the mission stations are listed in **ANNEX II**.

Republic and the state governors that it would not permit the participation of public officials in the election campaign.<sup>43</sup>

Another of the concerns expressed reflected a certain lack of confidence toward the military authorities in charge of the Republic Plan.<sup>44</sup> For this reason, some candidates requested that the OAS Electoral Observation Mission, as well as the Attorney-General, monitor with special care the process of collecting the voting materials. The military officers in charge of implementing the Republic Plan did not raise any objection to the participation of OAS observers or candidate representatives in this activity. Officials in the attorney general offices indicated that in certain regions, inadequate resources made the viability of this process problematic. In response to the concerns expressed, a minutely detailed verification process was conducted within the various electoral boards and polling stations confirming that the materials were being delivered on schedule in most cases. Delays were observed subsequently, however, during distribution from the electoral boards to the polling centers. The night before the elections, in some cases, the Republic Plan was still distributing materials that were supposed to be in place that morning.

The distribution of credentials among bureau members as well as candidate witnesses or representatives was generally completed on schedule. However, delays were observed in several states in delivering the accreditation lists for witnesses, causing a delay – through no fault of the electoral authorities – in the delivery of credentials. According to the Republic Plan, the tasks of preparing the polling centers were to begin on Saturday, July 24. These tasks were supposed to be performed in the presence of the bureau members, who could then verify that materials were not missing and, if they were, so inform the Municipal Elections Council so that they in turn could inform Republic Plan authorities. The observers confirmed that most of the bureaus had been set up as planned. Some of them were expecting members to arrive during the early morning hours of Sunday, July 25.

Some of the candidates indicated that the CNE's election information and dissemination campaigns had been inadequate and late.<sup>45</sup> There was strong criticism of the design of the electoral ballot and the arrangement of choices. It was pointed out that, given the complexity of the vote, this deficiency could have serious consequences, including greater abstention more invalid votes. In some districts, the coordinators of the military phase of the Republic Plan organized meetings to inform local authorities and regional candidates on all operational aspects of the July 25 elections. In addition, the CNE set up an Internet web page with information identical to its distributed materials. The page was updated throughout the process. The final update took place after the CNE declared the official results.<sup>46</sup>

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43 The CNE supervised compliance with the election rules and applied various sanctions and fines in cases where it considered applicable provisions had been violated.

44 Opinions were expressed from certain quarters that the relationship between President Chávez and the army made the Republic Plan officials appear as “judge and party” in the electoral process.

45 It is indicated for the record that as part of the election information dissemination activities, the CNE and the Ateneo de Caracas organized “constituent debates”, which took place on July 15. Dr. César Gaviria, Secretary General of the OAS, spoke at the opening ceremony for these debates, referring mainly to the recent process of constitutional reform in Colombia. In addition, according to a survey conducted by Data Analysis during the month prior to the elections, approximately 45 percent of the population was familiar with the political objectives of the Constituent Assembly

46 This page can be found at [www.cne.gov.ve](http://www.cne.gov.ve)

Finally, a number of candidates expressed their disagreement with the decision to advance the close of the campaign to July 23 at 5:30 a.m., which had forced them to improvise their final speeches on radio and television the night of Thursday, July 22.

Visits were conducted to the regional offices of the Voting Register, the Regional Electoral Boards, and the Municipal Electoral Boards in every Venezuelan state. All of these authorities expressed their gratitude and appreciation for the presence of OAS observers in this electoral process and offered whatever support the Mission might need at any time to perform its work. In that connection, some of the observers attended the training and refresher courses offered by the CNE to bureau members, and noted that they had been conducted in a satisfactory manner. It is nonetheless noted for the record that some members did not attend the courses because they felt familiar with the current electoral procedures given that elections had been conducted shortly before.<sup>47</sup>

Members of the mission also attended various fora organized by the Electoral Boards and the Republic Plan. These meetings made it possible to reach understandings and avoid partisan confrontations during the electoral process, and to facilitate general acceptance of the rulings issued by the CNE, including proclamation of the winning candidates.<sup>48</sup>

Given the particular circumstances of these elections, the candidates' campaign methods departed from tradition. As a direct consequence of the fact that many candidates did not have the backing of organized political parties, and therefore lacked logistical resources, mass campaign events were not observed. The candidates emphasized the task of visiting the *municipios*, usually from house to house. Only in a few cases were there parades in support of a particular candidate, and these were staged in accordance with the rules established for such events. A complaint submitted at one of the mission's meetings with candidates for the Federal District and Miranda alleged that a military plane had flown over a political event held in the region of Los Valles, distributing propaganda from *Polo Patriótico*.<sup>49</sup> Also noted for the record are two events that occurred at the Valencia substation. The first relates to the concern of a number of parishioners over the presence on Sunday the 18th of two persons in uniform requesting information about the officiating priest, who had made negative references to the government the previous week. In an interview with the observers, the Archbishop of Valencia, Monsignor Urosa Sabino, minimized the matter's importance, alluding to "excessive sensitivity" in certain quarters. The other incident was an attack on Dr. Alberto Francheschi, national candidate for the ANC, involving the use of fireworks while he was addressing university students in Carabobo. The observers assigned to the Barquisimeto substation took note of a complaint before the JE by the candidates Néstor León Heredia and Braulio Alvarez against the candidates Francisco Capdevielle and Hugo Calvete for giving the false impression that their campaigns had been endorsed by the candidate for Movimiento V

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47 In some instances, the persons entrusted with conducting the training visited the homes of bureau members to train them in person.

48 For example, it was agreed at one of these meetings that witnesses could alternate in visiting some of the smaller polling centers to permit easier voter access.

49 *Polo Patriótico* fielded a number of candidates who supported the constitutional reform proposals being promoted by the government. A copy of the complaint furnished to the Chief of Mission is attached.



República. Members of the mission followed up on the matter with election authorities, who indicated that appropriate measures had been taken.<sup>50</sup>

Observers were also present for the voting on July 17 and 18 in the town of Los Caracas, with the participation of 580 representatives from 34 indigenous communities and the attendance of CNE officials. During the deliberations it was moved that the results of the Ciudad Bolívar Congress be ratified, making Noeli Pocaterra (western region), José Luis González (eastern region) and Guillermo Guevara (southern region) the indigenous representatives to the ANC. A CNE official indicated that, since a protest had been filed against Mr. Guevara, it would be prudent to elect a fourth constituent in case the situation was not favorably resolved.<sup>51</sup> The delegates for the eastern region requested that open elections be held, since not all of the ethnic groups had been represented at the aforementioned Congress. There were 27 votes for this proposal. Subsequently the delegates of the aforementioned region withdrew from the site. Most of the delegates (78.7 percent) expressed support for ratifying the votes cast at the Extraordinary National Congress held in Ciudad Bolívar. This decision, which subsequently was protested before the CNE, was ratified by a CNE ruling.<sup>52</sup>

Visits were also paid to the CNE Information Processing and Transmission Center to attend a demonstration of the telecommunication, result transmission, and tabulation system, which in the event could not be held.<sup>53</sup> In the absence of the demonstration, officials from the CNE's automation division explained the operations of the data transmission system.<sup>54</sup> They mentioned that the new electoral process had made it necessary, from the computerization standpoint, to change the data transmission structure, which until then had been centralized in Caracas, and replace it with a comprehensive structure for all of the regional electoral boards. To put the project in motion, new operating and telecommunications software were required, which with the incorporation of satellite, cellular, and switched system offered a margin of error on the order of 0.5 percent. They also indicated that security for the information transmission was optimal, with encryption using a non-commercial protocol every two seconds. While an external audit of the system was planned, as usual for operations of such scope and complexity, it was indicated that the CNE would verify this procedure with officials from its own auditing department. With regard to contingency systems they indicated that they had a system permitting the replacement of equipment within less than 30 minutes, with 350 back-up voting machines. The observers were informed that the tests conducted by the company INDRA, necessary to ensure the operation of the automated equipment on the day of the vote, showed a negligible percentage of error. It should also be noted in this regard that on July 24, the observers assigned to Zulia attended the transmission test of an innovative computerized system at Brigade-Army Corps Headquarters – unique in the country – that would enable election authorities to have a precise panorama of what

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50 These included ordering Francisco Capdevielle to refrain from using the symbols of *Movimiento V República*, and referring the case to the Substantiation Chamber of the CNE. Copies of the complaints received by the Mission at the various substations during the pre-electoral stage are attached to this report as **Annex III**.

51 A protest had been filed against the candidacy of Mr. Guevara on the grounds that he was not Venezuelan by birth. It is noted for the record that Mr. Guevara's rights had been placed on an equal footing by the Ministry of the Interior. Although he admitted the fact, Mr. Guevara invoked the Exceptional Provisions in article 45 and 77 of the CN, which equalized the political rights of Venezuelans by birth, provided they had entered the country before the age of seven and had remained in the country since that time.

52 Copies of the documentation on this matter are attached as **Annex IV**.

53 The company CANTV and INDRA are responsible for the transmission of results and the tabulation of votes, respectively.

54 Benito Vargas, Vicente Emilio González, Jesús González.

was occurring at each of the bureaus once they were set up and operating, offering advantages in terms of finding immediate solutions to any problems that might arise.

Although in the days preceding the vote there had been a massive submission of voting permits (more than 300,000), various political analysts and opinion pollers indicated that more than 50 percent of the citizens did not go to the polls.<sup>55</sup> And yet, based on a CNE survey, participation of more than 60 percent was expected. Based on this information, the Chief of Mission, during the press conference held with local and international media on July 22, considered it prudent to urge the population to vote and the candidates to abide by the electoral results to be announced by the CNE after the vote. On Saturday, July 24, the President of the Republic and the Secretary General of the Episcopal Conference made similar statements.

It should finally be mentioned that the presence of the OAS Mission was covered extensively by the mass media and that the observers participated in television and radio programs in various states of the country.

### **3. Observation of the Vote**

The observation routes in each of the substations were determined on the basis of qualitative and quantitative analysis. Entering into consideration were the level of illiteracy, the voting population, access to the voting centers, the level of organization and coordination in the JE's, the telecommunications and electric power infrastructure, the rate of citizen participation in previous elections, the process of preinstalling the bureaus and disseminating the official CNE information. An analysis was also conducted to determine the proportions between the number of voters, voting centers, and automated and manual bureaus in order to identify heavily used centers with relatively few bureaus, as well as potential difficulties that might arise from the distribution of voters among the various centers. The personal perceptions of each of the observers based on their pre-electoral tour helped to develop criteria for determining which of the centers would be most in need of the presence of the Observation Mission.

#### **3.1. Central Station (Federal District and the States of Miranda and Vargas)**

The Mission's central station was located in the Federal District. It was composed of the Chief of Mission, the Deputy Chief, and the Logistical Coordinator, all officials of the OAS Unit for the Promotion of Democracy. The Coordination and Financial Administration functions were performed at this station, including substantive guidelines and measures to provide the necessary human and logistical resources to fulfill the objectives of the work. In addition, in order to monitor the election process in the adjoining states of Vargas and Miranda, nine international observers from the central station were assigned.

559 centers and 1988 bureaus (with 774 voting machines) were set up in the Federal District in which 1,173,371 voters would elect eight representatives. In the state of Vargas (which has only one *municipio*) 109 voting centers with 312 bureaus, equipped

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<sup>55</sup> See in particular statements by Herbert Koeneke and Andrés Stambouli, published in *El Universal* (7-22-99) and the statistics of Data Analysis.

with 121 voting machines, were set up. The voting population of 178,819 was to elect two constituents. The state of Miranda is divided into 21 *municipios* and is the second most populated state in Venezuela, after Zulia. 631 polling centers with 1968 bureaus and 825 machines were set up. The voters (1,169,430) were to elect 11 assembly members.

The total number of registered voters in the districts covered by this station was 2,521,670 (22.98 percent of the voter list), distributed among 1304 polling centers and 4268 bureaus.

A total of 130 polling centers were observed. Although there were certain complications in setting up the bureaus, the voting took place without major difficulties. There were no problems of security, the voter list appeared up-to-date, and there was no voter confusion about the voting site locations. The citizens appeared to be informed about the process. Only a small percentage of the bureaus were staffed by all of their members. In numerous cases, the party witnesses helped to achieve the quorum required to open the voting. Activity in the centers was somewhat slow in the morning but increased in the afternoon. Approximately 20 percent of all registered voters had voted by noon. No generalized presence of inspectors or witnesses was observed. Some of the machines for printing the voting records were noted to be defective.<sup>56</sup> During the voting process it was observed that the ink was seeping through the cards, raising questions among the bureau members about invalidation. The machines were frequently observed to reject the cards. In some cases, this happened even after the voter had left, so that a technician or Republic Plan member had to insert the vote again. Some of the INDRA technicians indicated that the machine rollers were dirty and that this was the cause of these mishaps. Some of the witnesses complained that they did not receive a copy of the vote counting record.<sup>57</sup>

### **3.2. Barinas Substation (States of Barinas, Cojedes and Portuguesa)**

From this substation four observers covered two other plain states in the southern portion of the country: Cojedes and Portuguesa, both situated north of Barinas.

The state of Barinas has 11 *municipios* and a total of 264,232 voters distributed among 300 polling centers and 536 bureaus (with 160 voting machines). Portuguesa is divided into 14 *municipios*, has 338,379 voters and had set up 490 polling centers and 735 bureaus (199 machines). Cojedes has 9 *municipios* and 127,360 voters distributed among 133 centers and 244 bureaus (84 machines). The voters were to elect three representatives in Portuguesa and two representatives each in Barinas and Cojedes.

The totals for this substation were 602,611 voters (6 percent of all registered voters), 790 polling centers and 1,271 election bureaus. The observers monitored 88 polling centers.

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56 Alberto Ravell School (Carlos Sublette Parish), the machine was replaced; Los Caracas School, the Machine was unable to transmit, so the card was taken to the computer center and the transmission was performed from there.

57 The day before the elections, the President of the Regional Electoral Board declared in a statement to the press in the capital of the state of Miranda, that the bureau chairs should not provide a copy of the vote counting record to the political party witnesses.

The voting took place in a generally peaceful and orderly manner. All of the authorities acted with knowledge and responsibility. It is noted for the record, however, that in the state of Barinas, the army displayed brusque attitudes toward the citizens as well as the OAS observers. This was not the case in the other states where National Guard personnel had been assigned. Reports from the observers stationed at this substation indicated that most of the polling centers observed had been late in setting up. The reason for this in many cases was the failure to comply with the rule that in the case of absence of election bureau members a person was to be selected from the voters to form part of the bureau. The work by the members of the bureau was observed to be well organized and it was noted that the presence of witnesses for some of the candidates was sparse. On the other hand, a lack of voter privacy was observed at most polling centers. The voting machines operated properly and the response capacity of the INDRA technicians in solving any problem was very good. The bureaus closed on schedule; the records and other vote counting activities were completed very efficiently, and the data transmission via modem was rapid.

### **3.3. Barquisimeto Substation (States of Lara and Yaracuy)**

This substation was located in the capital of the state of Lara. It is subdivided into nine *municipios*. With a total of 704 voters, 539 polling centers and 1,329 election bureaus (454 voting machines) were set up. Seven regional representatives were to be elected in addition to 10 national representatives. Yaracuy is divided into 14 *municipios* and its voting population of 234,991 was distributed among 273 centers and 464 bureaus (160 machines). Two representatives were to be elected.

Four observers were assigned to this substation based on the general data showing a total of 939,542 voters (8 percent of registered voters), 812 polling centers and 1793 bureaus. Ninety-six centers were monitored.

Over all, the voting was conducted in a normal way. Some of the bureaus opened late because of the absence of principal members. The vast majority of these, however, opened by 8:00 a.m. Certain relatively unimportant materials were noticed to be missing at some of the bureaus, which in some cases were furnished by their neighboring bureaus. Several complaints were received during the day, all with respect to election propaganda being distributed at the polling centers. All of these incidents were resolved through the intervention of observers. No incidents were observed during the vote count and tabulation stages.

### **3.4. Bolívar Substation (States of Bolívar and Amazonas)**

The state of Bolívar is the largest in terms of territorial area but has the lowest population density. There were 501,734 registered voters distributed among 925 bureaus (313 voting machines) at 429 centers set up in 11 *municipios*. Five representatives were to be elected. The state of Amazonas is divided into seven *municipios*, and the 39,445

voters were distributed among 73 bureaux (27 machines) in 45 polling centers. Two assembly members were to be elected.<sup>58</sup>

The 541,179 voters in these two states represented 4.91 percent of all registered voters. Out of a total of 474 polling centers and 998 bureaux, the three observers assigned gave their priority attention to *municipios* in Bolívar with the largest voter populations: Caroní, Heres, and Piar.<sup>59</sup> In Amazonas, polling centers were observed in the capital, Puerto Ayacucho, and the *municipio* of Río Negro. In monitoring approximately 60 centers in these states it was observed that a very calm atmosphere was maintained throughout the day.

All of the bureaux were properly set up, albeit late in some cases, and staffed by alternates and/or witnesses to achieve the required number of members. The voting materials were complete and the machines functioning in nearly all of the centers. The initial pre-voting records were printed and signed in the manner prescribed. It is noted for the record that the CNE was supervising several centers and providing support to bureau members.

The independent candidates did not have the infrastructure to send witnesses to most of the bureaux, but at all of them there was at least one witness for one of the candidates registered on their own initiative and another for those nominated by *Polo Patriótico*.

In areas near some of the centers, MVR party sympathizers were observed distributing propaganda on "la Llave de Chávez" [Chavez's key]. No formal protests or complaints were filed at any of the centers observed. However, a number of voters were concerned because when they marked their votes, the ink leaked through and unwanted votes could be detected on the reverse side of the ballot.

No major problems arose during the vote count or tabulation process.<sup>60</sup>

### **3.5. Cumaná Substation (States of Sucre and Nueva Esparta)**

The substation was set up in Cumaná, the capital of the state of Sucre in northeastern Venezuela. The state of Nueva Esparta, situated on the Caribbean approximately 38 kilometers from the northeastern coast, comprises the islands of Margarita, Coche and Cubagua. These states are subdivided into 15 and 11 *municipios* respectively. The voting population of Sucre is 390,421, with 453 polling centers and 799 bureaux (203 voting machines). Three representatives were to be elected. The number of voters registered in Nueva Esparta was 192,694. All of the bureaux (325 in 129 polling centers) conducted the vote count automatically. Two representatives were to be elected.

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58 The Mission had not originally planned to cover this state. However, the presence of observers was formally requested by the Governor Bernabé Gutiérrez and the candidate Donal Ramírez.

59 During the pre-electoral phase, ten of the state's 11 *municipios* were visited. The exception was Gran Sabana because of the great distance and difficulty of access involved.

60 However, at bureaux 14147 and 14148, there were problems with the number of voters counted by the machine and the number of voters entered into the bureau log.

The substation, with its 583,115 voters, represented 5.27 percent of all registered voters. Over all, it covered 582 polling centers and 1,124 bureaux. On election day, four observers were assigned to cover 85 centers.<sup>61</sup>

The bureaux were for the most part set up during the mid-day period on Saturday. Because of intense rain in some of the rural districts, however, the voting materials were not distributed until the end of that day and early Sunday. In the vast majority of cases, the bureaux were set up quite late. The main cause for the delays was the absence of bureau members (principals and alternates). Candidate witnesses and voters waiting in line had to be recruited to take their place. In nearly all of the *municipios* in the two states, the voting began after 7:30 a.m., with relatively weak voter turnout and the presence of a few candidate representatives in Sucre, with particularly limited turnout in Nueva Esparta.

In the *municipio* of Bermúdez the members of the Municipal Electoral Board appeared apathetic, and in many instances the presence of election authorities was covered by members of the Republic Plan. A major civilian presence was noted in the process conducted in the *municipio* of Arismendi.

Security conditions were optimal, although at some sites the distribution of screens to maintain voter privacy did not fully serve that purpose. In addition, the publicity campaign announcing that physically impaired voters could be accompanied by "someone" when voting gave rise to confusion and vote manipulation. Candidate witnesses were repeatedly observed to accompany voters and cast their votes for them. These incidents were sometimes questioned and corrected by bureau members and Republic Plan security forces.

The voting machines functioned properly, with a few isolated exceptions. The vote count began at the hour indicated and proceeded without incident.<sup>62</sup>

No incidents were observed in the vote tabulation process.

### **3.6. Maracaibo Substation (States of Zulia and Falcón)**

The state of Zulia, divided into 21 *municipios*, has a population density of 49.37 inhabitants per square kilometer, corresponding to 13 delegates to the ANC. With a voting population of 1,242,823, 704 polling centers and 2,188 election bureaux (786 automated) were set up. Falcón has 25 *municipios* and a voting population of 396,119. 789 bureaux (250 automated) were set up in 450 centers.<sup>63</sup> Three representatives were to be elected in Falcón.

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61 In addition, the observers visited all of the municipal seats during the pre-electoral phase.

62 At the Tavera Acosta center in the Santa Rosa parish of the *municipio* of Bermúdez, a citizen complained on the radio that he had been given a previously marked ballot. The OAS observer went to the center and confirmed that the problem had been solved by issuing a new voting ballot. The incident was noted in the record.

63 Nearly half of the centers were located in the *municipios* of Carirubana and Miranda, which accounted for 50 percent of the electorate.

Six observes were assigned to the substation, taking into account that between the two states, the voting population was 1,638,952 (15 percent of all registered voters), distributed among 1,154 centers and 2,997 bureaus.

On election day, 140 polling centers were monitored. The organization was in general good. The bureaus began setting up at 6:30 a.m. and were fully constituted by 8:00 a.m. Alternates and witnesses were needed to make up for the absence of principals. There was no shortage of voting materials at any time during the vote, except for a few isolated cases that were rapidly solved. Voter turnout was sporadic. The presence of political party representatives was very limited. Security and access conditions were good and custody extremely zealous, particularly at the start of the day. The voting process took place at the bureaus without difficulty, except for a few sporadic cases when the voting machines malfunctioned. In Falcón, MVR election propaganda was observed at some of the centers. The vote counting and tabulation were conducted without incident. Finally, it is noted for the record that a written complaint was received alleging the falsification of MVR propaganda materials, as recorded in **Annex V**.

### **3.7. Mérida Substation (States of Mérida, Táchira and Trujillo)**

The state of Mérida has 23 *municipios* and a voting population of 346,411 distributed among 677 election bureaus (220 automated) in 366 polling centers. In Táchira (29 *municipios*), 450 centers were set up with 932 bureaus for 463,411 voters. Trujillo is a state with extensive areas of low population density divided into 20 *municipios*. 310,931 voters were distributed among 418 polling centers and 685 election bureaus (with 185 voting machines). Three constituents were to be elected in Mérida, four in Táchira, and two in Trujillo. Based on the general data for the substation (1,120,753 voters, representing 8.92 percent of all registered voters, 1,252 centers and 2,294 bureaus) seven observers were assigned to cover a total of 123 centers in the three states.

The bureaus were opened within the established time frame, except in the state of Trujillo. The voting materials were well distributed and the bureau members were very familiar with the procedures, since they had participated in earlier elections. This circumstance was not verified in some of the rural centers. Witnesses were present, mostly from the MVR. Voters expressed concern about the ink used to mark the ballot, which leaked through the ballots and generated confusion. The JRE immediately informed them that this would not affect the operation or subsequent automatic vote count.

Political proselytizing and propaganda distribution were observed inside and outside some of the polling centers. Witnesses were again observed to accompany illiterate or disabled voters on repeated occasions.

The Republic Plan members were particularly active in the closing of bureaus and the process of correlating the voter list and voting register. The record of the final vote count was completed normally and efficiently, as was the transmission of final data stored in the optical scanner to the tabulation center.

### **3.8. Puerto La Cruz Substation (States of Anzoátegui and Monagas)**

The state of Anzoátegui is located in northeastern Venezuela, 319 kilometers from the city of Caracas. In the 21 *municipios*, 342 centers and 957 bureaus were set up with 353 voting machines. The 537,973 voters were to elect five constituents. Monagas is in eastern Venezuela on the Orinoco River. Most of the population is concentrated in ten *municipios* in the northern part of the state, while in the south, due to the low population density, there are only three *municipios*. According to the records there were 320,094 registered voters for whom a total of 267 polling centers and 591 election bureaus (204 voting machines) were set up. Three assembly members were to be elected.

Four observers were assigned based on the total number of voters (858,067, i.e. 7.83 percent of all registered voters), in 609 centers and 1,544 bureaus.

On the day of the vote 62 centers in 18 of the 34 *municipios* in the states of Anzoátegui and Monagas were visited.

Most of the bureaus were set up after the hour indicated, in some cases more than 2 ½ hours late, and were staffed by alternates and witnesses. In general, the materials received were complete. The presence of witnesses at the bureaus was limited and it was noted that most had been accredited by the MVR. At each center the presence of Republic Plan agents was noted, most of them from the National Guard. The voting machines functioned without difficulty. At some centers it was observed that the voting booths were placed too closely together, compromising secrecy.

The voters expressed concern about the ink leaking through to the other side of the ballot and were afraid that their votes might be invalidated. The members of the bureau and the INDRA technicians demonstrated that the ink spots did not coincide with the ovals on the other side and that the magnetic sensor was focused only on the ovals, so there was no possibility of error.

The votes were counted and the data transmitted in a normal manner. The tabulation process was also checked without incident. It should be noted that the mission received support from the Helitech Company, thanks to the good offices of General González, Chief of the Republic Plan in the state of Monagas. The company provided helicopter transportation for one of the observers to two *municipios* located at a great distance from the capital to observe the voting.

### **3.9. San Fernando Substation (State of Apure)**

The state of Apure is divided into seven *municipios*, and its capital is the city of San Fernando. It has 163,972 voters, distributed among 104 polling centers and 322 election bureaus with 104 machines. Two constituents were to be elected. Taking into account that the substation accounted for 1.47 percent of all registered voters, two observers were assigned and visited 87 bureaus on the day of the vote.



The bureaus were one to three hours late in setting up, owing to torrential rains in the region. They were generally composed of their principals and had all of the materials. There was a significant presence of witnesses. The voting was closed late. The vote counting and tabulation stages were completed in a normal manner.

### **3.10. Valencia Substation (States of Carabobo, Guárico and Aragua)**

The state of Carabobo has 14 *municipios* and a voting population of 841,730 distributed among 1,421 bureaus (516 voting machines) in 335 centers. In the state of Guárico (15 *municipios*), 256 centers with 559 bureaus and 189 voting machines were set up for 294,173 voters. Aragua is divided into 17 *municipios*. The 687,092 voters were distributed among 316 centers and 1,190 bureaus (with 432 voting machines). Nine constituents were to be elected in Carabobo, three in Guárico, and six in Aragua. Based on the general data for the substation (1,822,893 voters accounting for 16.61 percent of all registered voters, 907 centers, and 3,170 bureaus) seven observers were assigned and were able to cover a total of 86 centers in the three states.

All of the bureaus observed were set up in accordance with the legal requirements. The organization and administration were very well conducted by the CNE. The machines and voting materials were distributed in advance to permit testing of the electronic and communication systems. However, it was noted that a high percentage of the bureau authorities were absent, causing delays in the initial process (printing of the pre-vote records). The absent members had to be replaced by witnesses and volunteer voters. There was very little participation by witnesses for independent candidates.

Military personnel was present at all of the centers from all of the armed forces participating in the Republic Plan. It was observed that their role extended to the functions of supervisor and administrator of the process.

In some cases, the process was closed in an orderly manner by the bureau authorities, but in others the Republic Plan members were the ones who determined the time of closing.

The votes were counted and records drawn up in a transparent manner, and there were no objections from any of the party representatives.

#### **IV. ELECTION RESULTS**

Around 6:20 p.m. on July 25, the CNE issued its first bulletin on the election results tabulated up to that time (more than 60 percent). The document indicated that *Polo Patriótico* candidates had gained the majority in nearly every region of the country, and that voter abstention had exceeded 50 percent.

One hour later, the Deputy Secretary General of the OAS and the Chief of Mission met in the CNE pressroom to give their preliminary impressions of the mission. Ambassador Christopher Thomas indicated that a free and transparent process had been conducted and that the minor difficulties encountered had not affected the validity of the elections. Santiago Murray emphasized that the election day had gone in accordance with established procedures, despite a few minor problems observed in setting up the bureaus, the limited supervision of witnesses, and the low voter turnout.<sup>64</sup>

That same night a crowd gathered in front of the Miraflores Palace to celebrate the election victory with the President of the Nation.

With more than 90 percent of the votes counted and out of a total of 128 constituents elected, *Polo Patriótico* won 120, *Polo Democrático*, six assembly members, and the independents, two. With 93.75 percent of the vote counted, *Polo Patriótico* won all of the state seats, with the exception of Aragua, Miranda, Nueva Esparta, Delta Amacuro, as well as the national constituency platform. This trend was confirmed by the final results of the election.<sup>65</sup>

On Monday, July 26, President Hugo Chávez received the Deputy Secretary General of the OAS and the Chief of Mission. They discussed the election results and some of the issues to be debated in the ANC, following its investiture on August 3.

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64 This communication is referred to in **Annex VI**.

65 In Aragua, only one of the six persons elected had run as an independent, and in Delta Amacuro, one of the two persons elected was independent. In Miranda, 11 constituents were elected and only one of them belonged to *Polo Democrático*. In Nueva Esparta as well, one of the two people elected had received the support of *Polo Democrático*. Of the 24 national candidates elected, only four belonged to *Polo Democrático*. See the final results in **Annex VII**.

## **V. CONCLUSIONS AND RECOMMENDATIONS**

Considering all of the events described, the following brief conclusions can be drawn:

- The pre-electoral process was conducted in strict accordance with the applicable provisions, and there was a normal degree of peaceful coexistence among the political protagonists, despite a few isolated cases mentioned in this report.
- In some cases, the nomination of independent candidates was fictitious, and was intended more to obscure or simulate political partisanship.
- The election was well organized and, in some districts, electoral authorities performed particularly well. There were widespread expressions of confidence in the election authorities and in the transparency of the process.
- A lack of interest in the elections was perceived. On the day of the vote, voter turnout increased during the morning hours, but significantly waned in the afternoon. This was reflected in the high rate of voter absenteeism.
- The media followed the process closely and contributed not only by providing continuous information on election developments, but also by disseminating the rulings issued by the members of the CNE and the JEs concerning election procedures.
- The level of responsibility of bureau members did not live up to expectations, as evidenced by the delays in opening the electoral process. Witnesses from some of the armed forces substituted, in many cases, for the absence of bureau members, helping to achieve the quorum necessary to constitute the bureaus.
- The logistical support provided for the election process was satisfactory and consistent with the legal provisions on the matter. Coordination by the Republic Plan was constant and its representatives numerous.

Having considered the most salient aspects of the election process, the Mission submits the following recommendations:

- The CNE and the political groups should conduct a program to promote citizen participation in the next elections.
- The CNE should, to the greatest extent possible, promote training for bureau authorities and encourage effective fulfillment of their responsibilities. Progress on that front would limit the activities of the Republic Plan, as it is called, to matters within its normal purview.
- Political groups should encourage their operatives and supporters to cooperate by exercising the oversight role during the elections that the law confers upon witnesses.
- Political proselytizing should be more effectively controlled inside and outside the polling centers; this includes the practice of vote manipulation that can occur when disabled or elderly persons are accompanied while voting.

- Consideration should be given to controlling the issuance of ballots, given in particular the absence of a correlated ballot numbering system.
- The placement of the voting booths should be improved to ensure secrecy.

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