

# OCCASIONAL REPORT ON VENEZUELA'S POLITICAL ELECTORAL CONTEXT



CARTER CENTER VENEZUELA

SEPTEMBER 15 - OCTOBER 31, 2014

## RENEWAL OF THE ELECTORAL AUTHORITY IN VENEZUELA APPOINTMENT OF THE ELECTORAL NOMINATIONS COMMITTEE

### *Summary*

On October 14, 2014, one and a half years following the term expiration of three of the five directors (*rectores*) at the National Electoral Council (CNE), a full session of the National Assembly finally elected ten civil society representatives who, together with eleven legislators, will constitute the Electoral Nominations Committee, the body responsible for the pre-selection of candidates for the position of director to replace current CNE President Tibisay Lucena and principal directors Sandra Oblitas and Vicente Diaz, along with their respective alternates.

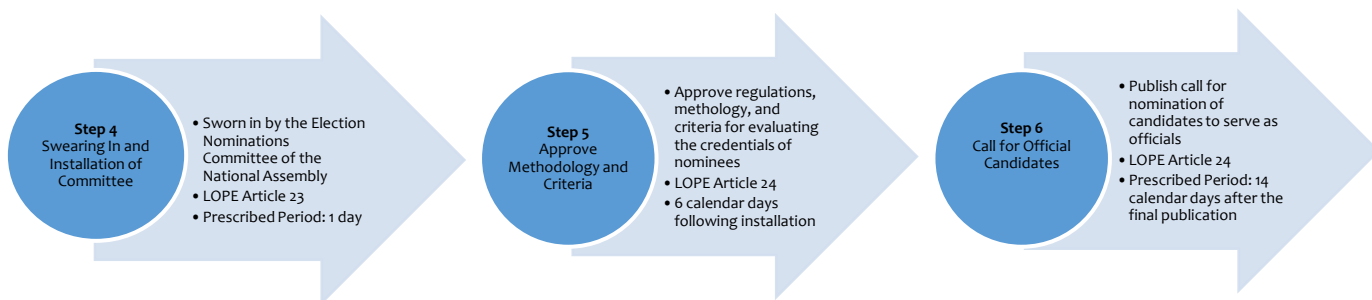
Formation of the Election Nominating Committee allays the fears expressed by many sectors of Venezuelan society that the appointment of the new electoral authorities would fall to the Supreme Court (TSJ) since the two majority parties appeared unable to reach an agreement by a two-thirds majority, as required by law. Consensus for approval of the list of civil society members thus reaffirms the National Assembly's role of appointing electoral authorities, as provided for in Article 295 of the Venezuelan Constitution.

Following the swearing in of civil society representatives on October 22, the committee was to appoint a president, vice-president and a secretary (the latter must be a non-committee member), according to Step 4 in the illustration below. Then, over the next six days, regulations containing the criteria and methodology to evaluate the credentials of contenders for CNE *rector* positions must be approved (Step 5 in the illustration below).

The Committee acted quickly, following the timetable, and published the call for nomination for CNE directors on October 31, to close on November 13, 2014. According to several estimates, these new CNE officials could be elected within a 64 to 72 day period.<sup>1</sup>

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<sup>1</sup> See steps 4 through 11 in the Carter Center's first Occasional Report on Venezuela's Political Electoral Context published in August:  
[http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/americas/informe-de-seguimiento-final-en.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/americas/informe-de-seguimiento-final-en.pdf);  
also see: <http://puzkas.com/designacion-de-rectores-del-cne-puede-demorar-aun-64-dias/>



## Background

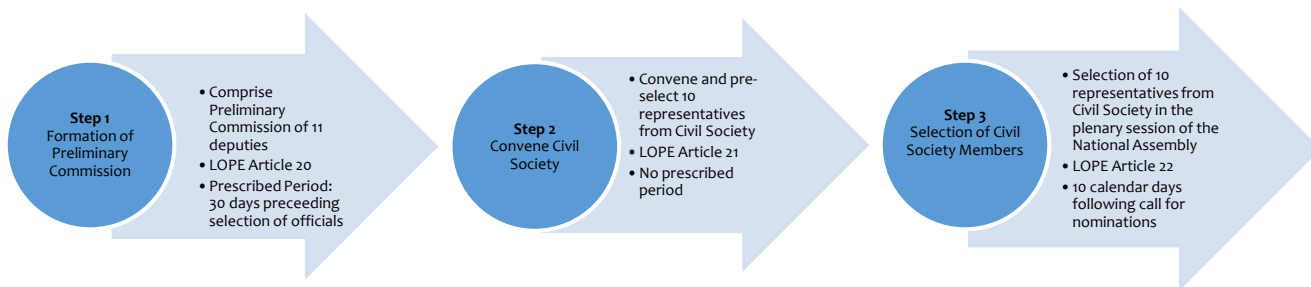
The National Assembly began the process of renewing CNE officials on April 9, 2014, one year after their terms were up. The process began with the appointment of eleven legislators to form the Preliminary Electoral Nominations Committee, comprised of six members of the National Assembly belonging to the *Partido Socialista Unido de Venezuela* (United Socialist Party of Venezuela-PSUV) and five members of the coalition of opposition parties known as *Mesa de la Unidad Democrática* (Democratic Unity Table-MUD).<sup>2</sup>

As noted in the previous report,<sup>3</sup> the renewal process for these officials' posts involves 12 steps or stages. Following Step 2 (see illustration below), on May 12, 2014, the Preliminary Commission began the task of pre-selecting civil society members to become part of this body by opening up the respective call for candidates. At the end of this process, on May 23, a total of 130 citizens from a wide range of civil society sectors were nominated as candidates. On July 25, following two months of work, the committee narrowed the list to 21 candidates, then sent it on to the Assembly for deliberation. Local organizations monitoring the CNE member renewal process criticized the contents of the list, however, citing the alleged political allegiance of 52 percent of those selected ([see note](#)).

<sup>2</sup> Regarding this matter, including a general description of the process for Renewal of CNE Authorities, please see the Carter Center's first Occasional Report on Venezuela's Political Electoral Context released in August 2014, available at the following link:

[http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/americas/informe-de-seguimiento-final-en.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/americas/informe-de-seguimiento-final-en.pdf)

<sup>3</sup> Idem



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### *Selection process for civil society members*

Selection of the 10 members by the plenary session of the National Assembly was delayed, however, for several weeks, initially due to Assembly recess (August 15-September 15) and then because of the two major parties' inability to reach an agreement (as noted above, neither the PSUV nor the opposition could muster enough deputies for the required two-thirds vote). While initially there were positive indications of a possible agreement,<sup>4</sup> circumstances changed dramatically in the first Assembly debate on the matter during the September 30<sup>th</sup> session.<sup>5</sup> Following heated debate and a series of mutual recriminations, representatives from both aisles were unable to agree, so the selection of civil society members was postponed until the next legislative session.

According to statements made by National Assembly President Diosdado Cabello, they failed to reach an agreement because the opposition was unable to submit its list of potential candidates, unlike the governing party. According to Assembly President Cabello, the opposition was unable to agree on a list due to conflicts among "Súmate, the U.S. Embassy, the FEDECÁMARAS"<sup>6</sup> preferred political parties and a multitude of other agencies," all of which, according to Cabello, "had names of their own" ([see note](#)). Opposition deputies, however, said they refused to vote on the list submitted by the governing party because both sides had not reached agreement on it beforehand. The list submitted by the governing party, they said, was comprised entirely by members or supporters of the PSUV, which according to these deputies, made the list unacceptable ([see note](#)).

<sup>4</sup> On August 31, National Assembly President Diosdado Cabello announced that installation of committees responsible for accepting nominations for the new representatives of the Judiciary and Electoral Branch would be scheduled to take place at the outset of the parliamentary term which was to begin on September 15, 2014. <http://globovision.com/instalara-comite-de-postulaciones-en-proximo-periodo/>. Meanwhile, Deputy Juan Carlos Caldera acknowledged that it was only after dialogue between the government and the opposition began in April 2014 that the need to elect new electoral authorities which had been delayed for a full year was reintroduced. Among the News, Globovision (08/17/2014). <https://www.youtube.com/watch?v=E8Brp6v8Pmc>

<sup>5</sup> During the National Assembly recess, its president, Diosdado Cabello, announced that the Electoral Nominations Committee would be installed (as well as the committee to select new members of the Judiciary) for the new parliamentary period, which began on September 15, 2014.

<sup>6</sup> FEDECÁMARAS is the leading business organization in Venezuela, bringing together the majority of the country's private businesses.

This same situation repeated itself during the second debate on the matter, on October 7; thus committee approval of these civil society members was deferred for the third time.<sup>7</sup>

### ***Reactions from civil society***

Given the possibility that the designation of civil society members of the Nominating Committee would fall to the Supreme Court as a result of the National Assembly's failure to reach an agreement,<sup>8</sup> several voices from various sectors advocated for the legislature to reach a consensus. Former CNE official Germán Yépez noted in an October 13 interview, for example, that activating the Supreme Court to appoint these members should be resorted to only under extraordinary circumstances ([see note](#)). Meanwhile, the *Observatorio Electoral Venezolano* (Venezuelan Electoral Observatory-OEV), in a statement issued September 22, stressed the importance of electing officials who are impartial and professional, according to the Venezuelan Constitution. In a recommendation addressing Assembly deputies, the OEV stated that, "beyond considerations of quotas for their respective political forces" they were obligated to designate "honorable Venezuelans who, by not being unconditional supporters of any party line, will not arouse the suspicion of any significant political actor and will be perceived by voters as capable of moving electoral processes forward under conditions of equality, reliability, transparency and efficacy," as stipulated in Article 4 of the LOPE ([see note](#)).

*Ciudadanía Activa*, *Queremos Elegir*, *Compromiso Ciudadano*, *Grupo La Colina* and *Súmate* all spoke out in similar fashion, requesting compliance with requirements spelled out in rules governing the selection of new CNE officials, such as allowing for public Nominations Committee sessions, so that citizens have access to the interviews of the candidates and the publication of their curricula vitae, thus enabling citizens to verify faithful adherence to the principle of independence and impartiality set forth in the Constitution. Some of these organizations also requested attendance by representatives of the Papal Nuncio or UNASUR as observers at these meetings ([see note](#)). These organizations reiterated the call made on October 13 with a new statement, urging legislative representatives to exhaust all means to reach a consensus, with two thirds of its members,<sup>9</sup> on the designation of the 10 civil society members on the Electoral Nominations

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<sup>7</sup> Just as in the preceding session, the governing party bloc presented a list, which was rejected by the opposition bloc for the reasons mentioned above (<http://www.asambleanacional.gob.ve/noticia/show/id/8917>). The governing party again challenged the behavior of the opposition, accusing it again of "having no interest in renewing the State's public authorities." The strategy of the opposition, they alleged, was to "confront the Bolivarian revolution and delegitimize its institutions" (<http://www.asambleanacional.gob.ve/noticia/show/id/8916>). The opposition came out against these statements, claiming that they hadn't submitted a list because the names on them should be arrived at by consensus (according to Deputy Bernardo Guerra of the MUD during the legislative session and in subsequent interviews: <http://www.noticias24.com/venezuela/noticia/258792/en-instantes-bernardo-guerra-hablara-sobre-la-eleccion-del-comite-de-postulaciones/>).

<sup>8</sup> According to the rules, if an agreement cannot be reached within the Assembly, the process must be resolved by the Supreme Court by means of an extraordinary remedy known as "legislative omission."

<sup>9</sup> Two thirds would mean 110 out of the 164 deputies in the National Assembly.

Committee, once again obviating the possibility of intervention by the Constitutional Chamber of the Supreme Court ([see note](#)).

Meanwhile, in a qualitative study based on the use of focus groups, the Center for Political Studies at the Andrés Bello Catholic University pointed out that most Venezuelans, regardless of social status or political affiliation, prefer the selection of their Electoral Authority to be made on an impartial basis. According to the survey submitted in Caracas on September 25, most respondents preferred the selection of CNE officials from among university professionals who were responsible and honest and not political activists or individuals linked to political parties, and who were also civilian and non-military. All without exception expressed that they were to be impartial, and their main concern centered on their acting transparently ([see note](#)).

Carter Center Americas Program Director Jennifer McCoy pointed out the original intent of the laws was to create a widely representative nominating committee through a two-thirds majority of the National Assembly.<sup>10</sup>

### ***Final agreement on civil society members***

Finally on October 14, against all the forecasts based on the experience of the recent legislative sessions, the plenary of the National Assembly elected almost unanimously the 10 civil society representatives which, together with the 11 deputies, rounded out the Electoral Nominations Committee.<sup>11</sup>

The list of the 10 civil society members of the committee is as follows:

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<sup>10</sup> At this time neither of the two political blocs can muster 110 votes (the governing party has 99 and the opposition 66).

<sup>11</sup> Deputies designated by PSUV were Blanca Eekhout, Earle Herrera, Tito Oviedo, Rosa del Valle León, Hugbel Roa and Edgar Orlando Zambrano; deputies designated by the MUD were Nirma Guarulla (*Avanzada Progresista*), Morel Rodríguez (COPEI), Bernardo Guerra (Acción Democrática), Juan Carlos Caldera (Primero Justicia), Elías Matta (Un Nuevo Tiempo) and Julio Reyes (alternate).

**Civil Society Members of the  
Electoral Nominations Committee**

No.	FULL NAME	REGISTRATION DATE	NOMINATING ORGANIZATION
1	JOSÉ MARÍA CADENAS GONZÁLEZ	05/23/2014	ASOCIACIÓN CIVIL ASAMBLEA DE EDUCACIÓN
2	FRANCISCO ARMANDO BELLO CONDE	05/22/2014	FUNDACIÓN CASA ARTURO USLAR PIETRI
3	CARLOS EDUARDO AGOSTINI JIMÉNEZ	05/21/2014	ASOCIACIÓN CIVIL HORIZONTE
4	FRANKIE KEPPLER ISAAC RODRÍGUEZ	05/23/2014	CAPITANÍA GENERAL DEL SECTOR 7 IKABARU
5	CARLOS DÍAZ	05/23/2014	CONSEJO COMUNAL SAN ANTONIO
6	WILLIAM ROBERTO GARCÍA GARCÍA	05/23/2014	CONSEJO NACIONAL DE ESTUDIANTES DEL SISTEMA DE EDUCACION SOCIALISTA
7	ZULAY COROMOTO DELGADO	05/23/2014	FRENTE DE MUJERES LUISA CÁCERES DE ARISMENDI
8	EDITH MARÍA SILVA ALZOLAR	05/23/2014	LA ARAÑA FEMINISTA
9	YENNIZ ENRIQUE ARRIETA CHOURIO	05/20/2014	RED DE ORGANIZACIONES AFROVENEZOLANAS
10	HERYCK RANNYER RANGEL HERNÁNDEZ	05/16/2014	COMANDO POLÍTICO DEL MPPE 7 DE OCTUBRE

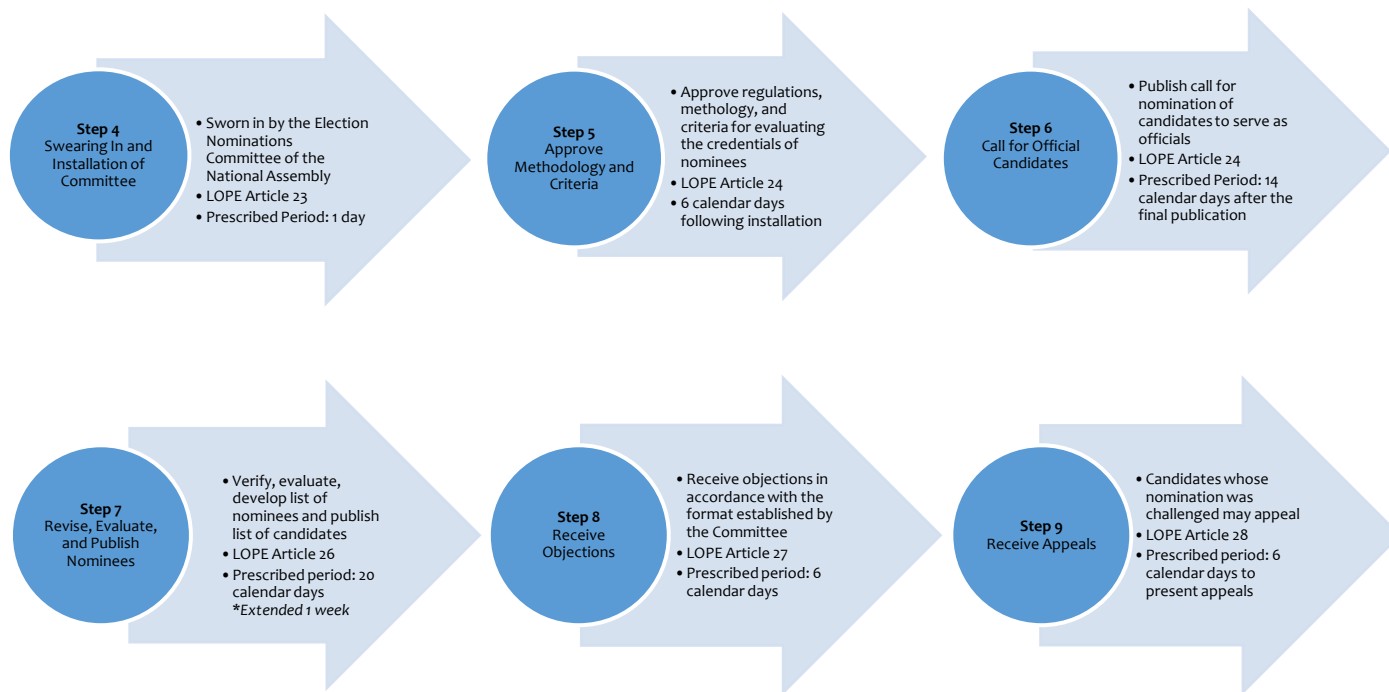
Although the list was arrived at by consensus reached between both sides of the aisle ([see note](#)), two deputies representing the opposition Project Venezuela party, Vestalia Sanpedro and Deyalitza Aray, and three independent deputies, José Manuel González, José Hernández and Luis Barragán, abstained. The remainder of the opposition party members in the Assembly heartily praised the agreement. In the words of Preliminary Commission member Deputy Elías Matta of the *Un Nuevo Tiempo-UNT* party, the debate over choosing committee candidates “went down the right path” by proceeding within the framework of “a healthy discussion within a Venezuelan pluralistic forum, i.e., the National Assembly.” He added that the legislators went about putting the committee together in a pluralistic manner, mindful of their responsibility to deliver the country a “transparent, fair, non-partisan CNE that meets the expectations of the Venezuelan people” ([see note](#)). As for the government, he also stressed the willingness of the PSUV deputies to follow constitutional guidelines and reach a position through consensus with opposition party deputies.

Nevertheless the contents of the final list approved by the Assembly was criticized by some sectors, such as the NGO Súmate ([see note](#)), according to which involvement of seven of the ten members selected in organizations linked to the PSUV violates provisions of the regulations.<sup>12</sup>

From the moment that the committee was installed and over the following six days, its members must discuss and approve regulations establishing the criteria and time frames for the process of nominating candidates for the positions of CNE officials. The time period provided for by law for candidates to submit applications for these positions is fourteen calendar days (Step 7 in the illustration) from the date the notice is published in a newspaper with national circulation (Step 6 in the illustration). These applications must be submitted to the committee in writing, to be accompanied by the curriculum vitae of the applicants. The basic criterion for the election of CNE officials is impartiality or independence, as stipulated in Article 296 of the constitution, which states that they cannot

<sup>12</sup> According to electoral coverage specialist Eugenio Martínez, there are six members linked to organizations associated with the PSUV: <https://twitter.com/puzkas/status/522089531957583872>

be associated with any political organizations.



### ***Call for Nominations for CNE Directors***

The Electoral Nomination Committee successfully accomplished Steps 5 and 6 in the above cronogram, approving by consensus their internal procedures and issuing a call for nominations on October 31, to close on November 13, 2014. The published criteria for candidates followed those established in the electoral law, including to have a university degree and at least ten years of professional practice, not be related to the President, and not to have ties to any political party.

### ***Concluding remarks***

Despite the delay due to the protracted appointment of civil society members of the Electoral Nominations Committee,<sup>13</sup> it represents a significant achievement in terms of the process required to reach a consensus in the legislature. Representatives of the ruling party and the opposition parties alike concur in their positive assessment of this state of affairs. Deputy Miguel Pizarro of the *Primero Justicia-PJ* party and Deputy Jesús Farías of the

<sup>13</sup> Article 22 of the Electoral Power Organic Law (LOPE) specifies that civil society members must be chosen “within the ten days following the expiration date specified in the call to form the Electoral Nominations Committee.” These ten days started on May 23 and ended on June 2.

PSUV expressed agreement, for example, during a debate carried live on news outlet Globovision on October 15, by underscoring the wisdom that prevailed in the October 14 plenary session and the commitment to achieve consensus observed in each of the political forces to uphold the role of the National Assembly in the process of selecting Venezuelan electoral authorities ([see note](#)).

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