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Observing the  
Venezuela Presidential  
Recall Referendum

COMPREHENSIVE REPORT

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# OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

COMPREHENSIVE REPORT



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OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

TABLE OF CONTENTS

Foreword .....3  
Delegation Lists .....5  
    Signature Collection .....5  
    Reparos .....6  
    Recall Referendum .....8  
Acknowledgments .....10  
Abbreviations .....12  
Executive Summary .....13  
Brief History of Venezuela .....24  
Introduction to the Recall Referendum Process .....26  
Summary of Recall Process .....28  
Recall Referendum Observation Methodology .....29  
Observation of the Signature Collection .....33  
Observation of the Signature Verification Process .....38  
Flowchart of CNE Signature Verification Process .....46  
Observation of the Reparo Period .....47  
Observation of the Aug. 15 Recall Referendum .....54  
Conclusions and Looking Toward the Future .....78  
Other Carter Center Activities in Venezuela .....81  
Recall of Deputies Summary Report .....83  
Appendices  
    1. Key Terms .....84  
    2. Presidential Recall Referendum: August 15, 2004, Results .....86  
    3. Audit of the Results of the Presidential Recall Referendum in Venezuela .....88  
    4. Report on an Analysis of the Representativeness of the Second Audit Sample .....94  
    5. Carter Center Verification Sample Report .....101  
    6. Signature Collection Petition Form .....110  
    7. Reparo Notebook for Valid Signatures .....111  
    8. Reparo Notebook for Rejected Signatures .....112  
    9. Ballot .....113  
    10. Signature Collection Observer Checklist .....114  
    11. Reparo Observer Checklist .....118  
    12. Recall Referendum Observer Checklist .....122  
    13. Findings on Allegations of Fraud .....127  
End Notes .....135  
The Carter Center at a Glance .....inside back cover



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

### FOREWORD

Hugo Chávez was elected president of Venezuela in 1998. The Carter Center observed this election and has remained engaged in Venezuela since that time, observing the constitutional referendum in 1999, monitoring the megaelections in 2000, and mediating the deepening dispute between Chávez's ruling party and his opponents after the April 2002 attempted coup. I have been involved personally in all of these activities. Through these efforts, and oftentimes with the Organization of American States, we have worked to lessen the polarization in the country, providing assistance and support to all parties when requested.

Many Venezuelans hoped that a participatory and constitutional process vetting competing demands through democratic means might result in a less polarized political environment. It proved an overly ambitious expectation that the Aug. 15 presidential recall referendum could serve this purpose.

Several months have passed since the recall, and it would be difficult to argue that the political situation in the country has improved significantly. Venezuela remains deeply divided. President Chávez's supporters still believe he has transformed the country so that, for the first time, the needs of all citizens are being addressed, most notably the poor and disenfranchised. His opponents still believe he is destroying the economy, excluding important sectors of society, and doing away with many fundamental democratic institutions and practices. The feelings and perceptions of both inclusion and exclusion on the part of the competing political forces are strong, pervasive, and remain politically problematic.

The recall process took almost one full year to complete. The country, in large part, was focused on this single political event, mobilizing around each phase as it unfolded. Political parties rallied supporters to collect signatures for the recall and to observe the verification of those signatures. Tens of thousands of

citizens served as electoral workers throughout the entire period. It was a remarkable effort, although complicated and fraught with problems. At its conclusion, almost 60 percent of the voting electorate in Venezuela affirmed their support for President Chávez to fulfill his term.

Still, some 40 percent of the electorate affirmed their dissatisfaction with the direction in which he has taken the country. The burden is now on President Chávez and his government to demonstrate to both his detractors and his supporters that he governs equitably for all citizens in the country.

While the polarization in Venezuela is of great concern, it is equally troubling to see democratic institutions and practices in the country so challenged. Many in the political sector and in the public have little confidence in the National Electoral Council, the body responsible for administering the electoral process. The CNE must take seriously the criticisms put forward about its performance and make all the reforms needed to strengthen the democratic process, restoring voter confidence in electoral institutions and practices.

The opposition political parties must remain engaged, using democratic means to ensure that all Venezuelans are represented in national and local level decision-making. The opposition must reorganize and develop viable alternative programs and leaders to provide citizens a choice.

President Chávez and his government must ensure that political space exists for all sectors of Venezuelan society, that practices of governance welcome diversity of opinion, and that appropriate checks and balances on government activity are honored and utilized.

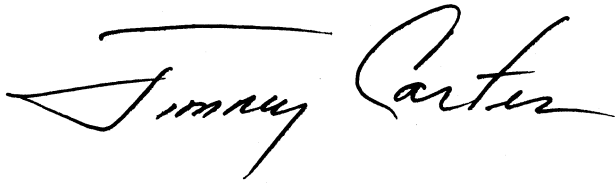
I applaud the people of Venezuela for their great patience and fortitude throughout the entire recall process as well as for their commitment to seeing a democratic process through to its conclusion. Millions of Venezuelan citizens waited in long lines to sign petitions



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## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

calling for the recall referendum, with almost 1 million coming forward again to reaffirm their original signatures. Some exercised their right to sign or refrain while subject to intimidation and harassment. Then millions of Venezuelans waited in long lines on Aug. 15 to cast their ballots, again exercising their democratic right to express support for or against their president. Their commitment to resolving the country's political crisis through democratic and peaceful means is admirable and merits immense respect.





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OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

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VENEZUELA PRESIDENTIAL SIGNATURE COLLECTION  
NOV. 28 - DEC. 1, 2003

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# OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

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## OBSERVATION DELEGATION FOR VENEZUELA PRESIDENTIAL RECALL REFERENDUM AUG. 15, 2004

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### ACKNOWLEDGMENTS

The Carter Center Venezuela project was an intense effort, made possible by the hard work of many dedicated and devoted individuals. While the Center first became involved in Venezuela in 1998, when it monitored the presidential elections, the current Venezuela work began in June 2002, when the Center was invited to help facilitate talks between the government and the opposition. Since that time, the Center has maintained an active role in the country, establishing a field office and hiring full-time staff to actively monitor the political and electoral developments. We would like to acknowledge the tremendous efforts of our dedicated staff who have devoted so much of their time and energy to the project over the last two years.

Dr. Jennifer McCoy, director of the Americas Program at The Carter Center, is the leader of the Venezuela project. Dr. McCoy's extensive knowledge of Venezuelan politics and her dedication to the country stem from her 20 years of study and visits to the country. Project manager Rachel Fowler worked tirelessly, using her election expertise and leadership skills to manage an extremely complex observation process.

Ambassador Gordon Streeb, former associate executive director of the Carter Center peace programs, lent his wisdom and expertise to the project, including traveling to Venezuela during the *reparo* period. Matthew Hodes, director of the Center's Conflict Resolution Program, directed the earlier phases of the Center's participation in the Table of Negotiation and Agreement and advised the electoral observation missions.

We commend and thank project leaders Francisco Diez, Marcel Guzmán de Rojas, and Edgardo Mimica. Francisco Diez served as the Carter Center Venezuela field representative September 2002-September 2004, moving his family from Argentina to Caracas. Francisco proved essential to the success of this project, providing

expert mediation skills and political analyses, without which the August referendum may not have been possible. Marcel Guzmán de Rojas operated as the elections field manager August 2003-July 2004. Marcel traveled to and from Venezuela from Bolivia and brought extensive experience in elections administration and information technology. When Marcel stepped down from his position in July, The Carter Center was lucky to have Edgardo Mimica take his place. Edgardo brought additional electoral observation expertise to the team and a personal manner that was particularly needed in such a polarized environment.

Assistant Project Coordinator Anne Sturtevant coordinated observer delegations for six observation missions in less than a 10-month period, doing so with good judgment, good humor, and extraordinary patience.

Once again, Carter Center interns proved essential and exhibited why they are the cream of the crop. Nick Beauchamp and Helen Barnes both served as interns on the project and were later hired as consultants. The two were present for the entire recall process. Both helped with logistics, served as observers, and provided analyses of key electoral, technical, and political issues. Kirsten Anderson and Jabier Elorrieta Puente served as interns during the referendum itself, again helping with logistics, acting as observers, and providing key analyses. Priscila Da Silva joined the Venezuela team after the referendum, providing outstanding support from Atlanta and working to bring this project report to completion.

The Venezuela project also could not have been successful without the help of the Venezuelan field staff. Jackie Mosquera was as invaluable as always, bringing to the table vast knowledge of Venezuela and its electoral history and her incredible logistical skills, enabling deployment of the six observer delegations. Mariu Sanoja, Glory Melendez, and Meli Uribe provided excellent support in the field office, responding to



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

numerous requests from multiple staff with grace and efficiency. We would also like to acknowledge the work of Pedro Antonuccio, who provided ongoing, invaluable expert advice regarding press-related matters and did so in an amazingly objective and pleasant manner in even the most volatile situations.

Ana Cabria Mellace, project manager for the Strengthening Peace in Venezuela program, was always willing to lend a very able hand when needed. Her coordination of the multiple leadership schedules was exemplary, especially in light of the fact that four former heads of state led the recall referendum observation delegation.

There are countless others to thank. Sandra Flores worked as an electoral consultant throughout the entire process, witnessing the signature collections, the verification process, and the *reparos* as well as leading the team of medium-term observers for the referendum. Sandra produced remarkable work, never tiring from putting in countless hours of observation and analyses. Alexis Heeb also served as a medium-term observer. New to the project during the *reparos*, Alexis came up to speed quickly and proved to be an invaluable asset. Camilo Eid, Luis Alberto Quiroga, Juan Alberto Flores, and Bill Krause all lent expertise in information technology/statistical analysis, while Luis Alberto Cordero, Hector Diaz, Juan Carlos Lacle, and Andres Araya served as legal and electoral consultants. We would not have been able to implement such a comprehensive and thorough observation without the assistance and work of all of these individuals.

Carter Center staff Nealin Parker, Coby Jansen, and Cassandra Grant all provided excellent assistance to the project, lending administrative and logistical support from Atlanta and traveling to Venezuela as needed. Many Atlanta-based operational staff members also worked hard to make the Venezuela project successful. Larry Frankel, Akissi Stokes, Tom Eberhart, and Matt Cirillo ensured we had the funds needed to do the work. Kay Torrance worked hard to publicize Carter Center work in Venezuela and around the world.

Importantly, we would also like to thank all our

observers who so generously volunteered their time during the recall process. We were extremely fortunate in having such skilled and accomplished observers who were always willing to put in countless hours of hard work, many of them returning to observe more than one, and in some cases each, stage of the process.

Throughout the past two years, The Carter Center enjoyed an unprecedented collaboration with the OAS. The Center supported the efforts of Secretary-General César Gaviria in facilitating the Table of Negotiation and Agreement, and the two organizations formed a joint mission to observe the signature collection and verification procedures. The observer missions for the Aug. 15 recall cooperated to share in the collection of data for the qualitative observation and the quick count. We wish to thank Secretary-General César Gaviria, mission chiefs Fernando Jaramillo and Walter Peçly Moreira, and the OAS staff and delegates for their cooperation and support throughout.

Finally, we would like to thank the Venezuelan National Electoral Council for inviting us to observe this historic electoral event, allowing us the opportunity to support peace and democracy in Venezuela and to learn from an extraordinary global electoral event. We are also grateful for the very warm reception we were given from the Venezuelan people and would like to recognize the great efforts they have made to choose the path of peace and democracy as the means of solving their current crisis.

The Venezuela project was funded through a generous grant from U.S. Agency for International Development and with funding from The Ford Foundation. All opinions found in this report are those of The Carter Center and do not necessarily reflect the views of our donors.

Project staff Jennifer McCoy, Rachel Fowler, Anne Sturtevant, Marcel Gúzman de Rojas, Francisco Diez, Edgardo Mimica, Nick Beauchamp, and Sarah Fedota all contributed to the writing and editing of this report. Danute Rosales provided translation for the report, in addition to superb interpretation services throughout the entire recall process.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

### ABBREVIATIONS

AD	Acción Democrática
AN	The National Assembly (Asamblea Nacional)
CA	Comando Ayacucho
CANTV	Phone company in Venezuela in charge of transmission of results during recall referendum
CD	Coordinadora Democrática
CM	Comando Maisanta
CNE	The National Electoral Council (Consejo Nacional Electoral)
COPEI	Comité de Organización Política Electoral Independiente Party
CTS	CNE Technical Committee (Comité Técnico Superior)
JNE	National Electoral Board (Junta Nacional Electoral)
JRE	Regional Electoral Board (Junta Regional Electoral)
LOSPP	Organic Suffrage and Political Participation Law (Ley Orgánica de Sufragio y Participación Política)
MVR	Movimiento Quinta (V) República
OAS	The Organization of American States
PDVSA	Petroleos de Venezuela, S.A.
REP	The Electoral Registry (Registro Electoral Permanente)
TSJ	The Supreme Court (Tribunal Supremo de Justicia)
UNDP	United Nations Development Programme



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

### EXECUTIVE SUMMARY

In May 2003, representatives of the Venezuelan government and opposition groups signed an agreement at the Table of Negotiation and Agreement that paved the way for a recall referendum on President Hugo Chávez to occur halfway through his term in office, or after Aug. 19, 2003, should the requisite signatures be gathered. The recall referendum for elected officials is one of the measures established in the 1999 Venezuelan Constitution. The accord suggested the use of this constitutional provision could help resolve the bitter political dispute between the government and opposition that had gripped the nation the previous two years. The opposition, consisting of multiple political parties and civil society associations, was organized and led by the *Coordinadora Democrática* during this period.

After working in Venezuela since June 2002 helping to facilitate dialogue between the two conflicting parties, The Carter Center accepted an invitation in November 2003 from the National Electoral Council (CNE) to observe the signature collections for the recall of the president and various National Assembly deputies.<sup>1</sup> (See End Notes, p. 135.) As each step of the recall process unfolded, the CNE granted observer status to The Carter Center, the Organization of American States, and, ultimately, to additional international observer groups and individuals. The Carter Center deployed an international observation team for each stage of the presidential recall process, namely the signature collection; the verification of signatures; the

*Opposition supporters march in support of the recall referendum.*



PHOTO: NOAH FRIEDMAN-RUDOVSKY



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

*reparos*, or repair of signatures; and the recall referendum. In total – and including the concurrent deputy recall process – the Center observed six electoral events in less than 10 months and in five of those, deployed short-term observer missions, an effort of commitment unprecedented in the Center’s history.

The process for the presidential recall formally began with signature collection Nov. 28-Dec. 1, 2003. The law required that 20 percent of registered voters (or 2,436,083 valid signatures) must be collected to trigger a recall referendum. Some 3.4 million collected signatures were presented Dec. 19 to the CNE for verification after being organized and photocopied by the opposition political parties. The CNE began signature verification Jan. 13, 2004. After a very controversial decision about more than 900,000 signatures considered as invalid because of “similar handwriting,” the CNE released preliminary results March 28, indicating that the opposition had not yet gathered sufficient valid signatures to trigger a presidential recall but that a *reparo* period would be held in which many signers could reaffirm their signatures. Discussions on the procedures for the *reparos* produced much better communication between the CNE and the political parties, and the reaffirmation was held May 28-31, 2004. The opposition recovered enough signatures to surpass the required threshold. On June 3, the CNE announced there would be a recall vote on the president’s mandate on Aug. 15, 2004, more than eight months after the signatures had been collected.

During the recall referendum, government opponents had to successfully fulfill two conditions to recall President Chávez: a) gather at least one more Yes vote than the absolute number of votes by which he was elected in the first place: 3,757,773 + 1 votes (Yes votes indicated support for the removal of President Chávez); and b) Yes votes had to be more than the No votes cast in the recall (No votes indicated support for President Chávez remaining in office).

The final results were 5,800,629 (59.0958 percent) No votes and 3,989,008 (40.6393 percent) Yes votes,

thus defeating the petition to recall the president of the republic.

### KEY FINDINGS AND RECOMMENDATIONS: THE PRESIDENTIAL RECALL PROCESS

The presidential recall process was a novel electoral event for Venezuela. The process suffered from some irregularities, delays, politicization, and intimidation, as described below. Nevertheless, we note it is important to distinguish between irregularities and fraudulent acts that could change the outcome of a process. It is the Center’s finding that the official results reflect the will of the Venezuelan electorate as expressed on Aug. 15, 2004.

With respect to distinct parts of the process, the Center found the signature collection was conducted in an atmosphere mostly free of violence, with citizens who so wished having the opportunity to sign, though with some confusion on the exact procedures and limited instances of intimidation. The verification process was complex, conducted by the CNE for the first time with multiple levels of review, unclear rules inconsistently applied, numerous delays, and with a concern for detecting fraud given priority over a concern to recognize the good faith of signers.

The *reparo* period, despite the call made by the pro-government parties for the removal of signatures (known as the *arrepentidos* act), was conducted in an atmosphere mostly free of violence, with citizens who so wished having the opportunity to confirm their signatures or remove their names and with clear and transparent procedures that had been negotiated between the CNE and the political parties. Nevertheless, allegations of intimidation that had surfaced earlier in the process re-emerged prior to the *reparo* process, involving threats of loss of government jobs or benefits.

The Aug. 15 balloting day was conducted in an environment virtually absent of any violence or intimidation; yet the voting procedure required several additional hours because of high voter turnout and insufficient voting stations. (Forty-seven percent of the





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

tables, or *mesas*, had more than 1,700 registered voters.) Voting station capacity was stressed further by incorporating new electronic voting and fingerprint machines while maintaining the usual written administrative procedures.

The presidential recall referendum was introduced into the 1999 constitution. This was the first attempt in the country to exercise the citizens' right to recall a president. The absence of a referendum law meant rules and regulations had to be developed to administer the process, and a newly appointed CNE had to learn and adapt as the process unfolded in a very volatile and highly politicized context.

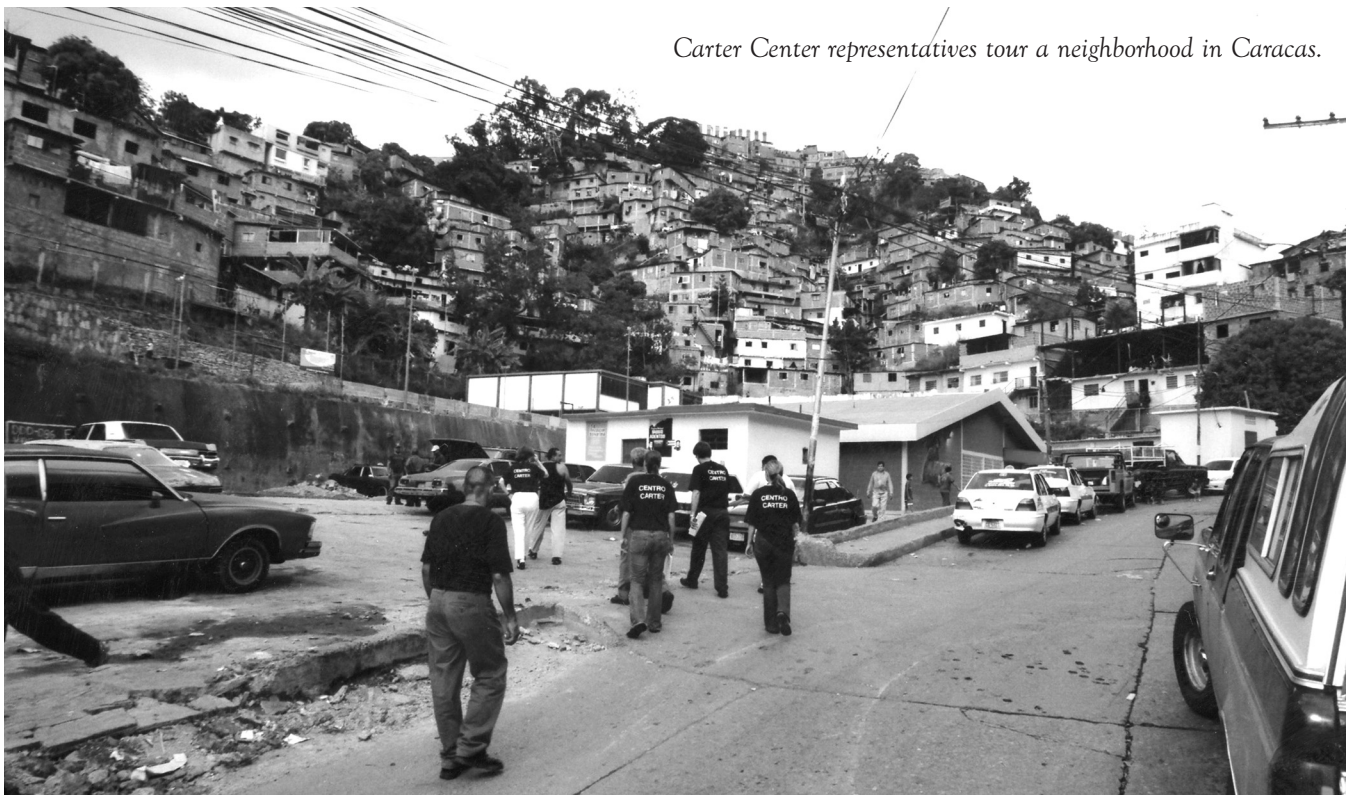
The political nature of the process itself impacted almost every decision made in the process. The unique recall referendum electoral option was invoked with the expectation it might help solve the political crisis enveloping the country. The stakes were high for all sides. The president and his supporters wanted him to remain in office. The opposition, with its supporters,

had been trying for at least two years to remove the president from office by calling for his resignation, organizing protest marches, and supporting a national oil strike. The CNE itself reflected a political compromise, with representation from the opposition and the government and with every decision made as a result of negotiation (often with no consensus reached).

Following is a summary of key findings by event, with recommendations.

### *The Signature Collection*

Part of the political compromise reached over the procedures was the hybrid nature of the initial phase, the signature collection. While the political parties maintained responsibility for collection and delivery of the signatures, the CNE created the materials to be used and defined the controls to guard against possible fraud. The decision to include an itinerant, or roving, collection of signatures in addition to the fixed tables created a complex process with little surveillance and,



*Carter Center representatives tour a neighborhood in Caracas.*

PHOTO: RENATO CAPPELLETTI



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

therefore, room for allegations of many irregularities. This hybrid nature led to subsequent confusion and controversy during the verification period. Subsequently, the CNE decided to take complete control of the process from the verification onward.

The distrust between the parties and the desire to prevent fraudulent signatures led to complicated procedures, including use of specific CNE-generated petition forms, tracking the movement of petitions over the four-day collection through filling out *actas* (tally sheets) each day, and the requirement of thumbprints during the subsequent collection period. The presidential allegation of “mega-fraud” during the collection period further complicated the situation, putting extra pressure on the CNE during the subsequent verification period. Ultimately, the CNE did not have the capacity to effectively use such controls. For example, no digitized database of thumbprints existed to compare the newly collected prints, nor was a database created during the signature collection. Nonetheless, the inclusion of such onerous controls left wide room for discretionary decisions by CNE directors and personnel at every level when scrutinizing signatures during the verification process.

■ *Recommendation: The CNE should decide on a system of either party control of signature collection (necessitating stricter controls during the post-signing verification stage to assess the identity and will of the signer) or CNE control of signature collection (necessitating stricter controls during collection of signatures and eliminating the need for lengthy post-signing verifications).*

### The Verification

The verification of signatures proved to be one of the more contentious parts of the recall process. During verification, multiple procedural issues arose, and many changes were introduced. One significant and highly controversial decision came after the CNE discovered that multiple signature lines on some petition sheets, or *planillas*, appeared to have the same handwriting for all of the signer data and, in some cases, even for the signatures themselves. This discovery

produced new verification criteria regarding similar handwriting in the middle of the verification process, putting into “observation” all of those signature lines identified in this new category. The decision required a second round of verification of the names that already had been reviewed and ultimately resulted in more than 900,000 names being questioned under the “similar handwriting” criterion. The Carter Center and OAS publicly disagreed with the CNE on this criterion. This group became the bulk of the names that would go to the correction period in late May for signers to confirm that, in fact, they had signed the petitions and their signatures were not fraudulent.

The verification process was plagued by incomplete and vague instructions, slow decision-making, insufficient training, and insufficient resources. The CNE board, at points, took a long time to make decisions and issue instructions for verification, and many of those instructions were vague or incomplete, requiring further instructions. The CNE did try to address some of the delays by adding additional personnel to carry out the reviews, but often training was insufficient and mistakes were compounded. Ultimately, the verification phase took more than 100 days, when by law it was to have been completed in 30 days.

*Sharon Lean records observations at a reparo station in Zulia.*



PHOTO: DAVID EVANS



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

■ *Recommendation: The CNE should do an internal evaluation of the administration of the recall referendum process, making recommendations to the National Assembly for legislation to ensure a transparent and swift process for future recalls, respecting the intent of the citizen petitioners as well as the rights of the potentially recalled elected official. Any system that produces a public list of all citizens who have signed against the president and/or government/opposition representatives in Congress allows for potential pressure or intimidation of those individuals. Privacy of individuals should be protected during the verification of the identity of the signer and as much as possible during the collection of the required number of signatures. Venezuelan legal and electoral scholars as well as domestic observer organizations could advise the CNE in this effort.*

■ *Recommendation: All relevant rules, regulations, and instructional criteria should be complete and available to the public prior to an electoral event and should not be created, changed, or adjusted in the middle of the electoral process.*

### The *Reparo* Process

The regulations for the *reparo* process had yet to be written at the closure of the verification period. At the urging of international observers, the CNE entered into discussions with political parties in an attempt to devise mutually satisfactory rules for the *reparo* period. The negotiations took several weeks, but ultimately, clearer and more satisfactory rules were indeed produced for this phase. The *Coordinadora Democrática* agreed to participate, even though they disagreed with the CNE decision about the similar-handwriting cases and were frustrated that the mandated five-day *reparo* period was, in fact, only three days, as the first and fifth days were dedicated to opening and closing procedures.



PHOTO: DAVID ROCKKIND

Carter Center observers David Myers and Nick Beauchamp visit a *reparo* center.

On the *reparo* days, most problems centered around national identification cards, or *cédulas*, with some signers turned away because the *cédulas* issued after 1999 had the heading “República de Venezuela” and not “República Bolivariana de Venezuela” and because of discrepancies between the name printed in the *reparo* notebook and that on the signer’s *cédula*. Observers also noted some administrative problems on the first day as CNE personnel appeared poorly trained. Nevertheless, performance improved in the subsequent days.

A new controversy arose when government officials encouraged voters to “repet” and withdraw their signatures, in addition to the approved provision for signers to withdraw their names if they had been wrongly or fraudulently included. The Carter Center and OAS publicly commented that “repeting” and withdrawing one’s signature would not conform to international voting standards. Partial results, so to speak, were known at that stage, and



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

individual preferences were public. This could create an environment in which undue influence on a petition-signer could occur. Ultimately, more than 90,000 signers did choose to withdraw their signatures. Nonetheless, the opposition succeeded in reaffirming the needed signatures, and the CNE recognized that result and announced the August recall referendum.

### *The Recall Referendum*

Leading into the recall referendum, Carter Center observers saw an overwhelming campaign for the No vote, in contrast to a much less visible campaign for the Yes vote, reflecting a significant asymmetry of resources. Opposition representatives confirmed the opposition was organizing a less visible, door-to-door get-out-the-vote campaign.

In the months prior to the recall vote, the economy had begun to recover from the national strike in early 2003. In addition, the government was funneling more resources into state-supported missions: literacy, adult education, medical clinics, food markets. Polls showed support for President Chávez was increasing and suggested a high voter turnout would be in the president's favor. Each side was convinced, however, it would prevail.

The opposition's leadership denounced numerous unfair conditions and the nonexistence of a level playing field. Nevertheless, in the weeks preceding the Aug. 15 recall, they did not seriously consider, publicly or privately in talks with Carter Center personnel, withdrawing from the process. They seemed confident about their chances for winning the referendum.

Concerns expressed by the opposition included, first, that the newly incorporated fingerprint machines, introduced to prevent double voting and to begin developing a national fingerprint database, would create significant delays in the voting process. Second was the concern about the replacement of municipal-level electoral board members and poll workers in the days immediately before the recall, though opposition CNE directors assured the OAS and The Carter Center the day before the election that this problem was resolved.

Third, the Electoral Registry (REP) had been an

issue in prior months due to concerns that the number of eligible voters had grown too large too fast and there were still too many deceased persons in the REP. The CNE worked to clean up the REP. The primary concern expressed by the opposition on the REP prior to the recall, however, focused on the involuntary change of location, or migration, in voting stations for some voters, with some voters even assigned to voting tables in another state.

Fourth, prior to the recall, concerns also were voiced by both government and opposition parties about the automated voting machines. Nonetheless, in the days immediately prior to the recall and after simulations of the machines, neither the government, international observers, nor the opposition expressed any significant reservations about the voting machines. The only significant dispute was whether the voting machines should first print the results and then electronically transmit the results to CNE headquarters or first transmit and then print. The CNE decided, with the consent of the members representing the opposition, that the machines would be ordered to print and transmit simultaneously, which, in effect, would mean the printing would conclude after the electronic transmission had occurred.

As with all of the phases of the recall, the late promulgation of key regulations led to confusion and exacerbated suspicions on and around balloting day. The regulations issued late included the norms for the voting day audit to count a sample of paper receipts from the machines immediately after the polls closed, vote tabulation, fingerprint machines, and military voting.

While the CNE did perform internal quality control tests of the REP, the electoral notebooks, and the voting machines, the opposition and international observers were not allowed to fully observe these processes nor were they allowed to observe the internal review processes. In addition, certification of the voting machine software was not observed by political party representatives or international observers.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

■ *Recommendation: An external, third-party audit should be performed on the REP. This should be done prior to the next election, and an analysis of the alleged voter “migration” should be implemented.*

■ *Recommendation: The voting process, whether or not it includes automated voting machines, must be streamlined and procedures put into place to allow voters to vote more expeditiously.*

■ *Recommendation: To increase confidence in automated voting machines, a successful election day audit after closing (a count of paper receipts immediately after the close of the polls) must be performed. The size of and procedures for this audit should be decided by the CNE in consultation with the political parties well before the next elections. The tally sheets (actas) should be printed before transmission to avoid suspicion or possibility of central computers giving instructions to the machines. All software and other related certifications should be observed by political parties and should receive independent, third-party certification.*

■ *Recommendation: A larger pool of trained election/poll workers now exists in Venezuela. The CNE should capitalize on this new resource and create additional and timely training programs.*

### **The Role of Plan República**

Historically, the military, through the *Plan República*, has been the custodian of electoral material – a role most Venezuelans accept and with which they have no complaint. However, during the evolution of the recall process, The Carter Center observed the *Plan República* in some locations engaged in the administration of the process outside and inside signing and/or voting centers. In most instances, the behavior did not seem intimidating and often was helpful since the process was confusing, but in some cases this active role was intimidating to voters or simply added new delays to an already burdensome process.

■ *Recommendation: The active participation of Plan República troops in the administration of the electoral process, such as checking national identity cards, should be reviewed with the aim of removing the military from any allegations of intimidation or impeding the election process.*

### **The Role of the CNE**

Although some of the CNE directors had electoral experience, the CNE board was a new body facing the arduous task of devising regulations to govern the recall process, then administering them. Given the deep polarization of the country and anticipation the recall would dissipate much of it, the point of contact between the opposing sides was centered within the five-person CNE board. The board spent considerable time struggling to negotiate acceptable compromises on the procedures of the process under intense pressure from all sides. As the process evolved, the CNE often lacked transparency in decision-making and never sought to remedy this problem. This issue led to suspicion of individual directors and the body as a whole.

CNE directors did not communicate effectively among themselves. Many of the more controversial decisions, especially those favoring the government, were made by a vote of 3-2. In fact, The Carter Center has not found any evidence of a single split vote (3 votes to 2) of the CNE directorate favoring the opposition. And often with the more controversial decisions, individual directors would debate each other and speak to their clientele through the press, as opposed to regular, formal CNE communication to the public. This method served to foment speculation in the media and the public rather than provide for reporting based on available facts.

■ *Recommendation: The internal divisions, lack of transparency, and ad hoc decision-making practices of the CNE led to unnecessary suspicion and lack of confidence in the referendum process and the CNE as an institution. The CNE directorate needs to review its internal communication and coordination, communicate with and consult much more regularly with the political parties, and put in place much greater mechanisms of transparency to restore confidence in the electoral process.*

### **The CNE and Election Observers**

As the recall process evolved, the Carter Center’s relationship with the CNE directorate became more



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



PHOTO: DAVID ROCKKIND

*Dr. Jennifer McCoy and the OAS chief of mission visit a repara table in Caracas.*

contentious. We made regular private reports and recommendations to the CNE based on our observations. As impartial observers, it also was our role to make periodic public comments on our observation findings, which we did in joint statements with the OAS mission. While we fully respected the role and authority of the CNE and were aware of the very difficult tasks facing this CNE, in some instances we made public our disagreement with CNE decisions.

In the earlier phases of the recall process, the signature collection and verification, OAS and Carter Center requests for access were granted, in many cases, due to our intense lobbying. In the lead-up to the Aug. 15 recall referendum, the newly created Commission on International Observation of the CNE attempted to place new restrictions on international observation, including limiting the number of observers, controlling the movement of observers, restricting access to technical reports and locations, restricting public

speech of observer missions, and restricting the time period of the observation to the days around the vote itself. This attitude led the European Union to decline the invitation to observe the recall referendum for lack of minimum conditions. The Carter Center, though, had been continuously present in Venezuela since before the recall effort, had election experts back in the country a full six weeks prior to the vote, and already had an in-depth knowledge of the situation. The Carter Center signed an agreement with the Junta Nacional Electoral, a subcommittee of the CNE, providing the access required, which formed the basis for the subsequent agreements negotiated by the OAS and The Carter Center with the CNE on international observation. For all of these reasons, we decided to accept the invitation.

In the end, many of the threatened restrictions on the OAS and Carter Center observer missions did not materialize, and the CNE granted both organizations



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

authorization for all of the observers requested, complete freedom of movement on election day, and access to all technical locations of the process, with the exception of the central totalization room.

The CNE restricted national observers, waiting until the last moment to approve a national observer group and then restricting their credentials to two-thirds the number requested.

■ *Recommendation: The CNE should be much more open to national and international observation by credible and experienced groups. Such observation will enhance confidence in the process and help ensure transparency, integrity, and legitimacy of the process, which only helps to enhance respect and confidence in the CNE.*

### Media Monitoring

During the campaign for the recall referendum, The Carter Center facilitated a consensus-building procedure that would be acceptable to all parties, regulating the role of both state-owned and private media in order to provide balanced news reporting and equitable access to political advertising. After consultation with the opposition, a consensual document was developed under the guidance of William Ury and Francisco Diez and with the active participation of the owners of private television networks, the CNE, and the government. The document led to the passing of CNE Resolution No. 04071-1069 of July 1, 2004.

In addition, a monitoring mechanism was established with the collaboration of the Norwegian government to track the political news reporting and campaign advertising of TV channels and major newspapers and provide assistance to the media, the government, and the CNE. The initiative helped to set bounds for a media election campaign acceptable to the parties involved and to the authorities, and even more importantly, to a general public oversaturated with confrontational political messages.

This consensus-generating mechanism stayed in force throughout the campaign period and addressed many specific issues, with continuous assistance offered by The Carter Center. The most relevant modification

took place in the last week of the campaign, when the time slots allotted for campaign advertising were doubled and the requirement to have campaign spots previewed by a committee created by the CNE (which could be construed as prior censorship) was lifted.

### Postreferendum Assertions of Fraud

After the CNE announced results of the Aug. 15 referendum, many claims that fraud had occurred began to emerge. An opposition-commissioned exit poll had indicated that the Yes vote would win by a large margin. Most of the fraud claims centered on the voting machines themselves, asserting that either they had been preprogrammed to alter the results or communication from the central computer to the machines during the voting day altered the electronic result of individual machines. The transmission of the voting results from the machines to the CNE and the tabulation of the national results in the CNE were tested through various statistical samples, or quick counts, performed by the campaign for the Yes and by the international observers. These tests showed the transmission and tabulation processes performed accurately.

The concerns about the accuracy of the electronic results produced by individual voting machines were based on the finding of allegedly improbable mathematical patterns. These patterns included a number of machines within the same voting station or the same

*Observers Bill Smith, Tom Walker, and Daniel Guevara discuss findings at a CNE briefing session.*

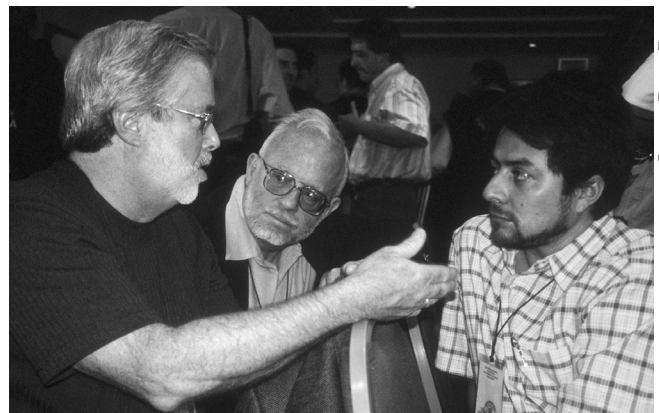


PHOTO: DAVID EVANS



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

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*The Carter Center urges the National Electoral Council to learn from this recall experience and take steps to remedy the problems and difficulties that were encountered.*

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voting center having identical results, an alleged “cap” on the Yes votes, and similar percentages of votes for the Yes or the No within centers.

Carter Center technical experts, in consultation with OAS technical experts, investigated the allegations presented to the mission in writing by the *Coordinadora Democrática*. The Center also consulted the conclusions of other independent statisticians who investigated additional reports from Venezuelan academics about similar mathematical patterns. These patterns were not found to provide a basis to assert fraud.

In light of concerns raised after the vote and the failure to complete the planned audit (recount of the paper receipts on a sample of the voting machines) the night of the vote, the international observers proposed to the CNE that a second audit be conducted. This audit was conducted by the CNE under the observation of the OAS, Carter Center, other international observers, and *Comando Maisanta*. The *Coordinadora Democrática* declined to participate. A report on this audit is available in the Appendices. The audit concluded the voting machines did accurately reflect the intent of the voters, as evidenced by a recount of the paper ballots in a sample of machines.

A study commissioned by *Súmate*, a civil society organization, on this second audit claimed that the sample of machines audited was not random and that centers chosen for the audit showed a 10 percent higher relationship between the number of Yes votes and the number of people who signed for the recall petition than in centers not chosen for the audit. The study asserted that the sample was restricted to reflect

only voting machines that had not been manipulated, and, thus, the sample would be unable to detect the fraud.

The Carter Center performed additional statistical analyses to test the assertions. The Center performed the necessary tests on the sample-generating program to ensure it did, indeed, generate a random sample from the universe of all voting tables with automated voting machines. Statistics from the sample boxes accurately coincide with statistics from the entire universe of boxes containing automated ballots. The total percentage of votes for Yes or No from the sample boxes coincided with the national average of votes. In the sample boxes, 41.6 percent of votes were for Yes and 58.4 percent were for No, while in the universe of automated voting centers, 42.2 percent of the votes were for Yes and 57.8 percent were for No. The analysis also found there was indeed a high correlation between the number of Yes votes per voting center and the number of people who signed the recall petitions. The centers with more signers also were the centers with more Yes votes. Finally, the distribution of the differences between the Yes votes and the signers per voting center showed very similar behavior. The Center found no evidence of fraud.

## CONCLUSION

On Aug. 15, 2004, Venezuelans came out in record numbers to participate in the first popularly mandated presidential recall referendum ever to be held. In doing so, the Venezuelan people voted not to recall President Chávez from office, with 59 percent of the population voting for Chávez and 41 percent voting against him. It is the opinion of The Carter Center that the Aug. 15 vote clearly expressed the will of the Venezuelan electorate.

Nonetheless, the recall referendum suffered from numerous irregularities, most centering around the lack of transparency of the CNE in its decision-making and its ad hoc implementation of the process. Regulations were issued late, were incomplete, and/or were unclear. The divisions that existed in the CNE





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

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*It is the opinion of The Carter Center that the Aug. 15 vote clearly expressed the will of the Venezuelan electorate.*

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body itself were extremely problematic, but they reflected the divisions in the country. In the highly charged political environment, it was difficult, and arguably impossible, for CNE directors to stand separate from the political divisions and discourse. With the CNE directors not communicating effectively with one another, yet still making individual statements to the press about the process, the electorate received confusing and contradictory information.

Such inconsistencies and irregularities contributed to low voter confidence in the electoral system and, in some sectors of the population, in the results of the referendum itself. The Carter Center urges the National Electoral Council to learn from this recall experience and take steps to remedy the problems and difficulties that were encountered.

The recall referendum was an opportunity for citizens to express their opinion about the continued mandate of President Hugo Chávez. It alone could not solve the underlying differences within the society. Attenuating the divisions will take strong efforts by the government, the opposition, supporters of both sides, and independent citizens. It will require mutual assurances among opponents for minimal levels of respect, tolerance, safety, and avenues for political participation as well as an intentional reinforcement of democratic institutions by all the political forces.



*Voters line up at fingerprint machines as they enter a voting station in Caracas on Aug. 15.*

PHOTO: DAVID EVANS



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## BRIEF HISTORY OF VENEZUELA

Venezuela is one of Latin America's oldest democracies. Unlike many other countries in Latin America, Venezuela enjoyed a stable political climate during the second half of the last century. Beginning in 1958, two leading political parties, *Acción Democrática* (AD) and the COPEI, alternated power in what often is referred to as the *Punto Fijo* period of Venezuelan democracy.

Most analysts agree that the *Punto Fijo* system began to break down in the 1980s, with a jolt in February 1989 when a popular protest, known as *El Caracazo*, led to hundreds of deaths. Three years later, the government of Carlos Andrés Pérez faced a coup attempt led by a then young and unknown lieutenant colonel by the name of Hugo Chávez Frías. The coup attempt was defeated, and Chávez and several of his followers were sent to prison. The next president, Rafael Caldera, pardoned the military insurgents prior to any conviction and released them from jail. Mobilizing Venezuelans across the political spectrum, but especially the marginalized poor, Lieutenant Colonel Hugo Chávez's message of radical change to rid corruption and restore economic well-being led him to victory in the 1998 presidential election.

President Chávez took office with petroleum prices at a low \$11 a barrel, poverty up to 65 percent from 25 percent in 1970, and more than half the population employed in the informal sector.

In 1999, Chávez's government won support to reform the Venezuelan Constitution, and a new constitution was approved through a nationwide referendum. Chávez called on all elected officials, including himself, to "re-legitimize" their mandates in new elections in 2000. His victory under the new constitution gave him a six-year term.

At the end of 2001, President Chávez approved a package of 49 decree laws. With this move, Chávez

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*In the early months of 2003, the political situation in Venezuela became increasingly volatile as the conflict between the government and opposition deepened.*

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generated ample resistance in opposition sectors that started to mobilize in protest of specific issues: education, land reform, hydrocarbons, etc. From February to April 2002, the government decided to remove the leaders of the state-owned PDVSA and confronted a general strike as well as the first of many large street protests. As a consequence of violence and 19 deaths generated during an opposition march on April 11, 2002, the president was removed from office by the military, and an interim government led by businessman Pedro Carmona took power, resulting in a situation of persecution and confusion. The coup was condemned by most Latin American governments. Two days later, Chávez returned to power and resumed the presidency.

After the failed coup attempt, the government attempted to establish a dialogue process with the opposition. When this attempt failed, the government solicited the assistance of former President Jimmy Carter. At the request of The Carter Center and the opposition, the government agreed to the participation of the OAS and the United Nations Development Programme in a dialogue effort, and The Carter Center joined with these two organizations in the creation of the Tripartite Working Group on Venezuela. The Tripartite Working Group was immediately invited by the government and the recently created opposition coalition, the *Coordinadora Democrática*, to facilitate



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

communication and agreement between the two groups.

In October 2002, the secretary-general of the OAS decided to personally lead the dialogue process, and all parties, including The Carter Center, agreed to create the Table of Negotiation and Agreement, which functioned between November 2002 and May 2003.

In the early months of 2003, the political situation in Venezuela became increasingly volatile as the conflict between the government and opposition deepened. The failure of the December 2002- January 2003 national oil strike to bring down the Chávez

government deepened opposition resolve to seek an alternative remedy to a worsening governance situation. Former President Carter proposed in January 2003 that either a recall referendum on Aug. 19, 2003, or a constitutional amendment for early elections be agreed to by both sides to help resolve the crisis. In May 2003, through the Table of Negotiation and Agreement, an accord was signed between the government and opposition that opened the door, should the requisite signatures be gathered, for a recall referendum on the president.

*President Carter and President Chávez meet in January 2004.*



PHOTO: THE CARTER CENTER



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

INTRODUCTION TO THE  
VENEZUELA RECALL REFERENDUM PROCESS

The recall of elected officials, including the president, was established in the 1999 Venezuelan Constitution. In order to bring about the recall of an elected official in Venezuela, signatures from 20 percent of the electorate have to be collected.

The first attempt to initiate a recall referendum against President Hugo Chávez occurred on Feb. 2, 2003, after the conclusion of the nationwide general strike, when opposition supporters organized a signature collection that came to be known as *El Firmazo*. This was a nonbinding, private initiative aided by the efforts of the civil society organization *Súmate*. The initiative was supported by many who sought the removal of President Chávez from office, including opposition political party leaders.

At that time and for many months to follow, there was no functioning National Electoral Council (CNE). As specified in the Organic Law of Suffrage and Political Participation (LOSPP), the National Electoral Council in Venezuela is responsible for running all electoral activities, and it was to be this institution that would set the rules, organize, and carry out any type of recall referenda activity. Without a new electoral council, it would be impossible to hold a referendum. The May 2003 Table of Negotiation and Agreement increased pressure that a CNE be put into place that could administer the process.

Given that the CNE would be in charge of the high-stakes task of deciding whether or not to hold a recall referendum, the selection of the body's new members, and especially the five-member directorate, became a hotly contested issue. The National Assembly had struggled for months to reach a consensus and choose unbiased, nonpartisan representatives. A two-thirds majority vote was needed to elect the new CNE. On Aug. 4, 2003, when it seemed that talks were completely deadlocked and all progress halted, the Supreme Court (TSJ) ruled that the National

Assembly, in not naming the new electoral authorities, had failed to meet its constitutional responsibilities. The TSJ then gave the National Assembly an additional 10 days to come to a decision regarding the matter.

On Aug. 20, the *El Firmazo* signatures, gathered in February, were formally handed in to the CNE body, although no functioning CNE actually existed. Since an official could not be recalled before he had served one-half of his term in office, in the collectors' view this was the critical cutoff date as President Chávez had taken office at this time in the year 2000. The delivery of the signatures heightened anticipation in the country that the recall process would begin.

On Aug. 25, when the Assembly was still unable to reach an agreement on CNE members, the TSJ officially took over the task itself and announced the new members of the CNE. Surprisingly, all stakeholders accepted the directors appointed by the TSJ. The new five-member board, who would be the most important members of the body, was considered to be relatively balanced, with two government supporters, two opposition supporters, and a president. While perhaps government-leaning, the board was considered to be politically moderate and relatively independent.

While the successful designation of a new CNE provided Venezuela with a brief moment of calm, tension resumed as pressure mounted to convene the referendum before Aug. 20, 2004. According to the Venezuelan Constitution, should the requisite number of signatures be gathered, a referendum held, and Chávez recalled after this date, no subsequent presidential election would take place, and the vice president would assume office to fulfill the term, ending in January 2007.

On Sept. 12, the CNE invalidated the *El Firmazo* signatures collected in February 2003 and presented to the CNE on Aug. 20, arguing that the collection of signatures must occur after the midpoint of the



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

presidential term (Aug. 19, 2003) and follow CNE-specified procedures. The CNE then set the rules for governing recall referenda, including legal procedures on how interested parties should submit a formal request to the National Electoral Council in order to initiate signature collections.

Immediately after the release of the referenda regulation on Sept. 25, both the opposition and government parties submitted recall requests to the CNE, and the first stage of the recall process, a new signature collection, was scheduled. The signature collection to formally begin the process for recalling President Hugo Chávez was held Nov. 28-Dec. 1, 2003, and was referred to as *El Reafirmazo*. In addition to the signature collection, the rules laid out a process that included a subsequent verification of the signatures; a *reparo*, or repair, period for signatures; and the ultimate event – the recall referendum itself – should it become necessary given results of each previous phase.

The specific details for each stage were not decided upon and included in the initial regulation. New regulations had to be created and, oftentimes, negotiated among the government and political parties through the CNE representatives during each subsequent stage as the process unfolded. There were often disagreements among the CNE directorate, and, over time, the five-person directorate appeared to favor the government in many of the more controversial decisions about the validity of signatures gathered. Needed operational deadlines were not clearly established, and those that were often were not met. The CNE body became mired in conflict itself and operated with little transparency as the process progressed through each successive stage.

Each phase, in and of itself, became a distinct event of the magnitude of a one-time election. Ultimately, including the deputy recall processes which continued through the *reparo* period, six referenda-related events were held:

1-2. Two four-day recall petition signature collections events occurred. The first, for the recall of National Assembly members, promoted by the pro-government *Comando Ayacucho*, was held Nov. 21-24, 2003. The second, promoted by the opposition for the recall of the president and National Assembly members, occurred Nov. 28-Dec. 1, 2003.

3. The verification period officially started on Jan. 13, 2004, although the signatures for the presidential recall were formally delivered on Dec. 19. The verification period, which should have taken 30 days, was initially extended to Feb. 29, but the first preliminary results were issued on March 2, and on April 23, additional preliminary results were issued. The CNE resolution with the definitive results of the verification was issued on May 3.

4-5. May 21-23 the first *reparo* event for the recall of National Assembly members was held, with the *reparos* for the presidential recall being held May 28-30. Results were released June 3.

6. The recall referendum was held on Aug. 15, 2004. Nine months elapsed between the collection of the signatures and the convening of the Aug. 15 recall.

Over time, the recall question became solely focused on the presidential recall process. At the writing of this report, deputy recall referenda had not yet concluded. As each stage unfolded, it became clear that both sides – the government and the opposition – were absolutely convinced of their majority support. Thus, the ability of an electoral solution, which would result in both a winner and a loser, to resolve the political conflict would depend on the legitimacy of the event in the eyes of the people and the willingness of both protagonists to respect the outcome.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

### SUMMARY OF THE RECALL PROCESS

The 1999 Venezuelan Constitution states that all elected officials, including the president, can be recalled if 20 percent of the electorate signs a petition in support of recall.

1

Nov. 28-Dec. 1, 2003, a signature collection initiated by the opposition and organized by the CNE was held, allowing citizens to come forward and sign petitions in support of recalling President Chávez. Petitions were signed in fixed polling places or under the supervision of itinerant signature collection agents.

2

The opposition claimed to have gathered more than **3.4 million** signatures against Chávez. Only **2,436,083** signatures were needed.

3

Signatures were handed in to the CNE for verification on Dec. 19, 2003, but verification did not begin until Jan. 13, 2004.

4

The verification process was slow, with regulations that were issued late and were often unclear and incomplete. The will of the signer was not always respected.

5

Preliminary verification results were first announced on March 2, well past the constitutionally mandated 30-day verification deadline. Results were not finalized until April 23, when the CNE declared **1,910,965** signatures valid; **375,241** completely invalid; and **1,192,914** signatures invalid but with the possibility of being affirmed in the *reparo* process. **956,388** of the repairable signatures were *plana*.

6

The *reparo* period is provided for in the recall referendum rules and is designed to allow a citizen to come forward and reaffirm his signature if it was invalidated due to technical mistakes or withdraw his signature if he attests he did not originally sign the petition. The *reparo* period was held May 28-30, 2004.

7

At the end of the *reparo* period: **754,397** signatures were included and **95,777** were excluded, bringing the total number of signatures collected to **2,569,584**, or **133,501** over the requisite number to call for a recall referendum.

8

On June 3, the CNE announced that a recall referendum would take place on Aug. 15, 2004. The event was held on the 15th as planned. **5,800,629** people, or **59** percent of the electorate, voted for President Chávez to stay in office, while **3,989,008** people, or **41** percent of the electorate, voted to recall President Chávez. Thus the recall referendum was defeated, and President Chávez maintained his post as president.

9



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

# THE CARTER CENTER VENEZUELA RECALL REFERENDUM OBSERVATION METHODOLOGY

The Venezuela presidential recall, being a unique electoral event and occurring in such a polarized political environment, required an innovative and responsive observation model. The overall objective of the Carter Center observation mission was to support a peaceful, smooth, and transparent recall referendum process for both sides. Specifically, The Carter Center sought to support a calm environment by maintaining a field presence and deploying Carter Center observers for the key electoral events to assess any potential violence or harassment, the transparency of the management of the process, and whether all players were operating on a level playing field and had equal opportunity to make their best case to the electorate. While the UNDP offered technical assistance, they never received a formal invitation

to participate as observers. The OAS organized a sizeable observation mission for the entirety of the recall process and worked in collaboration with The Carter Center during every phase.

Immediately after the naming of the CNE in August 2003, Americas Program Director Jennifer McCoy traveled to Venezuela to encourage support for the new CNE and demonstrate that The Carter Center remained committed to supporting a resolution to the conflict in Venezuela. Dr. McCoy found that all political actors she met committed to accept the decisions of the new CNE. Dr. McCoy and other members of the Carter Center team met with the CNE to explain the Center's observation methodology and offer Center support to the newly constituted body.

The Center's activities included an ongoing field

*Dr. Jennifer McCoy responds to questions from the press outside a voting center in Caracas.*



PHOTO: RENATO CAPPELLETTI



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

presence and expert consulting, deployment of short- and medium-term observers, statistical analyses and audits, and ongoing reporting.

### ONGOING FIELD PRESENCE AND EXPERT CONSULTING

For the duration of the project, The Carter Center maintained an electoral expert in the field who regularly met with CNE officials and government and opposition representatives as well as nongovernmental and other key groups. As the process unfolded, additional election, legal, and statistical experts were relied upon for assessment and analysis. Periodic missions were made to the country by senior headquarters staff to plan each phase of the observation, to facilitate negotiations with the CNE on key issues, and to share findings with the CNE as well as to make recommendations for improvements in the process where such needs were noted. The Carter Center field representative had ongoing meetings with senior officials and political leaders in the country, providing insight and expertise for the elections staff.

During the short-term observations, the Carter Center's work was performed in collaboration with the operations center of the *Sala Situacional* of the CNE, the government's *Comando Ayacucho* and *Comando Maisanta*, and the *Coordinadora Democrática*. The *Comando Ayacucho* was the organization initially designated by President Hugo Chávez to mobilize opposition to the presidential recall activities. Ultimately, this body was replaced by the *Comando Maisanta*, which was responsible for organizing the No campaign during the recall referendum. The *Coordinadora Democrática* was the coordination body for the civil society groups and political parties representing the opposition.

### DEPLOYMENT OF SHORT-TERM OBSERVERS

The Center deployed short-term observation missions of more than 20 people for the signature collection and more than 50 people for both the *reparos* and the recall referendum. Observers were deployed in Caracas and to states outside the capital

city on the days immediately prior to each electoral event. Short-term observers remained in their deployment sites through the duration of the collection, *reparo*, or recall period, returning to Caracas at the conclusion to debrief senior Carter Center staff and leadership teams on observer findings.

*Comando Ayacucho* and *Coordinadora Democrática* reported incidents of violence to Carter Center observers, who followed up on reports by going to the signature collection, *reparo*, or voting centers where the incidents reportedly happened and, when necessary, informing CNE personnel of confirmation of the report.

All electoral observers for The Carter Center were foreigners to Venezuela and were objective and impartial, having no personal links to the country. All observers were highly skilled professionals, with either electoral observation or regional experience and appropriate Spanish language skills. Many had prior experience of electoral observation in Venezuela.

Before arriving in Venezuela, observers were provided with printed and electronic material containing information on the political situation in Venezuela, the recall process, the applicable rules and legislation, security matters, and relations with the press. In the days before each event, additional briefings were provided on the immediate political environment, the material and procedures, and the specific observation methodology. Additionally, CNE staff made a presentation on each electoral event and provided additional relevant materials. The Center was fortunate that a significant portion of the short-term observers returned to observe each phase of the process. Thus observers were very familiar with the recall process itself, the evolving politics in the country, and, often, the states to which they were deployed.

A unique innovation introduced in this observation initiative was the use of eWatch, an electoral observation Web-based reporting application used during short-term observation missions. The eWatch application allowed Carter Center and OAS observers to register their observation findings through the Internet at the end of each observation day. Carter





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

PHOTO: DAVID ROCHKIND



*Carter Center observer Paula Losada interviews a reparo table worker in Caracas.*

Center and OAS mission leadership had access to immediate statistics and detailed observer reports at the operations centers in Caracas.

### DEPLOYMENT OF MEDIUM-TERM OBSERVERS

Several medium-term observers remained in Venezuela during the signature verification process. Carter Center observers monitored various aspects of the verification, working in collaboration with OAS observers. Observers also assisted the field manager and technical experts in performing statistical analyses and audits during this period.

One month prior to the recall referendum, noting the high stakes of this pending electoral event, The Carter Center sent four medium-term observers to Venezuela to assess the political conditions and electoral preparations in the period directly leading up to Aug. 15. Medium-term observers were based in Caracas and conducted numerous field visits, meeting with party representatives and other stakeholders throughout the country to hear their opinions and concerns about the upcoming vote and relaying these concerns to the CNE. Ultimately, the medium-term observers were trying to assess whether the electorate would have

the opportunity to freely express their will on the day of the 15th and whether conditions were in place for the conduct of free and fair elections. The medium-term observers also made preparations for the short-term observers, who arrived in the country on Aug. 11, to ensure that these individuals were properly informed on all relevant legal, political, and electoral issues.

### STATISTICAL ANALYSES AND AUDITS

The Carter Center technical team performed multiple statistical studies and audits throughout the observation process to test assertions made by and corroborate findings of the multiple stakeholders engaged in the recall process, including

the government party, the opposition parties, and the CNE. More than 20 technical analyses were made, including analyses of the REP, audit sample generation programs, distribution of voters per table, distribution of electoral results, etc. More details on the studies are included in the subsequent observation sections where relevant. The following studies can be found in the Appendices and on the Carter Center Web site at [www.cartercenter.org](http://www.cartercenter.org):

1. Audit of the Results of the Presidential Recall Referendum in Venezuela
2. Report on an Analysis of the Representativeness of the Second Audit Sample, and the Correlation Between Petition Signers and the Yes Vote in the Aug. 15, 2004, Presidential Recall Referendum in Venezuela
3. Results of the Sample of Signatures Petitioning for a Recall Referendum on President Hugo Rafael Chávez Frias, Event 2A
4. Findings on Allegations of Fraud

During both the *reparos* and the referendum, the OAS and The Carter Center collaborated to conduct quick counts. In a quick count, observers travel to specific voting centers that have been randomly selected



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

and obtain the results from these centers. During the *reparos*, results would have been the number of signers affirming and withdrawing their signatures at each station, while in the referendum, results would have been the number of Yes and No votes at each station. Once results are obtained, they are then called in to mission headquarters and projections are calculated. The quick count provides a check on the official results that are transmitted to CNE national tally headquarters.

### ONGOING REPORTING

The Carter Center released 45 public statements and reports commenting on the recall process and presented numerous private reports with findings and recommendations to the CNE. President Carter and senior Carter Center staff communicated and met personally with key government, opposition, and CNE leaders throughout the process to report findings and observations, making recommendations when appropriate. President Carter traveled to Venezuela three times in support of this initiative. He met with leaders in January 2004 when he traveled to the country during the verification period. With OAS Secretary-General César Gaviria, he led the joint observation delegation for the May *reparos*. He also led the Aug. 15 presidential recall observation mission and was joined by former

President of Colombia Belisario Betancur, former President of Costa Rica Rodrigo Carazo, former President of Argentina Raul Alfonsin, and Secretary-General Gaviria. President Carter and Secretary-General Gaviria gave joint press conferences throughout the referendum observation.

There were, indeed, decisions made by the CNE with which the Center disagreed, as detailed in this report. Public statements on these decisions angered several of the CNE directors and led to an increasingly tense relationship with CNE directors in the final stages of the process. Most notably, the CNE attempted to limit the number of observers the Center deployed to the country for the recall referendum, the ability to make public comment about the recall, and the ability to travel to any state and polling center in the country. Nonetheless, in the end, the proposed constraints on observer access never materialized. Information on this aspect of the observation is covered in more detail in the “Observation of the Recall Referendum” section of this report.

The Center’s observation findings for each phase of the process follow, with recommendations for future, similar electoral events. Additional event-specific observation methodology information also is included where relevant.

PHOTO: THE CARTER CENTER



*Delegation leaders Jennifer McCoy, President Carter, and Francisco Diez and translator Danute Rosales hold a press conference during President Carter’s January 2004 visit.*



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

# OBSERVATION OF THE SIGNATURE COLLECTION

In September 2003, the newly appointed CNE set the rules and regulations under which signatures would need to be collected in order to properly bring about the recall of an elected official. Signatures would have to be collected formally during a set four-day period of time (Nov. 28-Dec. 1, 2003) at set signature collection centers located in public areas and would follow specific procedures.

Procedures included having each signer come to a collection center and fill out relevant personal data (name, birth date, and *cédula* number), sign his or her name, and place his/her thumbprint on the line in the CNE-produced petition form, or *planilla*. Collection agents representing the petitioning party were present to manage the collection process and fill out distribution, opening, and closing forms required by the CNE. CNE-designated observers, representing the government and the opposition, were present at each center. The CNE also provided for collection of “itinerant” signatures, where signers who were infirm or otherwise unable to travel to collection centers could sign with a mobile collection agent. CNE observers were to travel with all mobile agents.

The process the CNE laid out was hybrid in nature, with the CNE responsible for deciding the procedures for collection. Due to allegations that many of the signatures collected in the prior Feb. 2 *El Firmazo* were fraudulent, the CNE believed it necessary to put into place stringent administrative controls to minimize the opportunity for introducing fraud into the new collection effort. The CNE also supplied materials. Private parties were responsible for collecting and delivering the signatures to the CNE.

Although frustrated by the decision to invalidate the original *El Firmazo* signatures, the opposition agreed to participate in the signature collection. In the lead-up to the collection, opposition leadership focused on learning collection requirements, identifying and

### SIGNATURE COLLECTION OBSERVATION IN BRIEF

A 24-person observation team arrived in Caracas Nov. 27 and, after receiving training, was deployed to various states around the country. Deployment of observers was decided based on the number of registered voters in the municipalities and the level of political tension anticipated in the area. Representatives of both the government and the opposition were consulted in making deployment decisions.

In total, 218 visits were made to signature collection centers in eight different states, including Anzoategui, Aragua, Barinas, DF, Lara, Merida, Miranda, and Zulia. At each collection center, the observers interviewed a collection agent or CNE observer representing the government and the opposition. These interviews focused on assessing the opening and closing processes and determining if each center received all the necessary materials. Collectors, observers, witnesses, and signers were also asked whether or not they had faced any sort of intimidation.

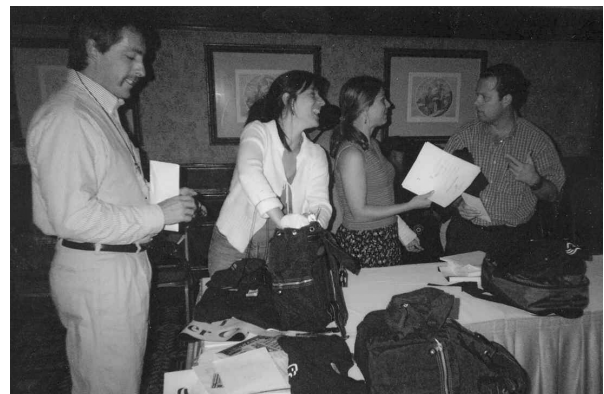


PHOTO: THE CARTER CENTER

Carter Center observers receive their deployment materials after an initial briefing in Caracas.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



PHOTOS 34, 35, 36: RENATO CAPPELETTI

*Citizens in Caracas wait patiently in line to sign petitions during the signature collection.*

preparing their collection agents, and mobilizing supporters to reaffirm their desire for a recall referendum. Facing an outward deadline of Aug. 19, 2004, the opposition was keen to hold the collection as soon as possible and move the process quickly forward.<sup>2</sup>

A broad set of rules was put into place regulating the entire recall process, and some additional regulations were put into place for the collection effort.<sup>3,4</sup> Yet at the start of the collection, no detailed regulations for subsequent phases had been developed. In reality, the rules, regulations, and instructions issued prior to the collection were released late and would prove incomplete.

### GENERAL OBSERVATION FINDINGS

#### ***The Political Climate and Citizen Participation***

The Carter Center found the signature collection relatively calm. The signature collection agents, CNE observers, and witnesses of the parties mostly were able to perform their duties in an atmosphere of collaboration and tolerance. At some collection centers, observers did witness disagreements and some limited conflicts between table members from the different sides. There were also instances in which groups present outside centers created an atmosphere of intimidation. Carter

Center observers were warmly welcomed at nearly all collection sites, frequently being greeted with applause upon arrival.

Citizen participation was high. Observers noted that some centers had extremely long lines, while others had less than 10 people in line or no visible lines at all. At some collection sites, extremely long lines were observed on the first day of collection but became visibly shorter as the collection progressed. In early reports, the opposition claimed to have gathered more than 3.4 million signatures, approximately 1 million more than the 2,436,083 needed to invoke the recall of President Chávez. During the collection period, however, Chávez accused the opposition of committing megafraud. Many viewed the claim by the president as provocative and an attempt to undermine opposition support. The assertion of megafraud would remain constant throughout the verification process and lead to some controversial decisions ultimately taken by the CNE.

The most troubling occurrence during the collection took place Dec. 1, the final day of the collection period, when the government decided to close most civil airports, including the airport of Caracas, a privately owned airport. The government attributed the decision to concerns about security. However, the opposition had planned to transport the signature collection forms to Caracas using private airplanes. Most of the planes were grounded because of the closed airports. The opposition feared the move was intended to disrupt the transportation of collected signatures to the capital. The Carter Center facilitated an agreement to reopen several inland airports so the forms could be transported into the Simón Bolívar International Airport. The opposition requested CNE security assurance on the transportation of the forms. Carter Center and OAS observers followed the opposition trucks from the airport to the *Coordinadora Democrática* installations, and no incidents were observed.

While there were continued tensions among political actors, opposition and government representatives



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

appeared focused on the task at hand, gathering signatures and getting successfully through the first phase of the recall effort. In the lead-up to the collection, there were some limited reports of intimidation and pressure not to sign in support of the recall. Such reports would become more prevalent in subsequent phases.

### *Technical Administration*

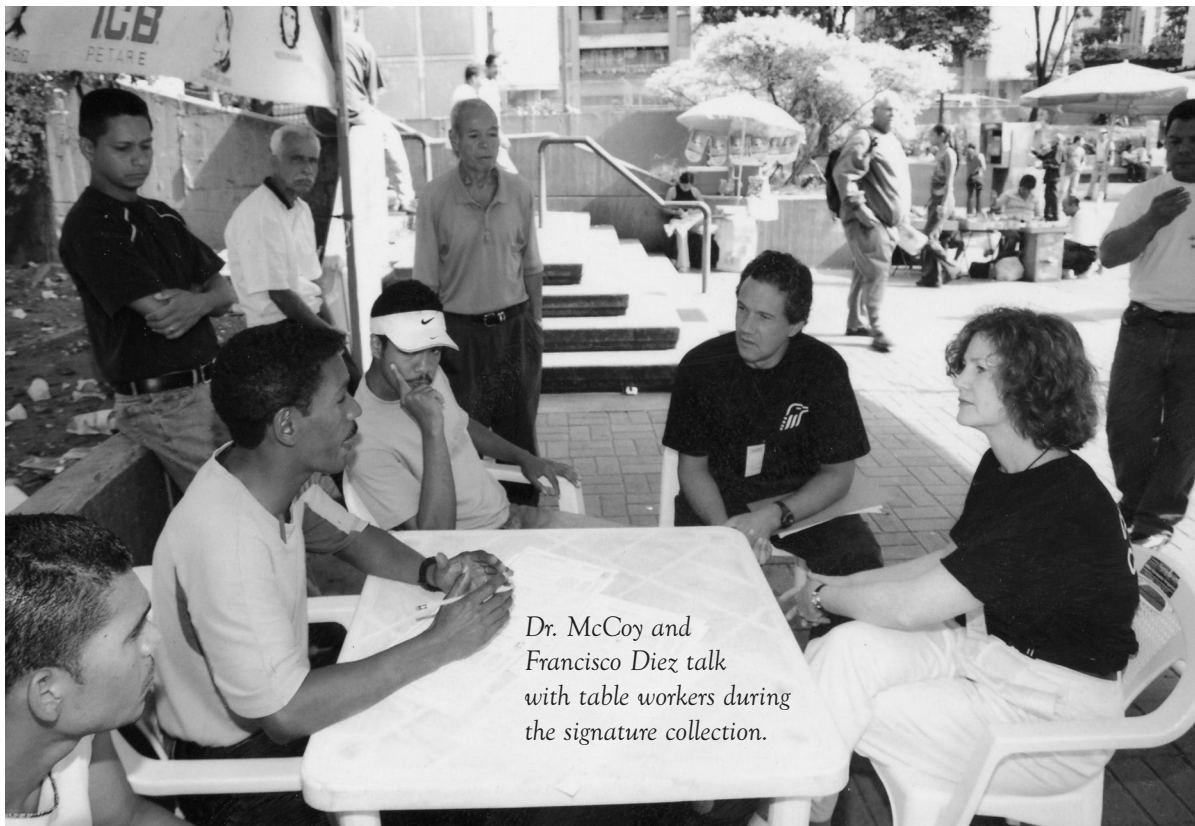
Detailed rules, regulations, and instructions were issued at a late date, including some just days prior to the collection, making it difficult for parties to effectively train their designated collection agents and for the CNE to train the collection observers. Prior to the commencement of the collection, it seemed that many participants might be unclear about the specific roles of the collecting agent, CNE observer, and party witness as well as the details of the collection procedures.

During the first day of the collection, a large number of centers opened late, yet virtually all centers remained open the full 12 hours, following the CNE regulation. Public tolerance of delays was remarkable. Many signers stood in line for several hours without complaint. Petition forms did arrive late at some centers, and there were some incidents in which petition forms assigned to one center erroneously arrived in other centers. Nevertheless, collection agents and CNE observers worked diligently to get the signature collection process running as quickly as possible, frequently resolving unclear procedures and

problems obtaining the proper forms from the distribution centers. The CNE, through its situation room, responded promptly to calls from collection centers, giving instructions and solving problems.

It became clear that, indeed, collection agents, witnesses, and observers were not adequately trained and sometimes did not understand the applicable rules. In some instances, operating instructions were received late, in some cases even after the collection center had opened. Impromptu decisions were made at every level of the process on the collection days themselves, often in an effort to clarify an unclear or incomplete procedure and sometimes to move the process along. The combination led to inconsistent application of criteria from center to center.

After opening day, the signature collection ran more smoothly on subsequent days. The roles of the collecting agents, CNE observers, and party witnesses became clearer, and procedures were more efficiently



*Dr. McCoy and Francisco Diez talk with table workers during the signature collection.*



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

performed. However, majority turnout occurred on day one.

While there were incidents of intimidation during this phase of the recall process, it would become the technical, administrative procedures put into place for the collection that would precipitate a highly divisive subsequent verification phase. Two specific safeguards, the requirements that an *acta* be filled out each day and that a signer's thumbprint be recorded, would contribute to problems and some controversial decisions in the subsequent verification phase.

The *actas* were to be filled out at the beginning and end of each day, listing the serial numbers of the forms used at each signature collection center, with the objective of preventing the movement of signature petition forms from centers to other locations where they could be fraudulently filled out by persons other than the signers themselves.<sup>5</sup> Although *actas* had been used in previous Venezuelan elections, filling out such data and tracking the movement of signer petitions over a four-day event were not seamless tasks and were subject

to many administrative mistakes. Further, although it is a common procedure in Venezuela to require thumbprints for voting, such a requirement for the signature collection appears excessive. The requirement seems especially extreme in light of the fact that the means to check the thumbprints effectively were not available. More information is provided on each issue in the "Verification" section, page 38.

Other administrative problems surfaced due to the ad hoc decision-making or troubleshooting that occurred on collection days. For example, many collection sites ran out of petition forms, indicating the distribution of these forms may have been poorly planned. Carter Center observers witnessed, at times, that when the wrong petition forms arrived at a signature collection center, there were cases where the CNE authorized the center to use these forms instead of wasting time redistributing them to their assigned centers. The Carter Center believes this was an appropriate solution to the problem at hand.

However, during verification, this fact became impor-

tant when some petition form serial numbers were not listed appropriately in the CNE's distribution database used to validate *actas*, perhaps because they were distributed to the wrong centers. During the following verification phase, The Carter Center expressed to the CNE that these petitions should still be considered valid. The CNE revalidated a portion of these *planillas*.

*A signer prepares to place her thumbprint on a petition form during the signature collection in Caracas.*





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

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*While there were incidents of intimidation during this phase of the recall process, it would become the technical, administrative procedures put into place for the collection that would precipitate a highly divisive subsequent verification phase.*

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The most controversial decision made by the CNE, which would become known as the *plana planilla* decision, was a direct result of the administrative conduct of the signature collection. This phenomenon is explained in the Verification section, page 38.

### **Role of the Plan República**

Historically, the military, through the *Plan República*, has been the custodian of the electoral materials, a responsibility accepted and welcomed by Venezuelans. For the collection, the military was placed in charge of protecting and maintaining custody of the electoral material, transferring the material to the collection centers, and providing security for these centers. The armed forces carried out their task in a professional manner during this period, guaranteeing the security of the process. In cases where difficulties were observed, military personnel avoided confrontation and referred the problem to the CNE. They also helped to maintain order at the signature collection sites. As will become apparent in the following sections, the Center observed the military taking a more central role in the actual conduct of the referenda events in the centers on the days of the *reparos* and recall.

### **Role of the CNE**

It is notable that the signature collection was a new and unique collection process and that it required substantial innovation in devising a plan for implementing it. The newly appointed CNE worked hard to develop procedures that addressed the concerns of all

parties and to overcome obstacles and challenges when they emerged. CNE directors met regularly with one another and as a full board. Directors listened to the concerns of both government and opposition representatives and then worked collaboratively to address issues and seek solutions to problems as they arose. CNE directors also met regularly with international observers.

Nevertheless, the incomplete, late, and ad hoc decision-making by the CNE during the collection and the very cumbersome administrative requirements would prove negatively precedent-setting for all subsequent phases. As this pattern continued throughout the recall process, the cumulative effect served to undermine the CNE capacity to serve as administrator and overseer of the process. With what would become an increasing lack of transparency on the part of the CNE, this pattern further served to erode voter and public confidence in the CNE itself and contribute to a deepening of intransigent positions on the part of the competing parties.

### **RECOMMENDATION FOR FUTURE RECALL REFERENDA**

■ *The CNE should decide on a system of either party control of signature collection (necessitating stricter controls during the post-signing verification stage to assess the identity and will of the signer) or CNE control of signature collection (necessitating stricter controls during collection of signatures and eliminating the need for lengthy post-signing verifications).*



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

# OBSERVATION OF THE SIGNATURE VERIFICATION PROCESS

The signature collection concluded Dec. 1. The opposition then took almost 20 days to present their collected signatures to the CNE, delivering the signatures for the presidential referendum petition to the CNE on Dec. 19. The opposition claimed to have gathered approximately 3.6 million signatures during this second collection effort, 1.2 million above the required 2.4 million. The signatures were laboriously reviewed to ensure that enough signatures submitted to the CNE met the criteria put forward before the collection period. The opposition entered the verification phase confident that at least 3.2 million of the signatures presented met the criteria, having identified the signatures they believed might be legitimately subject to invalidation.

According to the Sept. 25 CNE Rules to Regulate Recall Referenda, the official 30-day verification process was to begin after the CNE formally presented a receipt to the requesters. However, before officially beginning the verification process, the CNE waited until they had provided receipts to the collectors for signatures gathered during all three recall processes, including the presidential recall, the recall of opposition deputies, and the recall of pro-government deputies. Consequently, the verification period ultimately began on Jan. 13, 2004. On Jan. 22, the CNE announced that the verification period would be finished by Feb. 13, a date that would not be met.

As noted in the "Signature Collection" section of the report, President Chávez began to charge fraud during the four-day collection period. Some in the CNE directorate felt it necessary to further ensure that fraud had not in fact occurred as signatures were reviewed during the verification process. Thus, subsequent to the

### SIGNATURE VERIFICATION OBSERVATION IN BRIEF

In mid-December 2003, Rachel Fowler, Democracy Program senior program associate, joined the electoral team in Venezuela to assess the preparations for and discuss Carter Center observation of the verification process. Given that there were no clear rules or time line for the process and the emerging signs that the verification would be highly contentious, the Center decided to deploy a two-person, long-term observation team to work with the elections field manager, Marcel Guzmán de Rojas, supplemented by additional observers and expert technical and legal consultants, traveling to and from Caracas as needed. The team monitored the entire verification and conducted a sample analysis of the signatures in order to evaluate the rate at which the CNE was accepting and rejecting signatures in each category. The Carter Center observation complemented the OAS observation, which included a larger team of observers, providing observation 24 hours a day.

By mid-January, concerns were growing about the lack of information available to both the parties and the public about what the CNE was actually doing with respect to the signatures. On Jan. 25, President Carter traveled to Venezuela and met with the CNE, President Chávez, and opposition party representatives in an effort to help ensure the signature verification process went smoothly and was accepted by all sides. President Carter also encouraged the CNE to move the process forward in a swift and transparent manner. President Chávez committed to submitting to a referendum in the event that the CNE ruled that enough signatures had been gathered. The CNE committed to being more transparent and open with its decisions and promised to allow international observation of the entire verification process. On Jan. 29, the CNE decided it would allow international observers full access to the entire verification process.





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

collection and during the verification period itself, additional instructions were introduced, which resulted in an intense level of scrutiny of the collected signatures and a delayed review process.<sup>6</sup> In total, verification extended for more than 120 days beyond the date the signatures were delivered to the CNE, or 99 days from Jan. 13, the official start of verification established by the CNE. The reasons for delays were manifold, including poor planning and a process plagued by inconsistencies and irregularities.

The verification of the signatures was to become a very contentious part of the recall process. In a fair, consistent, and transparent process, all signatures should be judged according to the same criteria. For the verification process, they were not. The procedures were not clear, the process often changed midstream as new issues surfaced, and decisions were left to the interpretation and discretion of the CNE midlevel personnel as well as the directors.

International observers made public statements about some of the more controversial decisions made by the CNE during the verification. Although observers were still provided access to all parts of the process and continued to meet regularly with CNE officials, it was at this point that the international observer relationships with the CNE started to become strained.

### SUMMARY OVERVIEW OF THE VERIFICATION PROCESS

The purpose of the verification phase was to review and decide the validity, or lack thereof, of the signatures. The process, which proved both onerous and discretionary, ultimately consisted of multiple phases, including recall petition reception, physical verification, *acta* verification, data entry, technical committee review, data processing, and quality control.

With the exception of the reception phase, all phases of verification included some type of direct or indirect assessment of the validity of a signature, leading to a sorting of signatures into the valid, invalid, or *reparo* categories.

Valid signatures were accepted by the CNE as authentic and representative of a legitimate voter exercising his or her right to seek the recall of the president. Invalid signatures were deemed void by the CNE. Signers whose signatures were placed in the invalid category could not recover their signatures in the following *reparo* phase. Signatures placed in the *reparo* category were, in effect, rejected but could be moved into the valid category should the signer reaffirm their signature and it be found authentic during the subsequent *reparo* phase.

Based on CNE resolutions available at the beginning of the verification, reasons to invalidate signatures included:

- The signer was not in the voters list (*Registro Electoral Permanente* – REP).
- The signer was a minor, foreigner, or deceased individual.
- It was not possible to establish the identity of the signer because of missing signer information on the form, e.g., missing ID card number.
- It was not possible to establish the will of the signer because of missing information in the form heading, such as the name of the elected officer to be recalled.
- The signer signed more than once.
- The signature was not handwritten by the signer.
- The signature collection form serial number was not posted in the closing *acta* of the day it was used and in the opening (delivery) *acta* of the same day.
- Thumbprint defects existed, namely superimposition of thumbprints or thumbprints where the lines were not visible because the print was too light or fully smudged.

During the verification process, the CNE developed new criteria for invalidation and interpreted unclear rules in government-leaning and controversial ways. The most controversial criteria applied will be explained later in this section.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## GENERAL OBSERVATION FINDINGS

***Performance of the CNE***

Given that the recall was held in a highly polarized environment, fueled by distrust on all sides, the CNE should have been the objective administrator of the process, ensuring the will of the signer was being respected at every point. Instead the institution became politicized, as directors demanded a cumbersome scrutiny of the signatures and divided votes began to occur regularly.

On the whole, the opposition and much of the public found the CNE procedures to be unclear and uncertain, and, as a result, doubts about the verification process arose and an already wavering confidence in the body began to seriously erode.

***Will of Signer***

Throughout the process, the balance between detecting fraud and protecting the intent of the signer presented a great challenge to the CNE. These competing principles underlay most of the negotiations over procedures. In the end, it appeared that the presumption of fraud was given greater weight than the protection of the signer's intent. CNE workers questioned signatures for small technicalities. For example, Carter Center observers saw workers invalidating lines because, in the section indicating birth date, the "1" of, for example, "1946" was slightly blemished. Sometimes it appeared that the intent of each reviewer was to question or invalidate as many signatures as possible, applying extremely strict criteria. The international observers, through a press conference given by President Carter on Jan. 27, called on the CNE to avoid excessive technicalities and to privilege the good faith of the signer.

***Lack of Transparency and Limited Dissemination of Information***

CNE officials did make periodic verbal comments through the media, but there were no periodic written updates. Political party observers were present in the

verification locations, which only fueled suspicions and misinformation since ongoing, informal reporting occurred but was not always correct or complete. Detailed information was primarily obtained through internal channels of each party within the CNE. The CNE did not regularly inform any of the actors during the process about how many signatures were accepted and how many had been put aside for further review. Both the public and the parties had to struggle to get information. This lack of reporting would remain a consistent pattern for the duration of the recall.

***Failure to Meet Deadlines***

As previously stated, the CNE failed to meet the legally mandated time frame allotted for verification, with this phase of the recall lasting over 100 days instead of the requisite 30. Reasons for the delay were numerous. Decisions often took a long time to make, and then once a decision was made, it took a long time to implement necessary follow-up actions. As noted, procedures and verification criteria were often incomplete and needed further clarification before work could be conducted by personnel. Procedures for some key phases of verification were only put into place after verification had actually started, such as the quality control and technical commission functions. Signatures and *planillas* were set aside to be reviewed by these committees before procedures for the functioning of these committees were developed.

Ultimately the cumulative impact of what often appeared to be minor delays, including, in addition to those noted above, holiday vacations, the naming and timing of CNE personnel for various functions, issuance of regulations and instructions, testing of software, preparation of additional workrooms, hiring of new personnel to increase workload capacity, etc., created an overall delay that only served to exacerbate an already tense political climate.

CNE directors and staff acknowledged in meetings with Carter Center staff that they recognized the challenges they faced in completing the task within a



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

reasonably acceptable time period. Throughout the verification process, the CNE increased the number of computers and staff working on physical verification and other phases of the process in order to increase productivity. Yet there always remained a fairly high degree of inefficiency in completing tasks. Throughout the process, the CNE seemed unconcerned about the delays, knowing that there was an outward time constraint of the Aug. 19, 2004, date. The government preferred to thoroughly check the signatures to ensure there was no fraud. On the other hand, the clock was ticking for the opposition. Nonetheless, the opposition remained engaged in the process through and beyond the verification.

### ***Imbalance in CNE Workers***

Throughout the verification process, there should have been a balance between pro-government and opposition workers, yet this balance was not always maintained. For example, workers in the technical committee were supposed to be organized in teams of two, with one government person and one opposition person working together. The two-person teams were supposed to work together and analyze each signature as a team in order to provide a balanced approach to the way in which each signature was judged. Yet many of the teams seemed to be made of two government representatives. In addition, in some cases, one partner would concentrate on examining the *planillas* while the other would simply fill out his partner's observations and conclusions on the forms provided. In other cases, perhaps in an attempt to be more efficient, each partner would simply analyze his/her own stack of *planillas*, without consulting the other partner or checking each other's work.

### ***Inadequate Training of CNE Personnel***

Training of workers throughout the verification was poor. Workers often seemed completely ill-prepared for their assigned tasks, and there seemed to be much confusion as to the proper instructions they should be following. This lack of training was especially evident as

more and more workers were added toward the end of the verification process. For example, on Feb. 16, when 20 additional teams were added to the Technical Committee in an attempt to increase efficiency, these individuals did not receive any formal training. They were given only an outdated instruction manual, and only one supervisor held a short, impromptu training session to answer questions and address various concerns from his group. Thus, for the most part, the majority of the new workers began their tasks with very little instruction or direction. While the addition of new workers or alternates was intended to increase productivity, it also increased inconsistencies and irregularities.

### ***Inconsistency in Application of Criteria***

Throughout the verification process, criteria were inconsistently applied by CNE workers. The frequency, extent, and impact of the inconsistent application of criteria become very clear as described in the following sections on two of the more controversial decisions, the *plana planillas* and fingerprint invalidation criteria. Such inconsistency was common throughout most stages of verification, with workers arbitrarily applying their individual interpretation of the verification regulations.

## CONTROVERSIAL SIGNATURE REVIEW AND INVALIDATION CRITERIA

Descriptions of the following three criteria illustrate the arbitrary and ad hoc decision-making of the CNE, including the directorate. The sections highlight the three most controversial invalidation criteria, yet other questionable invalidation criteria did exist.<sup>7</sup>

### ***Plana Criteria***

On Jan. 18, while *planillas* from the state of Miranda were being processed, the number of *planillas* put aside for further review jumped to 40 percent and remained between 35 percent and 70 percent thereafter, due in large part to new criteria for review, the *plana* criteria.<sup>8</sup> A *planilla* was classified as *plana* if it possessed multiple rows in which the ID card number,



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

name, or birth date seemed to have been written in similar handwriting. Initially, the number of rows with similar handwriting needed on a *planilla* to classify it as *plana* was set at six, then gradually reduced to two. After physical verification, any *planilla* that seemed to contain two signature rows written with similar handwriting was sent to the CTS for further review. *Planillas* from states that had already passed through physical verification without being checked for *plana* signatures were then re-reviewed. This decision introduced significant time delays and workflow problems in the verification process as a whole.

Once the *plana* signatures reached the CTS, committee members reviewed the *plana planillas* and confirmed whether lines were *plana* or not and then recorded their observations. Yet there was no consistency in how CTS personnel recorded *plana* line data. Some workers wrote down as *plana*: “rows 3, 5, and 7,” while others “all but 3, 5, and 7.” Some CTS members did not distinguish between *planillas* that had only three similar signatures and those in which all 10 signatures seemed alike. In some instances, this led to the entire *planilla* being classified as *plana*, even if there were less than 10 so-called *plana* signatures. These inconsistencies led to confusion and delays during the data processing phase of verification.

The *plana* issue emerged in large part because of government concerns about possible fraud during the signature collection process. The government party



A table worker checks a signer's *cédula* and records her information during the signature collection.

claimed that there was no way to rule out the possibility of fraudulent signatures when the information on the *planillas* was not written in different handwriting and often written clearly by the same person (even if the actual signatures themselves looked different from line to line). The government party also held that the CNE training manual issued in November 2003 explicitly stated that, under the watch of the collection agent, each individual signer should write all required data on the *planilla* him- or herself.

The opposition argued that no law or resolution stated this requirement and that the manual was not properly distributed to all collection agents. They further explained that the *plana planillas* occurred because, in order to save time at the collection tables and ensure readable data, collection agents simply filled out the signer's data and then asked the signer to provide his/her signature and thumbprint.

There is no express regulation that prohibits the



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

signature collector from filling in the data of the signer and letting the signer himself sign and stamp his fingerprint, and it was a common observation during the signature collection that signature collectors assisted signers in filling out their personal data. CNE-appointed observers present at the voting centers to monitor compliance with the procedures did not call this practice into question nor require enforcement of the relevant instruction on the issue. It is also unclear how readily available the instruction booklet was to both collection agents and CNE observers prior to the collection and to what degree CNE observers were trained on this procedural detail.

The decision to create a hybrid process for the signature collection greatly contributed to the problem of the *plana planillas*. The signature collection was partly run by the electoral branch of the government and partly run by private entities. Thus, the CNE claimed that it is the responsibility of the private political parties to correctly observe procedures, while the political parties claimed a signer's intent should not be usurped by a third-party procedural mistake.

On Feb. 24, 2004, in a 3-2 vote, the CNE directorate interpreted the Sept. 25 CNE Resolution 030925-465, stating that signing is a "personal act," to mean that the signer must also write his/her personal data on the signature row. Although, ultimately, enough signatures were gathered through the *reparos*, the *plana planilla* criteria led to the placement of more than 900,000 signatures in the *reparo* category as well as to delays in moving the process forward. The Carter Center and OAS missions stated publicly that they did not find the *plana planillas* a problem sufficient to either invalidate a signature or to require a signer to actively revalidate his/her signature. Instead, since the ID numbers of all the signers were being published before the *reparo* period, citizens would have the opportunity to check to see if their name had been fraudulently signed and could be removed during the *reparo* process.

In addition, the international observers recommended that a distinction could be made between the

signatures gathered at fixed voting centers and those gathered by itinerant collection agents, which were subject to fewer controls and, thus, may have warranted greater scrutiny.

Important to note is that the observation mission did not disagree with sending signatures to *reparos* if the personal data and the signatures on a *planilla* appeared to have been written in the same handwriting.

### **Thumbprint Criteria**

Throughout the verification process, fingerprint criteria were changed multiple times and inconsistently applied. Originally, there were two specific fingerprint validation criteria which stated that fingerprints would be invalid only when they were overlapping, did not possess visible lines, or did not meet "technical criteria."<sup>9</sup> Yet it was never formally clear what constituted appropriate technical criteria. After physical verification of the signatures had already commenced, stricter fingerprint controls were informally introduced (and in a context where no established, formal mechanisms existed in the country to confirm or reject an individual's reported thumbprint). In mid-January, observers noted an increase in the number of signatures put aside for closer review during physical verification, largely due to new fingerprint criteria informally introduced that called for the size, brightness, and color of the ink used to be assessed.

The CTS review of fingerprints also included inconsistent and often conflicting instructions as to what constituted a valid or invalid fingerprint. With confusing directions, it was extremely common to see different CNE personnel applying completely different criteria when judging fingerprints and often arriving at different conclusions on similar fingerprints. Supervisors did not enforce consistent application of fingerprint criteria and were reluctant to talk about the criteria to international observers.

In early February, CTS workers were observed using a magnifying glass to invalidate fingerprints, applying the informal, strict criteria described above. Both international and party observers made reports to



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

the CNE of these findings. On Feb. 8, the supervisors asked workers to set aside the magnifying glasses and only invalidate signatures where the fingerprints were either completely smudged or superimposed over another thumbprint. *Planillas* previously reviewed with the magnifying glass were not to be re-reviewed according to the new criteria, meaning that all signatures would not be reviewed according to the same criteria. Carter Center observers noted that even as late as Feb. 16, some CNE workers were still using the informal criteria to review fingerprints and still continued to use a magnifying glass, while others were abiding by the new instructions.

### **Acta Mata Planilla**

As described in the “Signature Collection” section, the CNE required that *actas* tallying the number of signatures gathered be prepared each day of the four-day collection. This system was instituted as a measure to prevent fraud. The *planilla* verification regulation, which included details regarding *acta* regulations, was issued two days before the first signature collection event. As a result, there was little time to train the signature collection workers on the correct procedures for how to fill out the *actas*.

If a *planilla* serial number was not listed in the closing *acta* and in the opening *acta* of the same day, then it was classified as having an “*acta* problem.” Signatures from *planillas* that were in the closing *acta* but not in the opening *acta* could be reinstated during the *reparo* period; all other signatures from *planillas* with *acta* problems were considered invalid.

The opposition argued that the CNE was responsible for hiring and training the CNE observers, who were required to sign and verify the *actas* during the signature collection. It was then the CNE observers’ ultimate responsibility to ensure that the *actas* were filled out correctly. The CNE should not invalidate a large percentage of signatures due to mistakes the institution or its designees made. The opposition also argued that technicalities should not trump the will of the signer.

The government, on the other hand, asserted that the exercise of rights must be regulated in such a highly contentious and distrusting environment and that

### THE CARTER CENTER SAMPLE

As part of its observation of the signature verification, The Carter Center proposed conducting a study of the process by examining a statistically representative sample of signature forms. This sample would allow the Center to assess the CNE’s application of its verification criteria during the different stages of the verification process.

The sample was designed to analyze the CNE’s main verification processes that determined the numbers of valid, invalid, and *reparo* signatures. These processes included data entry, *acta* verification, physical verification, technical committee work, REP comparison, and quality control. Based on the Carter Center sample analysis, in each problem category the CNE determined more signatures to have problems than did The Carter Center. The most significant difference was in the *plana* category, or signature rows deemed to possess similar handwriting. In this category, the CNE found 286,690 more *plana* signature rows than did The Carter Center, based on the projection from the sample.

Although the differences in the categories of physical verification and *acta* verification were smaller, these differences were also larger than the sample’s margin of error. These differences might be explained by the CNE’s use of more criteria than The Carter Center in each category, which limited itself to the criteria established in Resolutions 030925-465 and 031120-794 and the Instruction on *Actas* for Jan. 8, 2004. For the Registro Electoral Permanente comparison, the difference between the number of signatures found by The Carter Center and the number of signatures invalidated by the CNE was not significant. The full report of the sample can be found in the Appendices of this report.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

citizens must comply with these regulations in order to exercise their rights. The government also argued that the collection agents – equivalent to poll workers – during the collection period were not CNE personnel; instead they were responsible to each party. Therefore, the CNE was not responsible for the technical mistakes these individuals made in the conduct of their job.

The Carter Center believes that given concerns about fraud, there was justification for putting into place procedures intended to ensure that all *planillas* were filled out at their properly designated collection centers under the observation of collection agents and CNE observers. However, where it was clear that the discrepancy in the *acta* was solely due to administrative errors, it is questionable whether signatures should have been invalidated.

### ISSUANCE OF OFFICIAL CNE RESULTS

The CNE produced three sets of results on the verified signatures. On March 7, the first signature results were delivered to the *Coordinadora Democrática* and statistics were published. Signatures had been divided into categories of valid, invalid with right to *reparos*, and rejected signatures. The CNE specified that the results did not include nearly 60,000 signatures that were still being processed in quality control. It was evident that the process was incomplete, and the release of the results caused much confusion because it could not be explained from the delivered data why many signatures were declared rejected or subject to *reparos*.

On March 28, the CNE published a second set of results that was delivered to the *Comando Ayacucho*, *Coordinadora Democrática*, The Carter Center, and the OAS. On April 23, the CNE issued the final results that were used to print the electoral notebooks.

### RECOMMENDATIONS FOR FUTURE RECALL REFERENDA

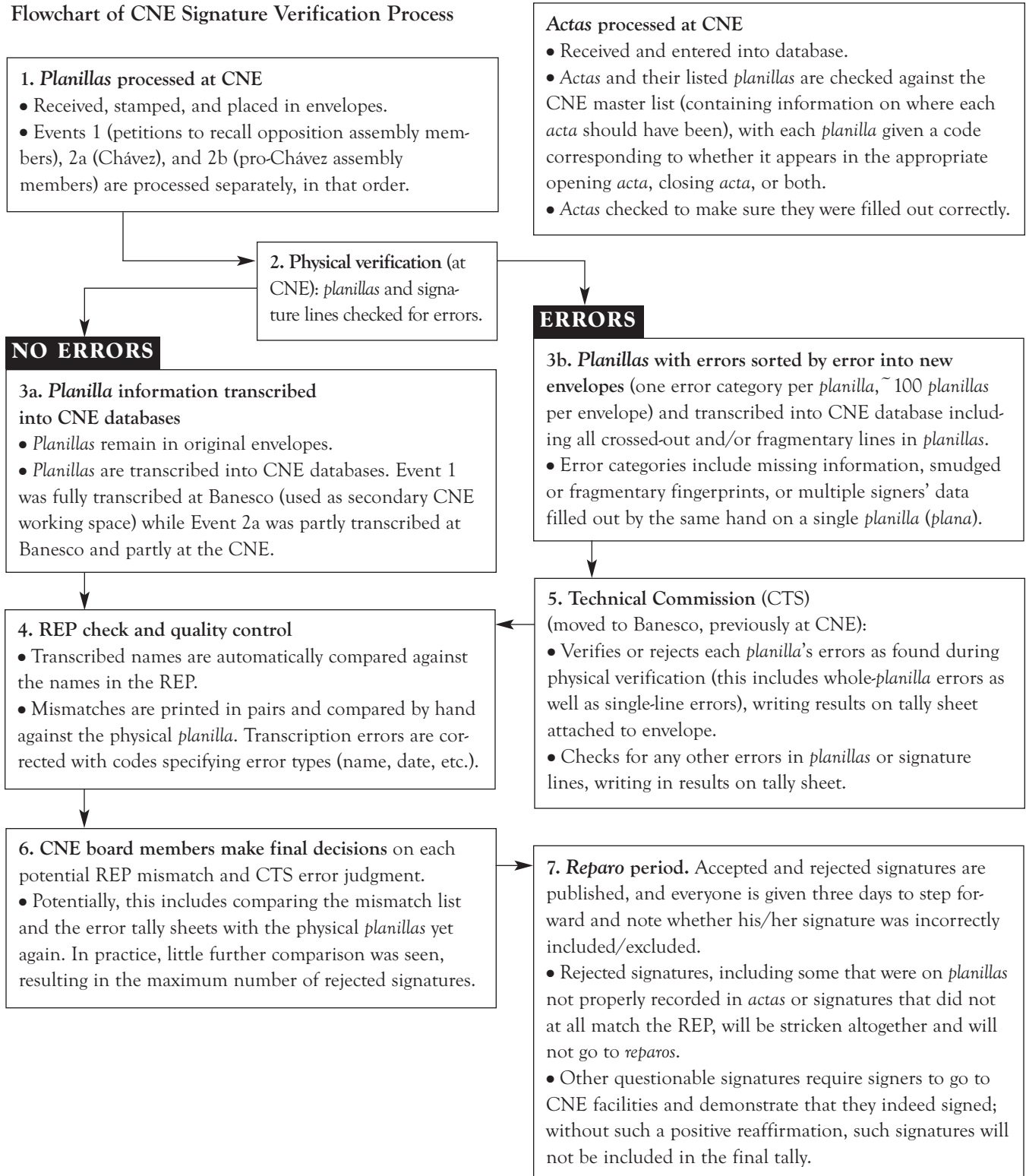
■ *The CNE should do an internal evaluation of the administration of the recall referendum process, making recommendations to the National Assembly for legislation to ensure a transparent and swift process for future recalls, respecting the intent of the citizen petitioners as well as the rights of the potentially recalled elected official. Any system that produces a public list of all citizens who have signed against the president and/or government/opposition representatives in Congress allows for potential pressure or intimidation of those individuals. Privacy of individuals should be protected during the verification of the identity of the signer and as much as possible during the collection of the required number of signatures. Venezuelan legal and electoral scholars as well as domestic observer organizations could advise the CNE in this effort.*

■ *All relevant rules, regulations, and instructional criteria should be complete and available to the public prior to an electoral event and should not be created, changed, or adjusted in the middle of the electoral process.*



# OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## Flowchart of CNE Signature Verification Process







## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## OBSERVATION OF THE REPARO PERIOD

The third phase of the recall process was the *reparo*, or repair, phase. This period offered citizens the opportunity to come forward to correct errors made during verification or to withdraw their name from the petition if they did not, in fact, sign. By the end of the verification phase, it had been clarified which signatures were repairable. It also had been established that repairable signatures would be deemed provisionally invalid until validated by a signer. According to the Sept. 25, 2003, recall referenda rules, the CNE was obliged to post the names of the valid and repairably rejected signatures. During a designated five-day period, citizens could then clear up any mistakes that had been made during the previous signature collection or verification periods.

After the contentiousness of the verification process, The Carter Center urged the CNE to consult the parties on the procedures for the *reparos*. The Carter Center facilitated the first meetings to work toward procedures acceptable to all. Discussions between the CNE and the parties continued until April 20. The opposition's primary goal was to achieve enough valid and repairable signatures during verification that once a reasonable percentage of the repairable signatures was validated, the 2.4 million threshold of valid signatures could feasibly be reached. When the CNE declared the final results of the signature verification on April 23, there were 1,910,965 valid signatures and 1,192,914 repairable signatures for the presidential recall petition. Thus, the opposition would need to validate an additional 525,118 signatures during the *reparo* phase to achieve the necessary 20 percent threshold of 2,436,083 signatures. This would have to be a net gain, however, since signatures could also be withdrawn during the *reparo* phase.

The opposition objected to the large number of signatures placed in the *reparo* category, largely due to the controversial *plana planilla* decision. Opposition

## REPARO OBSERVATION IN BRIEF

The *reparos* was the defining and final event in which it would be confirmed whether or not the requisite signatures were gathered. There was concern that the event could experience increased intimidation, as now it was expected signers would show up to both reaffirm and withdraw their signatures. Considerable time had passed since the initial collection, and anticipation in some sectors was very high.

The Carter Center and the OAS decided to again deploy short-term observation delegations. A 60-person delegation from The Carter Center joined 60 observers from the OAS. Observer teams were deployed to 22 states. The *reparo* period needed to occur swiftly and experience limited problems. Further, it was paramount that all parties accept the outcome. In this context, it was decided that President Carter and Secretary-General Gaviria should lead the observation missions. In addition to gathering qualitative observation data by interviewing *reparo* agents, witnesses, party leaders, and signers, the joint team conducted a quick count.

Given concerns raised during and after the verification period, in preparation for the *reparos*, The Carter Center conducted several audits to complement the observation mission. Carter Center technical teams performed audits on the *reparo* notebooks, comparing the signer information from the notebooks to the signer information from the signature collection *planillas*. The Carter Center also tested whether the CNE's database was accurately presented on the CNE Web site. The results from these tests are described in this section.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



PHOTO: DAVID ROCHKIND

*This group of Carter Center observers covered the reparo process.*

leaders believed they had gathered the requisite number during the original collection. Feeling that they were, in effect, having to conduct another signature collection effort, there was concern among some opposition leaders that their supporters were becoming increasingly dispirited and fatigued by the process. Also, there was concern that the administrative irregularities experienced during the two previous phases would emerge again. The *reparo* process had to be swift, with clear and simple regulations.

On April 14, the CNE announced that the *reparo* period would take place May 21-23. The entire *reparo* period would actually be five days, but the first and fifth days would be dedicated to opening and closing the *reparo* centers. The centers would be administered by CNE-designated *reparo* agents, with witnesses present from both the opposition and government. Administrative controls similar to those used during the collection would be put into place, but for the *reparos*, the CNE would manage the entire process with fewer cumbersome procedures.

On April 20, the CNE released the official rules governing the *reparo* signature collections. On April

28, the opposition *Coordinadora Democrática* announced that it would participate in the *reparos* in accordance with the rules established by the CNE. Opposition leaders again mobilized supporters to come and reaffirm or reclaim signatures.

### GENERAL OBSERVATION FINDINGS IN THE LEAD-UP TO REPAROS

The compressed dates and newly announced rules raised a number of concerns prior to the *reparo* period.

#### *The Number of Reparo Centers*

The CNE planned to establish the same number of *reparo* centers as signature collection centers (approximately 2,700), located as close to the original locations as possible. However, the opposition was still concerned during negotiations that there would not be sufficient capacity at certain locations to accommodate all signers. They also objected that the original rules stipulated five days for the event, whereas the new rules, though allowing a total of five days, dedicated the first and last of those days to set-up and breakdown only. Carter Center technical experts calculated, however, that most tables would only need to handle between 200 and 300 signers



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

a day at most and that at two minutes a signer, this would not be a problem.

### **Recruiting CNE Personnel and Distributing Material**

Another source of concern was the CNE's capacity to recruit and train workers as well as to prepare and distribute materials in the relatively short time remaining before the *reparos*. Some 16,000 workers would need training, *reparo* notebooks would need printing, the results of the signature verification would have to be publicly printed and distributed, and computers for the unofficial electronic tally planned by the CNE would have to be obtained, prepared, and distributed. Furthermore, the rules establishing the criteria for verifying the signatures during this phase – which had proved so important during the preceding phase – had still not been determined by the CNE.<sup>10</sup>

In the weeks leading up to the *reparos*, Carter Center observers witnessed a number of problems at the CNE in printing and distributing the materials. *Reparo* signatures were to be registered in notebooks divided into two sections, one for valid signatures whose signers wished to exclude themselves from the final tally and one for invalid signatures that could be repaired. It also was decided that the notebooks would consist of ID numbers taken from the signature collection; names taken from the *Archivo de Venezolanos Cedulados* (AVC) or the national ID registry, of which the REP is the subset listing citizens eligible to vote; and birth dates taken mainly from the signature forms augmented with the AVC. This strategy was intended to eliminate discrepancies between the voter's ID card data and the data on the notebook, but it also could cause rejections if the name from the signature form did not match the name for the corresponding ID card number on the AVC.

In an effort to increase confidence in the administrative preparations, The Carter Center performed several tests to assess the accuracy of the CNE *reparo* notebooks and the posted signature Internet database. The *reparo* notebook database was compared with the

signature collection database, with *planillas* as the source for signatures. This served to compare the AVC with the signature forms. The full comparison, allowing for a single-letter difference on any name, showed that 5.4 percent of the repairable signature lines did not match and 2.7 percent of the valid signature lines did not match. For birth dates, 7.2 percent of repairable signature lines and 2.4 percent of valid signature lines did not match the database.

The Carter Center conducted a sample of 200 valid, 200 repairable, and 200 invalid signatures selected from the CNE *reparo* notebook database, which was compared against the Internet database that the CNE had made available for citizens to determine the status of their signature. A 100 percent match was found, with the exception of one signature with a flawed ID number. An additional sample was conducted to determine the quality of the printing of the notebooks, comparing the data given to the printing company with the printed notebooks, which found no discrepancies.

### **Addressing Postproduction *Reparo* Notebook Errors**

After most of the *reparo* notebooks had been printed, the CNE computer department realized that during discussions with the opposition, a group of signatures had been moved from the invalid to the repairably rejected category, but this group of signatures had not been checked against the REP, a verification requirement. After performing this analysis, it was found that approximately 15,000 signature lines needed to be removed from the notebooks to prevent potential invalid signatures from being repaired. CNE-prepared stickers were placed over the affected names.

### **“Repentant” Signers**

The most troubling development in the pre-*reparo* period was the emergence of the possibility of the “withdrawal” of one's signature. After the official *reparo* rules were released by the CNE, the government began a campaign to convince signers to withdraw their signatures during the *reparo* period. According to



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



PHOTOS 50-53: DAVID ROCHKIND

*A signer searches for her name outside a reparo station in Caracas.*

the opposition's understanding of the original Sept. 25, 2003, rules as well as the more ambiguous *reparo* rules, only signers who alleged that they did not sign in the first place could “withdraw” their signatures. The pro-Chávez *Comando Ayacucho*, however, argued that any “repentant” signer could withdraw a signature during *reparos*. The Carter Center and the OAS issued a joint statement on May 13 supporting the idea that only those alleging they had not signed could exclude their signatures. Since partial results were known, allowing people to change their mind could unduly impact the final result of the collection effort. Similar to a voting exercise in which one casts a ballot and then cannot withdraw it, a signer should not be able to simply change his or her mind after exercising his or her right to sign.

Further, the identity of signers was public information. Introducing the ability to withdraw a signature created opportunity for undue influence on signers. Indeed, opposition and pro-Chávez leaders presented public complaints of harassment of signers in their work environments, pressuring them to either reinstate

or remove their signatures. There were also complaints of delays in public services such as passport issuance if a citizen had signed against the president.

### GENERAL OBSERVATION FINDINGS FOR THE REPARO PERIOD

#### *Political Climate*

Unlike the signature collection, the *reparo* period involved a specific subset of persons from the electorate – individuals who had taken part in the earlier collection period coming forward to reaffirm or to withdraw their names. Opposition leaders were concerned that it might be both difficult to locate every individual and to motivate those whom they had contacted to show up yet again. Still, more than 700,000 signers came forward to reaffirm their signatures, and almost 100,000 came forward to withdraw their signatures. The largest number of signers came to *reparo* centers on Friday, the first day of the event, with numbers steadily decreasing as the weekend progressed.

Most *reparo* centers operated in a relatively calm and peaceful environment, but there were cases of vio-



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

lence and intimidation throughout the country. Just under 10 percent of the centers visited by observers reported witnessing intimidation, usually instigated by groups of people gathered outside a center, demanding to see the ID cards of signers, checking signers' names against lists, shouting at, and, in some cases, threatening signers.

Four incidents of political violence were observed in Caracas, three on Saturday and one on Sunday. On Saturday, a group of motorcyclists assaulted two *Acción Democrática* party houses and one *Comité de Organización Política Electoral Independiente* Party house. Carter Center observers arrived at the site nearly 30 minutes after the incident took place. In both of these cases, the presence of law enforcement officers was not observed. On Sunday, there was one raid against an AD house in Caracas where there supposedly was an ID card manufacturing station. However, a Carter Center observer reported that no ID card printing machines were found and that looting took place after police left.

Additionally, the states of Carabobo and Cojedes were especially tense, with some reports of violence. There were reports of pro-government groups gather-

*Carter Center observer Helen Barnes receives materials at CNE headquarters in Caracas.*



*President Carter observes a computer operator processing signer data at a voting station in Caracas.*

ing outside centers and harassing those entering to sign, debates erupting when some centers turned away signers for reasons that seemed unjust to the opposition, and large crowds of opposing groups shouting and/or fighting outside centers. Reports of fireworks planted at centers and other minor incidents of intimidation and harassment were also recorded.

There were reports of detentions in various locations, with a large concentration of these reported in the state of Cojedes. It was reported that detentions occurred when individuals showed up to sign yet were marked as deceased in the Electoral Registry. The CNE presumed that these individuals were using forged ID cards, but it is more likely that some error had been made by the CNE. People also were detained for apparently using fraudulent *cédulas* or for attempting to sign twice during the *reparo*. Detentions for signing twice were worrisome, because it is quite possible that the same *cédula* number was listed in two different *reparo* books, possibly due to a data entry error made by the CNE.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



President Carter and Secretary-General Gaviria talk with a table worker.

### Technical Administration

In comparison to the collection phase, the *reparo* procedure proved less cumbersome, with the CNE taking full responsibility for administration of the event. Most problems only affected a minority of *reparo* centers and generally few signers.

In the centers visited by Carter Center observers, on the first day of *reparos*, many *reparo* agents and witnesses seemed poorly trained, and there were administrative problems. On Saturday and Sunday, however, administrative problems decreased significantly as *reparo* workers gained experience and the CNE responded to questions and concerns.

The CNE provided a computer for more than 90 percent of the *reparo* tables. This computer was designed to help *reparo* agents quickly find the signer's ID card number and produce a tally on the screen at the end of each day. Yet difficulties occurred as computers did not always function, computer operators did not always understand how to operate the computers, and there was confusion regarding the proper procedures. Often *reparo* agents and witnesses did not know what to do when the manual count of the number of signatures in the notebook differed from the count given by the computer. In most cases, if the first tally

did not match with the manually recorded count in the notebooks, then a computer discrepancy was reported by observers. In many cases, these discrepancies were later corrected by the *reparo* agents by matching the computer information with the notebook information. The computer vs. notebook discrepancies at closings were observed in 25 percent of the sites on Friday, 17 percent on Saturday, and 19 percent on Sunday.

The majority of reported problems at centers related to voter ID cards. In almost half of the centers visited, signers were turned away because their ID cards issued after 1999 had the title *República de Venezuela* and not *República Bolivariana de Venezuela*.

There was some confusion as to whether the signers' birth date should be verified, and some signers were not allowed to repair because of a discrepancy between the *reparo* notebook and their ID card. CNE instruction on which ID cards to accept was unclear. A May 24 regulation required that birth dates be compared between the two, and a subsequent May 25 regulation removed this requirement. A further May 29 regulation, issued during the actual *reparo* period, ratified the May 25 regulation. Public announcements by the CNE prior to and during the *reparos*, explicitly explaining that the birth date need not be checked, would have avoided confusion and conflict. This observation offers another illustration of how late and conflicting regulations issued by the CNE throughout the duration of the recall process served to confuse center workers and signers.

### Role of Plan República

Observers found a strong military presence at *reparo* centers throughout the country. A common observation was that the military was taking an active role in the process, controlling signer access to tables and checking signers' *cédula* numbers against posted lists of designated signers for each center. In some locations, military personnel barred those whose numbers did not appear on the list from entering centers. In keeping with the traditional role of the military in Venezuelan elections, the



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



A *reparo* table worker checks a signer's *cédula* against the electoral notebook.

rules released by the CNE in May had specified that *Plan República* only guard the polling station and supply logistics for electoral material distribution and collection.

### ISSUANCE OF OFFICIAL CNE RESULTS

Based on the May 19 rules on totalizing *actas*, a procedure was established to process the *actas* containing the tally for each *reparo* table for each day. Based on observations at the CNE *acta* totalization room, there was some confusion about the rules, especially those that clarified how to invalidate an *acta*. In general, however, the technical issues for tallying the results of the *reparos* were far fewer than during the original signature verification.

Before the *reparo* event, CNE personnel had confirmed to international observers that numerical or addition errors within the *acta* would not disqualify an *acta* and, thus, the signatures tallied on it. However, when *acta* validation for the *reparos* started, CNE workers began putting *actas* under observation because of arithmetic discrepancies, indicating there was confusion

on the issue. On May 31, the CNE clarified that arithmetic problems were not cause for observation nor for invalidation. As a result, only a few *actas* were placed under observation. The *reparo* regulations clearly specified only three causes of *acta* observation, and *acta* verification was executed consistent with the regulation.<sup>11</sup>

As part of its ongoing observation at the CNE headquarters, the joint Carter Center/OAS mission also collected the copy designated for international observers of each *acta* made at each center each day. A sample set of these *actas* was examined by the Center and found to be consistent with the CNE database of daily tally results.

Further, during the evening of May 31, observers at CNE headquarters reported that tallying of the *reparo actas* had ceased, and CNE personnel did not explain the disruption of work. President Carter and Secretary-General Gárriga visited the CNE to meet with CNE officials. Their visit precipitated a remobilization of CNE workers and the resumption of tallying the *reparos* results.

On June 3, the CNE announced that preliminary results of the tally of the *reparos* for the president showed that sufficient signatures had been validated to trigger a recall referendum. On June 8, the CNE announced the official final results: 2,553,051 valid signatures, 116,968 more than the 20 percent threshold needed to trigger a recall referendum.

(Note: Recommendations relevant to the *reparo* period are included in the following “Recall Referendum” section of this report.)



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

# OBSERVATION OF THE AUG. 15 RECALL REFERENDUM

The recall referendum was the culminating event of the recall process. The preparatory phase was intense, with each side organizing to compete against the other and emerge the victor.

During this extended recall process, the political and economic situation changed, and the electorate witnessed the performance of the CNE, government, and opposition, all in the highly polarized political environment. During 2003, recovering from a two-

month oil strike, the president's support was relatively low given a poor economy from which many in the country were suffering the consequences. Many polls during this period showed the president losing a recall vote, should one be held, but likely winning the subsequent presidential election.

The economy improved in 2004, and President Chávez provided many poorer communities with benefits through the many health, education, and other

### RECALL REFERENDUM OBSERVATION IN BRIEF

The relationship between the CNE and international observers had become increasingly strained since the verification period. The Center, both in private and public, had continued to raise concerns based on observation findings. After the *reparo* period, it became much less clear that all members of the CNE directorate would accept international observation. The conditions for the recall referendum itself and the role of the international observers in the process became dual focal points of the observation program. In anticipation of the invitation, Carter Center staff traveled to Caracas on July 1 to discuss the Center's observation methodology with the CNE and to begin assessing preparations

for the recall referendum. On July 15, 2004, the CNE issued a formal invitation to The Carter Center to observe the Aug. 15 presidential recall referendum. More details about the relationship between the CNE and international observers are included later in this section of the report.

In mid-July 2004, a medium-term observer group of four and an information technology expert joined the Center's election staff in Caracas to assess preparations for the Aug. 15 referendum, including the use of the new automated voting and fingerprint machines. The medium-term observers traveled to different states in the country to observe the Yes and No campaigns, learning the concerns of Yes and No representatives. Furthermore, medium-term observers observed some training of poll workers

and voting machine operators, the preparation of the voters list, and simulations of the voting machines and fingerprint machines in Caracas and areas outside of the capital city.

On Aug. 11, a group of 58 short-term observers and additional technical experts from 15 different countries arrived in Caracas. The overwhelming majority of short-term observers had observed some part of the recall process – either the signature collection, the *reparos*, or both of these events. President Carter, Secretary-General Gaviria, and several additional regional leaders led the observation mission. The international community was focused on Venezuela.





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

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*Opinion polls showed Chávez regaining support among likely voters and suggested that high voter turnout would favor the president.*

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social service programs put into place (many known as “the missions”). Opinion polls showed Chávez regaining support among likely voters and suggested that high voter turnout would favor the president. Nevertheless, the opposition believed there might be a “hidden vote” not revealed by public opinion polling.

A one-day electoral event, the recall referendum witnessed pre-electoral complaints similar to earlier phases of the process and some minimal complaints on referendum day itself, but with the largest challenge coming after the results of the recall were known.

### GENERAL OBSERVATION FINDINGS RELATED TO ELECTORAL PREPARATION

The Carter Center mission focused on several issues during the preparation stage, making observations and recommendations to the CNE on each: electoral regulation, the electoral registry, the automated voting system, and fingerprint registration technology. Each is discussed below.

#### *Issuance of Late Election Regulations*

Similar to each of the previous recall events, the recall referendum itself suffered from the late promulgation of key regulations and rules needed for its conduct. Several regulations had no demonstrable negative impact on the referendum.<sup>12</sup> However, several regulations, which were issued only a few days prior to the recall, severely limited the possibility to prepare activities and personnel properly and contributed to polling day and post-recall confusion about, and critiques of, the process.

**Contingency plans** are essential for the stability of an electoral process. Only clear rules, known beforehand, can guarantee a peaceful process. When designers

of a system, for any reason, do not know or do not tell what will have to be done if something goes wrong, anxiety and uncertainty among the electorate starts to mount. This occurred in Venezuela in the weeks prior to the recall, where rules and procedures for contingency plans were among the last regulations to be enacted, only a few days before the recall referendum.

Before the recall, there were rumors that the entire vote would change to manual if a certain percentage of voting machines malfunctioned. The CNE itself seemed divided between suspending the election in a



PHOTO: RENATO CAPPELLETTI

Carter Center representatives visit a government-subsidized grocery store in a neighborhood in Caracas.

given mesa if the respective machines did not work – and only in the case that those suspended machines could alter the final result of the recall referendum would the voting process have to be repeated – or immediately switching to a manual process. Each leaked rumor of potential alternatives triggered fierce disputes in the media, fueling further distrust, and spoiling the pre-referendum environment. The general government party distrust of manual voting and public distrust of automated voting machines underscored the need for timely, clear, and widely available contingency plans.

Another special contingency was the **vote of the military personnel** on duty during the recall referendum. Possibly due to last-minute coordination problems between the *Plan República* and the CNE, or



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

because of security reasons, the CNE did not receive the information on which individual soldier would be stationed in which voting precinct. Without that precise information, these military persons would not have been able to vote because they would not appear in the voting notebook, or *cuaderno*. The solution was to use special blank *cuadernos* that military people could sign in order to vote in the center where they were present. This solved one problem, but it opened many others, including the suspicion that in those blank *cuadernos*, people would vote multiple times in different voting precincts or that the military vote would not be secret because soldiers would be ordered to vote in those supplemental *cuadernos* in a precise sequence. (In the end, the soldiers voted in the machines, and their vote was secret.) Much of the rumors, confusion, and suspicion could have been avoided if contingency plans had been drafted beforehand, enabling proper and timely planning and information dissemination to interested and relevant parties.

The regulation dictating **the fingerprint registration procedure** (Resolution # 040811-1104) was issued on Aug. 11, only four days before the recall. Training on how to use the fingerprint machines had been carried out two weeks prior to issuance of the regulation, therefore the regulation could not change significantly from the process that had already been envisioned. Yet there was some contradictory and unclear instruction in the final regulation, with Art. 2 stating that fingerprint registration was a mandatory act without exception while Art. 5 stated that fingerprint registration should be suspended if the process introduced inconvenient delays for voters. Training had already occurred, and there was not sufficient time remaining to clarify what was meant by “inconvenient delays” and which instruction, in a very practical sense, was to be followed by table members, *Plan República* members, and fingerprint operators. On election day, interpretation of these rules varied across centers, but the extent of the variance is difficult to ascertain.

Ultimately, in the context of high voter turnout, long voting lines, extended voting procedures, and

opposition concerns that the fingerprint machines would introduce significant delays for voters, the late issuance of, and confusion and lack of clarity relating to, the regulation served to undermine confidence in the entire voting process. Even more importantly, the incorporation of the fingerprint machines was an entirely new feature of the voting process, and it was introduced in a highly contentious electoral event. Open and transparent planning, testing, and implementation of the use of these machines would have served to enhance the credibility of the CNE rather than further undermine it.

The instructions for **the Aug. 15 audit** of the voting machines were issued only three days before the referendum.<sup>13</sup> The intent was to audit 1 percent of the machines by counting the paper ballot receipts and comparing them to the electronic record printed immediately after the polls closed. The late issuing of these instructions may have had the greatest negative impact on the recall referendum. Auditors, table members, and military personnel were not properly informed that the audit would occur nor were they clear about the procedure to be followed. The instructions themselves did not clearly call for a separate tally of the Yes and No votes, and in some centers, the auditors only counted the total number of voters. Opposition and government observers did not have enough time to prepare an observation of the event; for example, they found out the design of the audit form on the day of the referendum. In the end, the audit was very poorly executed. It did not serve its central purpose of bolstering confidence, both among the political factions and the electorate, in the process. Given the general level of distrust in the country and mounting criticisms of the CNE, the successful implementation of this audit was essential.

### ***The Voters List***

#### ***(Registro Electoral Permanente - REP)***

The voters list for the recall included new voters that registered between November 2003, when the official version of the REP used for the signature



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

collection was issued, and July 2004, when registration for the official version of the recall referendum voters list ended. Many issues surrounded the production and publishing of the REP.

**Express voter registration.** In the three months prior to the referendum, the CNE introduced an express registration process in which citizens were immediately registered into the voters list during the process of obtaining a new ID card, or *cédula*. This process, implemented by the government to respond to the requests of citizens who did not have *cédulas* and thus could not vote, proved to be effective, especially at the mobile registration centers. The centers were set up in public places, including on streets, and were operated by registration officers. The CNE provided an additional desk, computer, and CNE official at the centers in order to register the citizen in the voters list immediately upon receipt of the *cédula*.

The CNE processed more than 2.5 million additional REP registration records after November 2003. The opposition was very concerned at what they viewed as an unusually high growth rate in the REP. Claims of duplicate registrations by the same person and registration of foreigners were alleged. However, after these 2.5 million records were processed, ultimately the REP only grew by 1.2 million records, totaling 14 million voters, a growth rate corresponding

to the natural REP growth. Based on the percentage of the Venezuelan population over 20 as estimated in the 2001 census, there is still an under-registration of more than 1 million eligible voters at this time.

**Purging the REP of deceased persons.** Throughout the recall process, beginning with the signature collection, there were allegations of “ghost” signers, deceased people who signed the recall petition. Analysis of the REP indicated that the voters list did include approximately 60,000 deceased persons. In preparation for the recall vote and in an effort to reduce the number of deceased persons still included in the REP, the CNE sent personnel to the municipal and state CNE offices to gather death records to return to CNE headquarters in Caracas for immediate processing.

**Publishing of the REP.** The REP was made available to the public on the CNE Web site. Different versions of the REP coexisted in different CNE servers and on the CNE Web site. There were numerous reports of citizens whose names appeared on the CNE Web site prior to July 20, but after that date, their names were removed from the Web site version. The CNE never acknowledged the problem and said that the mainframe version of the REP was the official one and that this version was accurately published on the Web. The multiple versions and lack of clarity on the issue

Table 1: REP growth

Year	Electoral Population (CNE Data)	Electoral Population Growth	Average Yearly Electoral Population Growth	Total Population (INE Data 2001 Census)	REP/Population Relationship
1973	4,747,122				
1978	6,223,903	1,476,781	295,356		
1983	7,777,892	1,553,989	310,798		
1988	9,195,647	1,417,755	283,551		
1993	9,688,795	493,148	98,630	21,121,216	46%
1998	11,426,232	1,737,437	347,487	23,412,724	49%
2004	14,037,899	2,611,667	435,278	26,127,351	54%



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

caused confusion, suspicion, and speculation and promoted the circulation of misinformation to the electorate, only a few days prior to the recall.

**Preparing essential electoral materials.** The REP was finally delivered on July 30 with the official numbers, having incorporated new eligible voters, removed deceased persons, and addressed requests of change of voting centers. Nonetheless, there were still some problems with the REP. This database is essential to electoral planning, particularly for determining the number and location of voting centers as well as the creation of the electoral voting notebook included in the Venezuelan voting process at each polling station. The late delivery of the REP database created a very short window for programming automated voting machines, which required a limit to the numbers of voters assigned to individual machines and required data on table and *cuaderno* numbers. The late release also limited time for the printing and proper quality control reviews of each table's voters list as well as created delays in the distribution of voting materials. With last-minute changes made to the REP, supplemental notebooks also had to be produced.

The late printing of the notebooks severely reduced the capacity of the representatives of the Yes, *Coordinadora Democrática*, and No, *Comando Maisanta*, to audit the printing of the notebooks. The notebooks had to be shipped to the regions almost immediately after being printed. *Coordinadora* representatives reported that they were only able to audit a small percentage of the notebooks, but they did not register complaints on the content of the ones audited.

**Alleged voter migration.** After the REP was released, many eligible voters claimed they had been involuntarily relocated to a new voting center without their consent or that they had been excluded from the REP, as noted earlier. The CNE reviewed the claims and acknowledged some of these problems, but after the electoral notebooks were printed. Additional

supplementary notebooks for each table were printed to address the concerns that had been found legitimate. The CNE did not give an explanation on the claims of voter relocation at the time. It was estimated that there were approximately 64,000 unexplained relocations. The Carter Center found only 30 percent of all relocations corresponded to voters that signed the presidential recall petition. Thus, it is safe to conclude that the relocation was not biased against a specific group of voters.

In response to expected high voter turnout, the CNE had proposed to create new voting centers and to redistribute voters among neighboring voting centers to reduce voter congestion during balloting day. The *Coordinadora Democrática* strongly opposed the initiative, arguing that voters already knew where they had to vote and would not check if they were relocated to an existing or new center, thus discouraging voter turnout. An agreement was reached between the government, which was asking for new voting centers; the opposition; and the CNE not to relocate voters and not to create new voting centers for this recall.

**Postreferendum REP issues.** After the referendum, numerous questions emerged as to the state and quality of the voters registry. The opposition claimed that as a result of poor controls during the express *cédulación* initiative, thousands of fraudulent names were added to the REP. One specific complaint was that 1.8 million names in the REP existed without addresses. Opposition requests to view an official copy of the REP, with addresses, were denied, as CNE board members cited that this would be a violation of the electorate's privacy.

The express *cédulación* conducted prior to the recall referendum was done so in an attempt to register as many citizens as possible to vote and to make this registration as easy and effortless as possible. The CNE set up mobile registration centers in some of the poorest areas in the country, thereby offering registration to some of the most impoverished, marginalized members of society. The Carter Center believes that any attempt



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

to increase voter registration and make this process more accessible to citizens, especially the most underprivileged, is highly commendable. Any registration process, express or otherwise, however, should be accompanied by adequate controls. See further discussion and detail on these and other REP issues under “Postreferendum Complaint” section.

### **Automated Voting**

The CNE implemented a new automated voting solution in 4,766 voting centers (57 percent) covering 89 percent of the electoral population. Three thousand six hundred twenty-eight (3,628) voting centers used manual voting, mostly in rural areas with smaller populations. The opposition and many in the general electorate distrusted automated voting because of past experience with automated voting processes. The government party opposed manual balloting, being of the opinion it would be easier for the opposition to intro-

duce fraud into the manual balloting process. The lack of transparency surrounding both the procurement process for the machines and the negotiation of the contract with the selected company greatly fomented doubts about the process and fueled suspicions.

After looking at various options, the CNE procured 20,000 voting machines from the SBC consortium. The consortium provided multiple services, including the configuration of the machines, training of the machine operators, procurement of a telecommunication system to transmit the results from the voting machines to a central data center, and technical support as needed on the day of the referendum.

The SBC consortium was composed of three companies:

1. Smartmatic, a company owned by Venezuelan entrepreneurs based in Boca Raton, Fla., which designed and produced the voting machines (contracting Olivetti of Italy to manufacture the machines).

2. CANTV, the largest Venezuelan telecommunications company, which provided the telecommunications service for the referendum as well as logistical support, training of the machine operators, and management of the information technology support center during the election. CANTV was in charge of telecommunications for prior elections also.

3. Bizta, a small Venezuelan software development company, which was in charge of the results presentation software.

The SAES3000 voting machine designed by

*A table worker explains the voting machine to an elderly voter in Caracas.*



PHOTO: NOAH FRIEDMAN-RUDOVSKY



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Smartmatic includes two innovations that address the principal concerns on electronic voting machines, namely the inability to detect fraud because there is no paper trail and the ability to interfere with transmission.

The Smartmatic voting machine prints a ballot receipt that should be deposited into a ballot box by the voter, thus allowing the voting machine to be audited after an election. Nonetheless, the check is not fool-proof as the voter could keep the ballot or not deposit it in the appropriate ballot box. The transmission of data between the machine and the server occurs in a secure, authenticated, and encrypted fashion.

Using the SAES3000 is simple and straightforward, and voters and machine operators did not have problems using the machine during the election. The machine has a simple touch screen where voters selected either the Yes or No option. Additionally, the machine provides multiple security mechanisms that make tampering in an unnoticed manner extremely difficult. Smartmatic contends that it would be impossible to tamper with the machines without such manipulation becoming apparent.

University professors selected by the CNE performed an audit of the voting machine software source code. The audit was performed at the Smartmatic offices in a controlled environment to ensure there was no unauthorized distribution of the code. The university professors suggested that additional security features be introduced into the software, features that Smartmatic agreed would enhance security. However, such changes were introduced very late in the process and could have led to the postponement of the election if Smartmatic had not mobilized its personnel around the clock to meet the Aug. 15 referendum date. Subsequent to the audit and finalization of the software adjustments, the program was electronically signed and later installed on all machines. *Comando Maisanta* (CM), *Coordinadora Democrática* (CD), and international observers did not have access to this audit. The audit scope, procedure, and documentation were not released by the CNE. The lack of access to

the audit caused transparency concerns to the opposition and contributed to suspicions about the possibility of fraud in the weeks after results were announced.

Smartmatic designed and executed a formal release and certification procedure on each machine. The machines were individually programmed, tested, and certified on a one-by-one basis in a warehouse controlled by the CNE with *Plan República* guards. Again, CM, CD, and international observers did not have access to the software certification and machine preparation process, further exacerbating concerns about transparency.

The CNE and Smartmatic conducted two simulations of the voting machines prior to the election.

**Simulation 1.** A team of Carter Center medium-term observers observed the first simulation, held on Sunday, July 18. Voters were allowed to go to the voting centers and test the machine. The primary findings of this simulation:

- Citizens had few or no problems casting their vote.
- Machine operators had few problems setting up the machine.
- Poll workers had few problems with the machine.
- The verbal explanation provided by poll workers to voters was too long, introducing some delay into the process.
- Some voting centers opened late due to late arrival of CNE personnel.
- Late installation of phone lines by CANTV.
- Data transmitting problems on some machines, particularly those using cell phones for transmission.

During this simulation, the CNE also prepared a presentation at the Hilton Hotel, to which the *Comando Maisanta*, *Coordinadora Democrática*, OAS, and Carter Center were invited. Participants were allowed to:

- Test the machines.
- Attempt to tamper with the machines, assessing security features.
- Transmit data and then verify that the data for each machine arrived unchanged at the totalization site.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

- Perform a recount of the paper ballots and compare it to the machine tally.

The machines and processes functioned properly. This event was a fine opportunity to obtain general knowledge on the machine and aspects of the voting and transmission procedures; however, it did not replace a formal audit.

**Simulation 2.** A second simulation was conducted on Sunday, Aug. 1. The proposed methodology for the second test or simulation of the voting machines consisted of many stages. A random selection would be performed in front of the political actors and international observers to select around 200 voting machines. All these machines would be already programmed and ready for shipment to their corresponding voting places. The chosen machines would then be unloaded from the trucks, taken out of their boxes, their internal clock changed in order to simulate the recall referendum day, machines would be tested with different sequences of votes in order to verify that the installed software would function in a correct manner, with no hidden Trojan horse or dormant virus program that could distort the *actas* or the transmitted data. The electronic results would be compared with a count of paper receipts in the corresponding ballot boxes.

However, this simulation methodology is not what happened in reality. The CNE made a private selection of machines and, on the day of the simulation, a display of around 180 machines was located at the *Altos de Mariches* warehouse. Those were the machines that the political actors and the international observers could test. All present had to take for granted that those machines had been randomly selected, that they had been unloaded from the trucks, that the internal clock had been changed, etc. before the simulation.

Although the CNE presented this day as an audit, in reality it was only a simulation with very restricted access for the *Coordinadora Democrática*, *Comando Maisanta*, and observers. The observers were only allowed to watch the voting tests conducted by the operators.

One of the goals of the simulation was to introduce some different patterns of Yes/No votes at distinct times of the day to verify if some dormant code could be activated by those patterns to alter the results. At the end of the day, no dormant code or special behavior was detected on the machines, and the results tallied matched the votes cast.

The other goal was to test the results transmission to the totalization center. CD, CM, and observers were present in the totalization center. The results transmission was slow but completed without major problems.

### ***Introduction of Fingerprint Registration***

The CNE introduced a new technologically sophisticated fingerprint registration procedure into the voting process with the following objectives:

- To prevent voters from voting more than once
- To begin to produce a fingerprint database for future use in a reliable civil identification system

The automated fingerprint identification system (AFIS) solution was provided by Cogent, the contractor of the USVisit program, and the telecommunications services by Gillat, an Israeli satellite telecommunications company.

Cogent set up a data center with more than 400 specialized servers (i.e., programmable matching accelerator boards with capacity to make 500,000 matches per second) to compare fingerprints. Cogent also provided around 14,000 fingerprint registration stations, one station for every 800 voters. Each station was composed of a notebook computer with the list of voters of the respective *cuadernos* and the supplemental *cuadernos* of the voting center, a fingerprint scanner, and local networking devices to connect to the 2,928 satellite antennas in the same number of voting centers. Cogent also trained the 1,200 operators, who were recruited and hired by the CNE, and ran the central fingerprint registration data center. The whole system was set up and deployed by Cogent, Gillat, and the CNE in less than three months. The installed capacity was to capture the fingerprints of up to 8,900,000 voters. The operation was housed at the Bolivarian



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

University, known to be a pro-government institution, and tight security measures were put into place for the entire operation. The lack of transparency and general dearth of information on the process, coupled with the late issuance of the relevant regulations noted earlier, greatly contributed to suspicions, doubts, and fears about the purpose of this exercise.

The fingerprint registration process, included as a step in the voting process, was designed and carried out as follows:

- The voter would find his ID card number on paper listings placed outside the voting center to ensure he/she was listed in one of the tables of the voting center.
- The voter would join the line outside the voting center.
- Once the voter entered the center, he would hand his ID card to the fingerprint registration personnel. There was one fingerprint machine per 800 voters, with many centers having over three fingerprint registration stations.
- The fingerprint station operator registered the ID card number and the gender of the voter, pulling up the name of the voter. If the voter was not on the list assigned to one of the polling stations of the voting center, he was denied entrance to the center and had to call the CNE to obtain information about his voting center. Each computer had only the database of the voters assigned to all the tables of that voting center.
- After the voter's ID card number was found, the fingerprint station operator scanned both thumbs of the voter; if the voter did not have a thumb, other fingers were used. If he was missing both hands, the procedure was skipped, as stated in the fingerprint regulation.
- The fingerprint station transmitted the fingerprints and registration data to the central fingerprint data center. After the data center acknowledged that the data was received, the voter was given a small piece of paper noting the table and *cuaderno* page number where he had to vote. The voter could leave the fingerprint station and proceed to the polling station.
- The fingerprint was compared at the data center

against all other fingerprints in the database. The database grew during the day, and Cogent offered a maximum comparison time of 35 seconds per fingerprint pair against a database of 8.9 million fingerprints (i.e., 15 seconds of processing time plus seven seconds each way transmission time).

- If a positive match on the pair of fingerprints was found, then a *Plan República* official was instructed to search and detain the voter.

The potential for this process to introduce unnecessary delays in the voting process was a primary concern for the opposition in the lead-up to the referendum. They also expressed concerns about the reliability and accuracy of the technology. The CNE and Cogent gave assurances that the fingerprint registration process would take less time than the voting process itself. That is, any delays would be attributable to the voting process at the tables, not the fingerprint registration process. As explained in the following section of this report, this proved true in many voting centers but in many others, it was the primary cause of delays.

The fingerprint solution implemented is among the best available AFIS technology in the world. The fingerprinting process in many centers was outstanding. However, the benefits of using the technology during the referendum are questionable. The CNE never published the suspected number of multiple voters, people who voted more than once. There were assertions that an analysis of the registered fingerprints would be made based on the fingerprints gathered during the signature collection. However, the CNE denied such claims, and evidence was never forthcoming that would support the assertions. In the end, the introduction of the fingerprint registration procedure severely impacted the service quality the CNE provided the voter by contributing to their need to stand in line for many hours during election day.

It is also unclear how the new fingerprint database will be incorporated into the national ID system, the second purpose of establishing this procedure. The government of Venezuela still needs to prepare, plan, procure, and implement a new ID card project.





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

***Changes in the Elections Execution Council***

The *Junta Nacional Electoral* (JNE) is the institution in charge of preparing and executing elections. At the lowest level are the poll workers, or table members, in charge of operating the polling station. Above the table members is the *Junta Municipal Electoral*, responsible for the election at the municipality level. The *Junta Regional Electoral* is responsible for the election at the state level and oversees all municipal electoral councils. Above the *Junta Regional Electoral* is the JNE.

Several weeks prior to the referendum, some CNE directors began to suggest it would be necessary to replace table members who had signed the recall petition in support of either the government or the opposition, arguing that these individuals had clearly exhibited political bias. The *Coordinadora Democrática* heavily opposed the initiative, arguing that there is no law that inhibits a citizen from being a table member, whether he signed in support of recalling an official or was a member of a political party. Indeed, in past elections, some poll workers were also active members of political parties. In the end, the CNE decided not to replace table members.

Credentials for table members, however, were not delivered until between Aug. 10 and 14. On Aug. 13, one day before table installation, significant groups of table members were still requesting their credentials at the municipal electoral council.<sup>14</sup> Carter Center observers received numerous complaints from people who claimed they were official table members, that their names were on the CNE's Web site, and that they had attended table member training, but their names were not on the municipal electoral council lists and they had no credentials. They also claimed that table member credentials for their assigned tables were being delivered to other persons.

Despite numerous complaints that Carter Center observers directly received from citizens at the municipal electoral councils, the CNE directors, both government and opposition-leaning directors, assured The Carter Center that no table members had been replaced because of political affiliation. Some were replaced

who either had not shown up to receive their credentials or had not attended the required training.

The CNE also clarified several times that only municipal electoral council members were changed throughout the country. These councils were changed between one and two weeks before the election with replacements receiving little or no training at all. The CNE gave different explanations for this change, including performance problems, signing the recall petition, and other reasons. The CNE gave no explanation as to why these changes were made so late. The two opposition CNE directors assured The Carter Center and the OAS on Aug. 14, however, that the issue of the municipal council members had been resolved satisfactorily.

It should also be noted that there was also a reportedly high degree of substitution, during the last days, of trained voting machine CANTV operators because they had allegedly signed in support of the recall referendum. The late substitution of personnel did not seem to have any real impact on the ability of the CANTV operators to meet the technical needs which surfaced on balloting day.

***The CNE and International Observation***

Prior to the recall referendum, while increasing the number of electoral observer groups invited to the country, the CNE created a new commission charged with liaising with international observer groups in the country and with introducing new parameters for, or restrictions on, the international observers' work. Continuous efforts to restrict the activities of international observers by some CNE directors forced Carter Center staff to spend considerable time in the lead-up to the election working with CNE directors, including the head of the commission, Oscar Battaglini, and the CNE president, Francisco Carrasquero, to come to agreement on the observation conditions acceptable for the Center.

The European Union declined the invitation to observe the recall referendum, explaining they did not have sufficient time to mount an observation mission.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



*President Carter speaks at a press conference with CNE President Francisco Carrasquero.*

Both the OAS and The Carter Center, in contrast, had maintained a continuous presence in the country for two years, and The Carter Center had been observing preparations for the referendum since July 1. The decision criteria for the organizations were, therefore, quite different than for the European Union.

Because of proposed new conditions severely limiting the international observation, The Carter Center negotiated an agreement on technical observation conditions with the National Electoral Board (JNE), which provided the basis for a subsequent, slightly more restrictive agreement signed by the OAS with the CNE president. The agreement signed by the Center and the JNE was subsequently declared invalid by the CNE president and head of the observer commission, leading the Center to sign a second agreement similar to the one signed by the OAS.

Although the CNE threatened to limit the number of Carter Center observers, the states to which the

Center could deploy observers (wanting us to join their organized observation routes and to visit only the seven most populous states), and the Center's ability to perform a quick count on voting day, none of these restrictions materialized. Because of the disagreements around the number of possible observers and the late hour in which this issue was resolved, the mission received credentials for some of its observers very late in the process. Nevertheless, the Center was able to deploy all short-term observers in accordance with the Center's original plan and general observer methodology.

A positive development was the extension of observer status to a domestic observer group, *Ojo Electoral*, for the recall period. However, the CNE authorized the group so late in the recall process, it was not able to mount a comprehensive observation mission.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

### AUG. 15 VOTING DAY OBSERVATION FINDINGS

#### Voting Center Openings

When voting commenced on the morning of Aug. 15, long lines were seen throughout the country as early as 5:00 a.m. In general, openings were slightly delayed beyond the 7:00 a.m. opening time, with the primary reason for such delays being that table members did not show up on time. CNE personnel at the fingerprint registration headquarters reported that 20 percent of fingerprint machine operators did not show up at all. Missing fingerprint operators were the primary reason that, at the 59 percent of voting centers that had fingerprint machines, 8 percent of these machines were not operational at the time of opening. Fingerprint operators were reportedly hired directly by the CNE.

Despite delays, 90 percent of the voting centers were open and operational by 8:00 a.m. Carter Center and OAS observers were present at a total of 73 polling station openings and reported that most aspects of openings ran relatively smoothly. In 100 percent of centers visited with automated voting machines, the diagnostics report and the zero tally

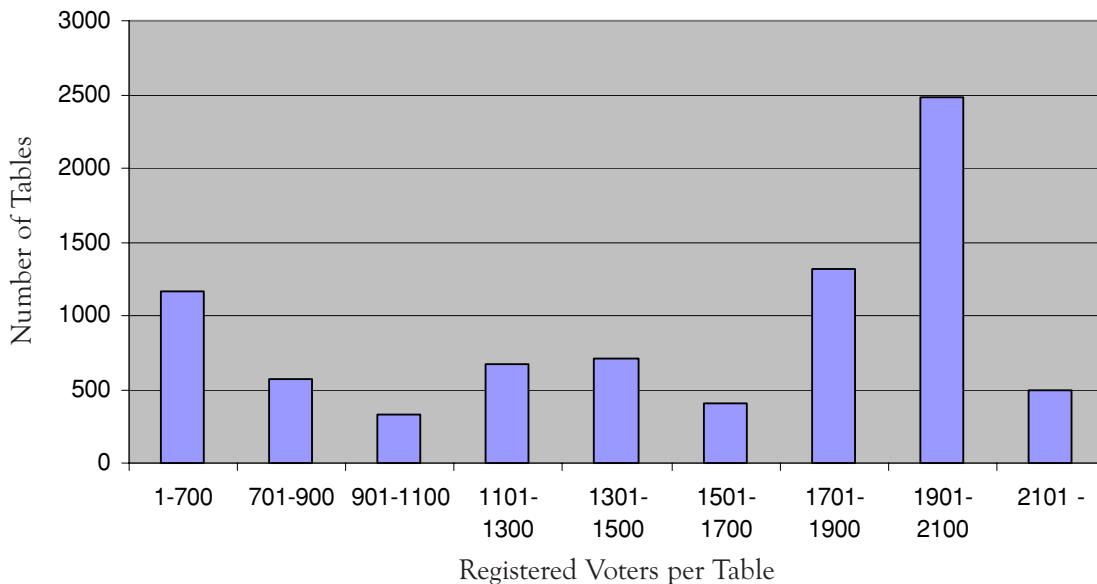
report were successfully printed. Carter Center and OAS observers did not report any problems with electoral material distribution and although there were reports of problems with the distribution of credentials for the two days prior to the referendum, these problems seemed to be resolved by the time centers were ready to begin operating on the 15th.

Some minor irregularities were reported. In a limited number of centers visited, boxes of materials had arrived improperly sealed, Yes or No witnesses were not present, or opening *actas* were not filled out properly.

#### Voting

The long lines that were seen forming at 5:00 a.m. only continued to grow as the day progressed. In all, OAS and Carter Center observers visited a total of 479 voting centers throughout the day, with the overwhelmingly predominant observation being that voting centers were clearly overloaded and lines were extremely long. Turnout was high, with more than 1 million newly registered voters. Lines of thousands stretched through the streets as citizens patiently waited their turn to exercise their right to vote. The lines were

#### Voters per Automatic Voting Table





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

explained, in large part, by the constraints on the number of centers, and within them, the voting tables. Thirty-one percent of tables had been assigned more than 1,900 registered voters. (See chart, page 65.)

Nevertheless, *mesas* with at least 1,700 voters had three voting machines. There was an adequate number of voting machines to handle voter turnout. The delay was mostly due to the many steps of the voting process, which took more than one minute per voter.<sup>15</sup> In most instances, all voters were being processed through one queue. It would have been more efficient to have multiple queues, performing tasks in simultaneous fashion.

### ***Voting Machines***

Voting machines were distributed to handle up to 600 registered voters. Tables assigned more than 600 voters thus had more than one machine, yet a table

could only have up to three machines even though there were tables with more than 1,800 voters. If there were 100 percent voter turnout at those locations, it was anticipated manual ballots would be used for any additional voters above the 1,800 threshold.

The voting machines operated well, and voters were able to use the machines with relative ease. Carter Center and OAS observers saw very few cases in which voters were unable to vote due to time expiration. Operators were able to start the machines during openings, results transmission was executed almost flawlessly, and *acta* reports were printed out successfully.

### ***Fingerprint Machines***

Throughout the day, the number of inoperable fingerprint machines rose from 8 percent to 16 percent. Machines were inoperable primarily due to the lack of



*Voters line up outside a voting station in Caracas.*



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



PHOTOS 66 &amp; 67: NOAH FRIEDMAN-RUDOVSKY

President Carazo talks with table workers at a voting station in Caracas.

fingerprint machine operators.

There was much talk on the 15th that the fingerprint machines were slowing down the entire voting process. Yet it was the fact that too many voters were assigned to each table that primarily contributed to the length of lines. Long lines were seen in many centers in which fingerprint machines were not even present.

Fingerprint registration performance was very good in many voting centers and very slow in others. The primary problem observed in regard to poorly performing fingerprint registration was that it took between two and nine minutes to register the fingerprints of one particular voter. Observers reported that in many of these cases, the fingerprints appeared on

the computer screen consistently very lightly and the program requested that the finger be rescanned. In other cases, the operators clearly lacked the skills to assist the voter in placing his finger properly on the scanner.

### ***Additional Technical Concerns***

Minor problems occurred throughout the day. In less than 5 percent of the centers visited, machines did not have proper screens to protect the privacy of the vote. In addition, in roughly 30 percent of the centers visited, there were cases in which voters could not vote, most often due to a problem with their ID card. In most of these cases, the problem affected between one and 10 people; in two centers, it was estimated that more than 20 people had been turned away.

### ***Role of Plan República***

*Plan República* members were present at all voting centers visited by OAS and Carter Center observers except one. With very few exceptions, *Plan República* members were clearly helpful and courteous to voters and international observers. There were some reports, however, that *Plan República* members were checking ID cards at the entrance of various centers, contrary to the instructions issued the day before by the head of *Plan República*.

### ***Political Climate***

There were limited, and much fewer, reports of violence and intimidation during the recall referendum than during the earlier phases. Many persons were exhausted from, and frustrated by, the amount of time they had to stay in line. Reports of intimidation were received by OAS and Carter Center observers in 4 percent of the sites visited.

### ***CNE Response to Voting Problems***

As the day of the 15th progressed, it became clear that voting would not conclude by 4:00 p.m. Thus the CNE issued several directives to try to remedy the problem:

- Moving fingerprint machines to the end of the voting process



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

- Halting use of the fingerprint machines if necessary
- Dividing lines of voters, creating one for each table in the voting center
- Changing closing time to 8:00 p.m., then again to 12:00 a.m., allowing people to go home, eat, and return to vote. Venezuelan election law clearly establishes that all tables must stay open while there are voters in line.

By issuing these instructions, the CNE directorate showed initiative and good will in trying to remedy the problems at hand. Most centers throughout the country abided by the new closing times and made sure to stay open until all voters in line had voted. Most centers also implemented the order to divide lines according to tables. Yet the directives with respect to fingerprint machines were not always followed. International observers reported that 33 percent of centers visited claimed they did not receive instructions to halt use of the fingerprint machines. Local electoral boards were authorized to instruct individual centers about what to do with the fingerprint machines; thus, individual centers did not feel they themselves had the authority to act. Many centers seemed completely unable to get in touch with the local authorities. It is unclear why local boards were not readily available to centers or why they seemed reluctant or unwilling to act.

### Closings

Electoral law states that voting centers should close at 4:00 p.m. but should remain open as long as there are voters in line. However, as explained above, on Aug. 15 unprecedented long lines compelled the CNE to extend the time of closing, first to 8:00 p.m. and then to 12:00 a.m., to allow people to go

home to rest and return. Centers remained open as long as there were voters in line, thus some remained open until 2:00 or 3:00 a.m. Some centers did not have voters waiting in line at 8:00 p.m. and thus started closing before they received the 12:00 a.m. extension instruction.

Sixty-five table closings were observed by Carter Center and OAS observers. Only at one table was there an example of party witnesses or table members not agreeing with the electoral results. In all observed sites, table members had stamped “voter did not show up” in the spaces in the electoral notebook where this was indeed the case.

### *Random Audit Immediately After Closing*

The audit regulation issued on Aug. 12 stated that a random sample of 192 machines, 1 percent of the universe, should be audited immediately after polling station closure. This audit consisted of the review and counting of the paper ballot receipts of

*Edgardo Mimica presents team findings to Carter Center observers during a delegation debriefing.*



PHOTO: DAVID ROCHKIND



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

the sampled machines and comparing the results with the electronic tally.

The sample was drawn using a program written by university professors in Pascal that uses the Borland® Delphi™ environment native random function.

On Aug. 15 at 4:00 p.m. in the CNE's auditorium, the sample was drawn in the presence of a *Comando Maisanta* representative, *Coordinadora Democrática* representative, and technical experts from OAS and The Carter Center. The execution of the program was performed on a computer that was set up in the back of the auditorium with the projection on a large screen so that everybody could observe. The sampling program required a four-digit seed; two digits were provided at that moment by the *Comando Maisanta* representative and two digits by the *Coordinadora Democrática* representative. Immediately following, a printout of the program source code and the resulting sample and a disk with the executable program, input data file, and resulting sample were given to the *Comando Maisanta* and *Coordinadora Democrática* representatives and to the OAS and Carter Center technical experts.

The universe of the sample was the machines operating in the capitals of each state. The sample was stratified to a specific number of machines per capital proportional to the electoral population of each capital. The sample universe was reduced and stratified for logistical reasons. Each state CNE office had a specified number of auditors awaiting instructions to go to audit the machines drawn in the sample. Including machines in rural areas would have made it impossible for the auditors to reach the voting center on time in some places because of the travel distance or would have required the sample to be drawn earlier. An agreement with the parties beforehand had specified the sample should be drawn in the afternoon of voting day to prevent knowledge ahead of time of which machines would be audited.

Immediately after receiving the sample and program, Carter Center statistical and technical experts tested the sample generation program:

- They tested to find that with the same seed, the same output sample was produced.
- They tested to find that with a different seed, a different output sample was produced.
- They verified that the machines in the input file corresponded to the universe of machines.

Carter Center experts have concluded that the sample was truly random and is based on the universe of the machines that operated in state capitals.

The CNE appointed a group of auditors to perform this task and gave them instructions to go to the identified sampled polling stations. The political parties planned to observe the audit, but the international observers did not. Instead, the international observers were assigned to different centers, chosen randomly, to conduct the joint OAS-Carter Center quick count.

Nevertheless, Carter Center observers were able to witness six auditing processes. In only one of the six auditing sites observed by The Carter Center did the paper ballot receipt counting actually occur. In this place, the auditing was conducted by the *mesa* president, and the recount of the ballots produced exactly the same result as the *acta* printed by the voting machine. In the rest of the sites observed, the auditor appointed by the CNE did not allow the opening of the ballot box, explaining his/her instructions did not include the counting of the Yes and No ballots from multiple machines.

There were also complaints of military denying access to voting centers where audits were being conducted. Carter Center observers could not confirm this claim. The observers were informed by *Plan República* that they needed to restrict the number of people inside the polling station to a reasonable number that would allow the audit to be carried out in the presence of witnesses from both parties.

The CNE provided The Carter Center with copies of the audit reports of 25 centers. It was clear from the forms that the audit was not carried out in many places because the fields in the form were left empty, there were no signatures of pro-government or opposition



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



PHOTO: THE CARTER CENTER

*Observers Anne Sturtevant and Sandra Flores board a plane in Zulia to accompany ballot boxes selected for the audit to Caracas.*

witnesses, etc. The forms were poorly filled out, clearly showing inadequate training. The instructions issued by the CNE to the auditors were either incomplete or unclear. This is a direct consequence of issuing the audit regulation three days before the election. The final result was that the CNE squandered a crucial opportunity to build confidence and trust in the electoral system and outcome of the recall referendum.

### ISSUANCE OF RESULTS AND POSTELECTORAL PERIOD

About midnight on Aug. 15, the CNE asked Secretary-General Gaviria and President Carter to accompany the five directors to the totalization room to view the results. The two did so and then met with opposition leaders to tell them of the CNE's results and the mission's corroborating quick count results. The opposition also had similar quick count results but cited the exit poll contradicting the official results and expressed their deep skepticism.

The final result was 59 percent for the No vote and

41 percent for the Yes vote, defeating the petition to recall the president. The opposition rejected the results, primarily because opposition's exit polls carried out throughout voting day suggested the Yes vote would prevail by a similarly large margin. After results were announced at about 3:00 a.m. on Aug. 16, the *Coordinadora Democrática* continued to raise concerns that fraud had been committed. The Carter Center worked to assess the trustworthiness of the results through a more thorough assessment of the automated voting system, including ensuring that the machines a) recorded the individual vote, b) transmitted results correctly, and c) tabulated votes within the CNE server correctly.

To assess the question of whether or not the voting machines recorded the votes accurately, the CNE organized the audit the night of the election to count the paper receipts (*comprobantes*) in order to compare them with the electronic results (*actas*). The Center endorsed this concept, but due to the incomplete nature of the CNE audit described above, the OAS and The Carter Center proposed on Aug. 17 to the





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

National Electoral Junta (JNE) of the CNE a second audit to compare the paper receipts with the electronic results. This audit was conducted Aug. 19-21.

With the OAS, other international observers, and representatives of the *Comando Maisanta*, the Center observed a second audit to check paper receipts against transmitted results in 336 voting machines randomly selected from 150 voting tables. In the end, political leaders of the opposition decided not to observe the audit. A full report of the audit has been shared with the CNE and made available to the public.

The results of this second audit showed that the machines were extremely accurate. Only one-tenth of 1 percent variation between the paper receipts and the electronic results was found, and this could be explained by voters taking the paper receipts or putting them in the wrong ballot box (the latter was observed by Carter Center observers in many places). Additionally, a projection of the results of this sample closely matches the actual electoral results.

After the audit was complete, some members of the opposition claimed that the audit was not random and did not prove that fraud had not been committed. In light of these allegations, The Carter Center conducted several evaluations of such claims, carrying out

*Observer Nealin Parker looks on as CNE workers count paper ballots during the Aug. 18 audit.*



PHOTO: NOAH FRIEDMAN-RUDOVSKY

the appropriate statistical analyses as needed. The Carter Center has found no evidence of fraud. The Center conducted all necessary tests on the sample-generating program to ensure that it did indeed generate a random sample, selecting centers from the universe of all voting tables with automated voting machines. Statisticians working with The Carter Center have found no evidence of statistical anomalies, as statistics from the sample boxes accurately coincide with statistics from the entire universe of boxes containing automated ballots. For a complete response to the claims of fraud in terms of the second audit, please see the Appendices or <http://www.cartercenter.org/documents/1833.pdf>.

To measure the accuracy of the transmission, The Carter Center and the OAS performed a quick count, a projection of the results based on a statistical sample of the vote results at the *mesas*. On the evening of Aug. 15, Carter Center observers watched the closing of the voting station and recorded the number of votes, calling these in to headquarters in order to project a result statistically. Quick count results coincided with the CNE's full national tabulation of votes, with less than 1 percent difference. *Súmame* also announced that their quick count was similar to the official results.

To measure the tabulation of results within the CNE, The Carter Center took a sample of the results from the CNE's server and made a projection of the final results, confirming the accurate totalization within the CNE server.

With regard to the concerns of the opposition about the coinciding results within *mesas* (the alleged caps, or *topes*), after a careful scrutiny of the electronic data, The Carter Center found 402 *mesas* with two or three machines that had the same result for the Yes and 311 *mesas* with two or three machines with the same results for the No. At first, the Center, too, found these similarities strange and consulted with two foreign statisticians. Both confirmed that this frequency of repetition in the results is a mathematical probability. The fact that both No and Yes votes are affected further indicates a random occurrence and not a pattern of



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

fraud. See Appendices for further details.

### IMPUGNACIONES (COMPLAINTS AND APPEALS)

In the post-referendum period, opposition groups submitted three separate appeals to the Supreme Court calling for the recall referendum to be declared null and void. As of the writing of this report, the TSJ has not ruled on any of these claims.

The first two appeals, presented on Aug. 30 by two lawyers and on Sept. 15 by the political parties belonging to the *Coordinadora Democrática*, claim that certain aspects of the recall referendum were conducted in violation of the Venezuelan Constitution and the Organic Suffrage and Political Participation Law (LOSPP). Specifically, the appeals focus on the idea that the totalization and counting of results were in direct violation of these two documents. Both claim that according to the LOSPP, each paper ballot cast should have been counted and compared to the electronic results. Objections were also raised to the fact that the vote was automated and that results from the voting machines were transmitted to CNE headquarters before tally sheets were printed at each individual voting table. The authors of the appeals emphasize that, regardless of what is stated in the recall regulations, the LOSPP and the constitution have priority over any norms or regulations. We note the inconsistency in Venezuelan law, as the constitution requires automated voting while the electoral law requires public scrutiny of the vote count.

The third appeal was presented to the TSJ on Sept. 20 by a group of opposition deputies and claims that the CNE did not properly publicize or register names in the REP, the use of fingerprint machines violated the rights of the voters, the voting machines illegally transmitted data to CNE headquarters, and the parties were not all granted proper access to the totalization room. There were also allegations about the government actions in the period prior to the recall referendum and the attempt to manipulate voter turnout in order to guarantee government victory.

### Technical Reports

The opposition also presented two technical reports that denounce the totality of the recall referendum process. The first report, presented by Tulio Alvarez, is a preliminary report without concrete evidence, but it includes complaints against the president, the CNE, and Citizens' Power (comptroller general, the public defender, and the attorney general). It alleges fraud occurred before Aug. 15 through delays in the recall process, the express registration of illegal voters, the manipulation of the REP, and the decision to automate the voting process. It also claims fraud occurred on the 15th based on bidirectional communications between the machines and the totalization center, the existence of differing patterns of communication between different voting machines and CNE headquarters, and the transmission of data from voting machines outside proper transmission hours. Smartmatic officials explained that while there is always bidirectional communication between two machines as one confirms receipt of data from another, the machines were programmed to not receive any instructions from the central computer.

The report then continues and cites a phenomenon of "capping," in which an alleged statistically abnormal number of tables exhibit the same number of Yes votes. The claim that the voting results would not comply with Benford's Law also is cited as proof of fraud. These two statistical claims are addressed in the Appendices of this report.

The second report, presented by *Súmate*, is similar to the Alvarez report in that it aims to denounce the totality of the process. In all, 26 irregularities are presented, including claims that the REP was closed only 35 days before the recall rather than the required 60 days, involving movement of voters' assigned voting stations; the totalization was irregular; and opposition electoral workers were illegally dismissed.

Both reports focus, then, on discrediting the CNE and the recall for delays and irregularities before Aug. 15 and on statistical studies variously claiming the probability of fraud during the day of the referendum.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Perhaps the most frequently cited evidence of fraud during the day of the recall, which is presented in both of the technical reports, is the statistical analysis titled *The Black Swan*. This report claims that there is a 99 percent certainty that fraud was committed and that the audit conducted on Aug. 18 was not random. Again, these claims are addressed in the section on the second audit and Appendices of this report.

### COMPLAINTS ABOUT THE VOTERS LIST

During the months prior to the referendum, the opposition only referred to the voters list (REP) periodically. When the REP was mentioned, discussions were limited to the topic of voter “migration” and the failure of the CNE to abide by the time periods laid out in LOSPP concerning the REP closing and publication dates. Yet after the referendum, the opposition raised several new allegations regarding the state of the voters list, claiming that most of the newly registered voters during the three-month period before the referendum were registered irregularly. The following is a list of all complaints regarding the REP, raised before the referendum by the opposition to the observers.

**Close of the REP:** According to LOSPP, the REP must be closed 60 days prior to the date of a referendum in order to allow citizens to come forward and make corrections to any errors in registration. The opposition alleges that the CNE violated this regulation and only closed the REP on July 10.

**Publication of REP:** According to the LOSPP, the CNE must publish the REP with sufficient time before the referendum to allow citizens to determine if they are registered and to locate their polling stations. Yet the *Coordinadora Democrática* claims that the CNE only published the REP on the CNE Web page, which is not accessible to a large percentage of the population, and only did so for two days instead of the legally required five. In addition, there were numerous errors in the publication. Furthermore, the telephone service that was designed to allow voters to check their registration data was not functioning.

**Irregular Migrations and Exclusions:** According

to an audit performed by the *Coordinadora Democrática*, there were 57,000 irregular REP migrations, or cases in which citizens were assigned to vote at polling stations extremely far from their homes. In addition, the *Coordinadora Democrática* alleges that there were also 7,020 cases of voters who participated in the November 2003 signature collection but were excluded from the voters list in August 2004.

**Differences in the Electoral Notebooks:** The *Coordinadora Democrática* also alleges that while they received the database corresponding to the electoral notebooks on Aug. 10, they still have not received information regarding complementary notebooks.

After the referendum, the nature of the complaints changed to focus on the new voters registered in the three-month period before the referendum. As the Oct. 31 elections for governors and mayors approached, first COPEI and then the Association of Opposition Mayors and Governors (who became the voice of the opposition after the referendum) alleged that 90 percent of the 2 million voters newly registered before the recall lacked proper addresses and, therefore, were not legally registered. They alleged that this was in clear violation not only of Article 95 of LOSPP but also Paragraph I of this law, which states that the addresses of voters should be included in the copies of the voter information given to the political parties. The Association of Opposition Mayors and Governors also continued to stress the instances of voter migrations as well as irregular registration of foreigners. No global figures were given.

### ANALYSIS OF THE VOTERS LIST COMPLAINTS

#### *Historical Overview*

According to CNE officials, the Electoral Registry (REP) has been historically plagued by structural problems that can explain, to some degree, many of the inconsistencies or irregularities that have been detected. The information technology manager, Leonardo Hernández, stated that just one or two years ago, the registry was still operating on a completely outdated



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

technological platform, an IBM 4381 computer discontinued in 1989, which IBM had not serviced since 1991.

The REP software also was outdated. A 1987 version of the ADABAS database server was used, with programs that were developed using the Natural programming language. Using this software running on an IBM 4381 mainframe, it would take five days to update the database with the appropriate changes to the voters list.

The CNE acquired HP9000 servers with the support of the Ministry of Science and Technology and PDVSA. Oracle was used to manage databases, and a new voters list application was developed in Visual Basic. Additionally, an application written in PHP was developed to store the data from the signature collection forms used for the signature verification process.

The transfer of the REP from the old IBM mainframe into the new Oracle database on the HP servers led to a series of additional difficulties due to problems that frequently occur when moving information from one system to another. Nonetheless, the REP underwent constant cleansing, with the idea to implement, in the medium term, a registry based on the identification of the voter's fingerprint so that the electoral notebooks could become entirely electronic. The notebooks would have each vote's fingerprint and photo on the screen. Therefore, according to Hernández, the problems and criticisms of the REP must be placed in perspective, considering, among other issues, the dramatic transformations experienced by the registry in an extremely short period of time.

### **Migrations**

As to the opposition's complaints regarding the irregular "relocations" or "migrations" of voters, the CNE, according to Hernández, processed all the claims it received. The report prepared by his office showed a total of 133,532 claims or challenges processed: 65,507 of them (49.5 percent) successfully; 45,554 (34.11 percent) even before the complaints were filed; 18,475 (13.85 percent) rejected for different reasons (errors in the *cédula* numbers or inconsistency in the names or

dates of birth); and 3,996 (2.99 percent) repeated.

Although the CNE may act on its own initiative, Hernández said that in this case, the institution simply responded to specific complaints. A delegation of CNE officials was sent to the address of each supposed irregularity to confirm whether the voter really lived at this address or not. In case he did not, his REP address was automatically changed to his previous place of residence. (The CNE officials were not empowered to investigate the voters' current domiciles.) The CNE reported that 47,286 reallocations of this nature were made.

### **The *Súmate* Audits**

The only two audits of the Electoral Registry performed during the referendum process were conducted by the civil society organization *Súmate*. The first audit took place in the second half of 2003, based on an August 2003 REP cutoff point, and the second one was performed a few weeks before the referendum, with the cutoff date corresponding to July 2004.

The purpose of these audits was to "estimate and quantify" the existence of possible inconsistencies in the registry, based on interviews of voters selected by a random sample. The first study showed very low percentages of error (0.13 for *cédula* numbers, 1.64 for first and last names, and 1.88 for dead people not yet expunged) and, therefore, the registry was considered to be a "reliable" basis for a national electoral process. The existing inconsistencies were considered to be reasonable and in conformity with international standards and easily reparable through an adequate data-updating campaign. The audit also found that "a large number of citizens" had not yet been registered.

The second study was done several weeks before the referendum and was based on a representative sample of 11 of the 24 states in the country, covering 75 percent of the total population. Similar to the first audit, the technique consisted of visiting the voters selected in the sample to compare the CNE database with the voters' real data. The sample dealt separately with three types of voters: new registries (between August 2003 and July 2004); voters who had changed



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

their voting center; and excluded voters, deceased people, or convicted criminals.

The results of the audit showed that errors in the registry occurred in the case of only 115,025 persons, accounting for less than 1 percent of the total registry and estimated at that time to cover 14,245,615 eligible voters. Only 32,645 “relocated” voters and 58,281 new voters were not found at the addresses registered as their residence, and it was, therefore, assumed that about 91,000 persons had domicile problems.

Given the historic problem with keeping an easily updated and accurate voters list in Venezuela, and given the ad hoc nature of the express naturalizations and voter registration, we consider it vital to conduct a third-party external audit of the voters list and to develop a modern database system to maintain the list, as discussed in the following recommendations.

### MEDIA MONITORING

In recent years, the media in Venezuela have become increasingly polarized, often fueling tensions around key electoral and political issues and thus exacerbating the conflict in the country. Many owners of private media openly stand in opposition to President Chávez, creating an environment of intense distrust between the government and this sector. On the other hand, the president himself has been very vocal in his opposition to the private media, and government supporters have physically attacked private media buildings on several occasions. Divisive and at times inflammatory media reporting was observed from the beginning of the recall initiative.

Due to the antagonistic relationship between the media and the government, The Carter Center facilitated a consensus-building process among private television owners, the minister of information, public television representatives, and the CNE directors. After many rounds of discussion, an agreement was designed outlining general guidelines to regulate the behavior of both the private and the public media during the recall campaign period. These guidelines that were acceptable to all parties were handed in to the

CNE, ultimately leading to CNE Resolution No. 040701-1069 on July 1, 2004.

As an integral part of the observation mission, The Carter Center, along with the Norwegian government, helped support a short-term media monitoring project in the period prior to the recall referendum, July 16-Aug. 15. The project was run by *Grupo de Monitoreo de Medios* (GMM), an organization headed by Norwegian media specialist Stein Ove-Gronsund. Through this initiative, GMM and the Center hoped to raise consciousness about the need for neutral media coverage and “editorial accountability” in Venezuela, even during divisive political events. The initiative could also serve to inform the broader international community on the subject.

Programs were marked by the GMM team of monitors if they mentioned the recall referendum itself or the government or opposition campaigns, and different codes were used to indicate if the material was neutral or biased toward one side or the other. In total, 6,974 pieces of material were coded and analyzed.

GMM worked throughout the campaign period to address any problems they saw occurring, reporting to The Carter Center any deviations from the agreement. This mechanism helped to address many specific issues, the most notable during the last week of the campaign when time slots set aside for campaign advertising were doubled and the requirement that a committee created by the CNE must preview campaign spots, which could be construed as prior censorship, was lifted.

After the completion of the project, GMM found that media coverage, when viewed in its entirety, considering total coverage in radio and television combined, was less imbalanced than originally believed.

When considering the extent to which each side was represented in media coverage, there was a clear division between government officials or sympathizers appearing in public media talk shows and opposition officials appearing in private media talk shows. This was predictable.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



PHOTO: NOAH FRIEDMAN-RUDOVSKY

*This Carter Center team observed the recall referendum.*

Biases behaved along predictably similar lines, with most private stations showing a bias toward the opposition and the public stations showing a bias toward the government. One particular problem was that debate/ opinion shows on private channels seemed especially biased in favor of the opposition. The frequent appearance of government-sponsored *cadena*s, mandated broadcasts of presidential statements and activities, was also problematic.

Yet despite these differences in coverage, when looking at the whole picture, the effects of the biases appear to balance out. Unofficially, in the television sector, the private channels command a much larger audience than the public channel, yet in the radio sector, the public channels command a much greater audience. Also, negotiated agreements on inviting speakers from each side led to improvement in the balance of speakers during the campaign.

### RECOMMENDATIONS FOR FUTURE RECALL REFERENDA

■ *The voting process, whether or not it includes automated voting machines, must be streamlined and procedures put into place to allow voters to vote more expeditiously.*

■ *To increase confidence in automated voting machines, a successful election day audit after closing (a count of paper receipts immediately after the close of the polls) must be performed during the next election. The size and procedures of this audit should be decided by the CNE in consultation with the political parties. The tally sheets (actas) should be printed before transmission to avoid suspicion or possibility of central computers giving instructions to the machines. All software and other related certifications should be observed by political parties and should receive independent, third-party certification.*



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

■ A larger pool of trained election/poll workers now exists in Venezuela. The CNE should capitalize on this new resource and create additional and timely training programs.

■ The active participation of Plan República troops in the administration of the electoral process, such as checking national identity cards, should be reviewed with the aim of removing the military from any allegations of intimidation or impeding the election process.

■ The internal divisions, lack of transparency, and ad hoc decision-making practices of the CNE led to unnecessary suspicion and lack of confidence in the referendum process and the CNE as an institution. The CNE directorate needs to review its internal communication and coordination; communicate with, and consult much more regularly, with the political parties; and put in place much greater mechanisms of transparency to restore confidence in the electoral process.

■ The CNE should be much more open to national and international observation by credible and experienced groups. Such observation will enhance confidence in the process and help ensure transparency, integrity, and legitimacy of the process, which only helps to enhance respect and confidence in the CNE.

■ The controversy over the REP has been exacerbated by the secrecy behind it. The Carter Center urges the CNE to give a copy of the REP to both the opposition and the government parties and to have an independent third party properly audit it. This audit includes analysis of the addresses in the REP. The privacy of the addresses can be protected, if legally required, by having an external auditing firm agreed upon by all parties perform the audit.

Another way to ease concerns would be to ensure that both parties have the opportunity to exercise controls over the voter registration process. During the Fourth Republic, an unwritten agreement existed between the two leading parties that an opposition representative (a representative of the party not in power) would always head the *Fiscalía de Cedulación*, the entity that issues controls over ONIDEX, the governmental office in charge of issuing *cédulas*. The Carter Center urges the CNE to return to this arrangement. In this way, both parties could oversee the registration of voters and could object to any registration that they deemed questionable.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

CONCLUSIONS AND LOOKING  
TOWARD THE FUTURE

On Aug. 15, 2004, Venezuelans came out in record numbers to participate in the first popularly mandated presidential recall referendum ever to be held. In doing so, the Venezuelan people voted not to recall President Chávez from office, with 59 percent of the population voting for Chávez and 41 percent voting against him. It is the opinion of The Carter Center that the Aug. 15 vote clearly expressed the will of the Venezuelan electorate. The Center did not observe, and has not received, credible evidence of fraud that would have changed the outcome of the vote.

Nonetheless, the recall referendum process suffered from numerous irregularities throughout the entire process, most centering around the lack of transparency of the CNE in its decision-making and its ad hoc implementation of the recall referendum process. Regulations were issued late, were incomplete, and/or were unclear. The divisions that existed in the CNE body itself were extremely problematic, but they reflected the divisions in the country. In the highly charged political environment, it was difficult, and arguably impossible, for CNE directors to stand separate from the political divisions and discourse. The government and the opposition often put the CNE in the position of negotiating and brokering agreements, a position from which it was difficult to move.

It is important to reflect also on the fact that through the *reparo* phase of the recall, the CNE was administering three simultaneous recall petitions, those for government deputies, opposition deputies, and President Chávez. Work on each recall sometimes occurred sequentially and other times simultaneously. These dual processes slowed down the presidential recall process, and as of the writing of this report, the deputy recalls have yet to be carried through to conclusion. Having a limited capacity to manage one event, the CNE could have made a decision early on to focus

solely on one event, enabling a more swift administration of the presidential recall. Interested parties could have pressured the CNE in this regard.

With the CNE directors failing to communicate effectively with one another, yet still making individual statements to the press about the process, the electorate received confusing and contradictory information. The inconsistencies and irregularities contributed to low voter confidence in the electoral system and, in some sectors of the population, in the results of the referendum itself. The Carter Center urges the National Electoral Council to learn from this recall experience and take steps to remedy the problems and difficulties that were encountered.

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*The recall referendum was an opportunity for citizens to express their opinion about the continued mandate of President Hugo Chávez. It alone could not solve the underlying differences within the society.*

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After observing the 1998 presidential and 2000 megaelections in Venezuela, both of which used automated voting systems, The Carter Center put forward multiple recommendations for reform to the CNE. Recommendations centered on improving the Electoral Registry, expediting the voting process, conducting proper audits of machines and results, and improving the technical competence of the CNE, among others. The Carter Center notes that many of the recommendations previously put forward have not been enacted and remain relevant. Had the previous recommendations been put into place, perhaps some of the problems that occurred during the recall could have been avoided.





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## TOWARD THE FUTURE

The recall referendum was an opportunity for citizens to express their opinion about the continued mandate of President Hugo Chávez. It alone could not solve the underlying differences within the society. Attenuating the divisions will take strong efforts by the government, the opposition, supporters of both sides, and independent citizens. It will require mutual assurances among opponents for minimal levels of respect, tolerance, safety, and avenues for political participation as well as an intentional reinforcement of democratic institutions by all the political forces.

The first task will be to restore confidence in the electoral process for those citizens who are uncertain or who came to distrust the electoral process. The electoral process is a fundamental basis of democracy. It provides for the contingent consent of democracy: Those who lose in one competition accept their loss based on the assurance they will have a fair chance to compete again in regularly scheduled elections. Elections also provide one of the principal means for citizens to hold accountable those they have chosen to govern, for citizens have the ability not only to elect but also to remove their leaders from office.

The government, the CNE, and all political parties have a heavy responsibility to ensure citizens' trust in the electoral process. For this reason, we urge much greater transparency, a complete pre-electoral and post-electoral audit of the voting machines, regular communication and consultation with the political parties, and unrestricted access for experienced and organized international and national observers who have made the proper application for credentials.

The second task will be to ensure electoral competition is conducted on as equitable a basis as possible. Every democracy in the world struggles with this challenge. It includes issues of campaign finance, access to the media for advertising, balanced news coverage of campaigns, nonabuse of state resources, and the right to campaign without fear of harassment or intimidation. Venezuela is one of the few countries in the

hemisphere without some provision for public financing to contribute to the equitable opportunity for citizens and parties to compete for public office. Nevertheless, during the recall referendum, the CNE devised an innovative method of providing for public financing of television ads. We urge the National Assembly and the CNE to consider provisions to regulate political income and expenditures and to provide for equitable opportunity for competition in the future.

During the recall campaign, the agreement on media advertising, coverage of the campaign, and monitoring of media showed promise for the future. The systematic monitoring of public and private television and radio carried out by a Norwegian team, in association with The Carter Center, found some improvement during the campaign in terms of balance of coverage and invitations to both sides to participate in talk or opinion programs. We urge continued attention to this matter.

Intimidation and harassment of voters, whether real or perceived and from any actor, are not acceptable. Loss of jobs or benefits must never be a consequence of the free choice of the electorate.

A third task will be for the government to assure all Venezuelans that it governs on the behalf of all citizens, not just partisan supporters. The government's responsibility is to lead, to reach out to its opponents, and to consult broadly on significant national policy changes through democratic institutions, such as the national legislature and other consultative mechanisms that may be established. We urge the government to engage political and social sectors in meaningful dialogue toward a new national vision that can articulate the dreams and goals for all Venezuelans. More detailed plans of action would be up to specific actors, including, perhaps, sectoral dialogues in addition to the National Assembly and national government. The national government in partnership with regional and local governments must implement them.

A fourth task is for opposition political actors, as well as opposing social actors, to serve as a constructive



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

opposition through the National Assembly and any other meaningful consultative mechanisms established. The political opposition has the responsibility to express its complaints about electoral processes through the proper electoral and legal channels and when those complaints are satisfactorily answered, to recognize the legitimate victors of an electoral process. Any actor who opposes a government also has the responsibility to express differences through peaceful and constitutional means.

A fifth task will be to strengthen Venezuelan institutions to ensure the checks and balances vital to democracy and to enhance the capacity of the state at all of its levels to address the needs of the country and deliver required services. In the conclusion to our report on the 2000 Venezuelan elections, we said, “A strong democracy requires institutions that can serve as intermediaries between government and citizens. Otherwise, a political system may not weather the inevitable fall in popularity of a political party or an individual leader. If political institutions such as the courts, Citizens’ Power, and the electoral branch become dominated by the president’s partisans or fail to serve as a balance to executive power, Venezuela risks repeating the mistakes of the pre-Chávez years,” such as the centralism of *Punto Fijo* and the unilateralism of the *Trienio*.

Along these lines, we urge members of the National Assembly to engage in serious dialogue and negotiations for the naming of such important positions as Supreme Court magistrates, a permanent CNE, and the Citizens’ Power, with strong multi-partisan support. We urge the government to engage civil society organizations and private sector organizations to seek ways to strengthen the capacity of the state to deliver the needed social services and infrastructure to improve the lives of all Venezuelans. We urge the national government to work directly with the new subnational governments elected Oct. 31 and to provide the obligated resources to those governments as determined by national legislation.

Finally, a sixth task is social reconciliation and the renewal of mutual respect, interpersonal trust, and tolerance. One of the most distressing developments in Venezuela in recent years is the division of the country, of cities, of neighborhoods, and even families. The absence of a minimum level of personal respect characterizes public discourse through the mass media and personal confrontations among neighbors who may hold a different political opinion. Physical safety is threatened when public discourse rises to the extreme of falsely singling out individuals as culpable for a country’s ills and when armed gangs intimidate and even harm unarmed citizens.

The media culture of Venezuela exacerbates, rather than defuses, divisions and conflict in the country. It encourages opponents to communicate through the press rather than negotiate directly. The practice of both public and private media reporting any statement by any protagonist without investigation or fact checking encourages the spread of misinformation, inflammatory rhetoric, and the perpetuation of two opposing virtual realities.

We applaud community groups, human rights organizations, and networks of civil organizations such as *Paz en Movimiento*, *Fortalecer la Paz en Venezuela*, and many others who are striving to overcome this extreme breakdown in interpersonal trust and tolerance. We view this breakdown as the most serious threat for the future of Venezuela as a country. We urge these groups to continue their work. We urge all Venezuelans to acknowledge that the country requires the contributions of all of its citizens to advance and that no group or sector can be eliminated or excluded.

We offer these conclusions and recommendations in the spirit of continued cooperation with, support of, and respect for the sovereign country of Venezuela.



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## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

# OTHER CARTER CENTER ACTIVITIES IN VENEZUELA

### OBSERVATION OF THE 1998 PRESIDENTIAL ELECTION

The Carter Center first became involved in Venezuela in 1998, when it was invited to observe the Dec. 6 presidential election. At the time, while Venezuela had long been one of the strongest democracies in Latin America, it was emerging from a turbulent decade that included a severe financial crisis, decreasing oil revenues, two failed coup attempts, and the indictment and impeachment of a president. Tensions in the country were high and only increased as the elections drew nearer.

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*The Carter Center deployed an observation team for the 1998 presidential elections, finding the elections were free and fair with Hugo Chávez the decisive victor, taking 56 percent of the vote.*

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To further concerns, the country was experiencing significant changes to the electoral system. The traditional two-party system seemed to be on the demise as new, independent candidates emerged, the most prominent of those being a former coup leader, Hugo Chávez. A new, nonpartisan election council had just been appointed. Venezuela also planned to use automated voting machines for the first time in an electoral event. These changes in the political and electoral climates brought about uncertainty and anxiety among many in the electorate. International observation was requested to ensure a fair process.

The Carter Center deployed an observation team for the 1998 presidential elections, finding the elections were free and fair with Hugo Chávez the decisive victor, taking 56 percent of the vote. It was clear that the electorate was eager for the change that Chávez

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*Between the 1998 and 2000 elections, The Carter Center maintained a nearly constant presence in Venezuela and conducted 10 study missions.*

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promised. While the Center observed no significant problems on voting day, recommendations were put forward suggesting reforms for future elections. See the Carter Center final report on the 1998 election observation at [www.cartercenter.org](http://www.cartercenter.org) for further detail.

### OBSERVATION OF THE 2000 MEGAELECTIONS

Once in office, Chávez began to carry out the reforms he had promised, beginning with the drafting of a new constitution, which was approved by voters in December 1999. He also called for new elections for every elected official in the country, thus initiating a two-stage election that would take place in July and December 2000. Between the 1998 and 2000 elections, The Carter Center maintained a nearly constant presence in Venezuela and conducted 10 study missions. For the 2000 presidential election, the Center mounted a second observation mission. While the mission found that Chávez won with 59 percent of the vote and the results of the presidential election reflected the will of the electorate, it also concluded that there were significant election irregularities and that the poor organization and politicization of the CNE led to a lack of confidence in the results of the legislative and regional elections. See the Carter Center final report on the 2000 election observation at [www.cartercenter.org](http://www.cartercenter.org) for further detail.

### ONGOING MONITORING AND MEDIATION

In April 2002, tensions in Venezuela came to a head, and opposition groups organized a general strike



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

and led a series of mass marches that ultimately resulted in Chávez's removal from office. After two days, he returned to power and initiated a dialogue with his opponents. When that dialogue floundered, President Chávez asked The Carter Center for assistance, which resulted in a cooperative initiative of the OAS, UNDP, and Carter Center to offer facilitation between the government and the opposition through the Table of Negotiation and Agreement. Talks began in November 2002 amidst continuing street marches and plans for a general strike, which occurred December 2002-January 2003. The strike devastated the Venezuelan economy but failed in its goals of requiring a consultative referendum on Chávez's continued rule and, ultimately, his resignation.

The OAS and The Carter Center acted as facilitators for the duration of the talks at the Table of Negotiation and Agreement. In May 2003, the opposition and government came to an agreement at the table, paving the way for the recall referendum to be held.

### SUPPORT TO STRENGTHENING PEACE IN VENEZUELA

When The Carter Center was invited to Venezuela to facilitate high-level negotiations through the Table of Negotiation and Agreement, the Center also helped to launch an initiative called Strengthening Peace in Venezuela (SPV). The idea behind SPV was that while high-level negotiations were important in solving the political conflict in the country, they did not necessarily address the climate of polarization, intolerance, and division that was sweeping the country and affecting

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*To reduce polarization and bring about sustainable, long-term reconciliation, SPV began to work to bring about change from the ground up. The initiative has worked directly with communities to help citizens learn to understand, cooperate, and live with one another despite political differences.*

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all levels of society. To reduce polarization and bring about sustainable, long-term reconciliation, SPV began to work to bring about change from the ground up. The initiative has worked directly with communities to help citizens learn to understand, cooperate, and live with one another despite political differences. Through providing opportunities for networking local organizations and individuals, providing training in conflict management, and organizing various seminars and workshops, SPV has tried to create the emergence of a new force in Venezuela, a force that would work for peace and tolerance rather than conflict and confrontation. The initiative has been run in conjunction with the UNDP under the guidance of Dr. William Ury and the direction of Francisco Diez and Ana Cabria Mellace.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## RECALL OF DEPUTIES SUMMARY REPORT

Initially, in addition to the attempt to recall President Chávez, both government and opposition groups also put forth requests to recall various deputies of the National Assembly. The CNE accepted these requests and scheduled two signature collections. The first signature collection was held Nov. 21-24, with the aim of collecting signatures against 37 opposition deputies, while the second signature collection was held Nov. 28-Dec. 1, with the aim of recalling the president and 33 pro-government deputies. The Carter Center observed both collections, deploying 22 observers for the first weekend and 24 for the second. The Carter Center found similar results for both weekends, as both were mostly free of violence, with citizens able to sign if they so wished.

Signatures for deputy recalls went through the CNE verification process, and it was found that enough signatures had potentially been gathered to recall 17 deputies. A *reparo* period was scheduled for May 21-23, but on May 20, the CNE cancelled three of the *reparos*, citing that it would be impossible for enough signatures to be gathered to successfully call for a recall of these officials. Thus, ultimately, only petitions against 14 deputies went forward and were entered into the *reparo* phase.

The Carter Center deployed 20 international observers to observe the *reparo* period for the deputies, while the OAS deployed 10 observers. Together, the joint mission of the OAS and The Carter Center covered a total of 412 centers, which represents approximately 93 percent of the centers established. The environment was extremely calm, with absolutely no reports of violence or intimidation and an extremely low turnout.

Once the *reparo* period ended, it was confirmed that signatures had been collected to provoke a recall for nine opposition deputies. Yet as of the writing of this report, there have been no recall referenda held to determine the fate of these elected officials.

The Carter Center observed the entirety of the recall processes for the deputies, absent the yet-to-be-held recall referenda. The process for the deputy recalls was subject to the irregularities and inconsistencies observed during the presidential recall process. Procedures for the deputy process, while implemented in conjunction with presidential recall procedures, often slowed down or delayed implementation of the presidential recall. A negotiated agreement between political parties decided to hold the presidential recall first. As the deputy recall has not been held to date, the rights of those citizens who have called for the recall of these elected officials have not been fully realized.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## 1

## KEY TERMS

**Acción Democrática** Democratic Action party. The traditional social democratic party in Venezuela that dominated, along with COPEI, Venezuelan politics from 1958 to 1993

**Acta (de Cierre/Escrutinio)** Tally sheet filled out at each voting table at the end of the day during an electoral process

**Acta (de Distribución)** Tally sheet filled out at each voting table at the beginning of the day during an electoral process

**Automatización** Name given to the automation of the voting process

**Cédula** National Identification Card

**Cedulación** Process of issuing *cédulas*

**Citizens' Power** The branch of the Venezuelan government consisting of the public prosecutor, the comptroller general, and the ombudsman

**Comando Ayacucho** Pro-Chávez organization during the *reparos* and the signature collection, in charge of promoting recall of opposition officials

**Comando Maisanta** Pro-Chávez organization running the No campaign against recalling President Chávez prior to and during the recall referendum

**Comprobante** Paper ballot receipt emitted from the touch-screen machines after each vote

**Coordinadora Democrática** The primary opposition coalition prior to and during the recall process, *Democrática* was comprised of several nongovernmental organizations, labor unions, and numerous political parties

**COPEI** *Comité de Organización Política Electoral Independiente* party. The Christian democratic party that, with AD, dominated Venezuelan politics from 1958 to 1993

**Cuadernos** Electoral notebooks created by the CNE and used by voters during the *reparos* and the referendum to manually record their data

**Electoral Material** Election materials, including petition forms, electoral notebooks, etc.

**El Firmazo** Signature collection process that took place in February 2003, with the aim of collecting signatures in order to recall President Chávez. These were later rejected by the CNE, and a new signature collection (*El Reafirmazo*) was organized

**Impugnación** Legal challenge, used in this case by the opposition in rejecting the results of the referendum

**Junta Municipal Electoral** Electoral Municipal Board

**Ley Orgánica de Sufragio y Participación Política** Venezuelan Electoral Law

**May Accord** Agreement between the opposition and the government paving the way for a recall referendum to occur as a possible solution to the country's political crisis

**Mesas** Voting tables

**Miembros de Mesa** Poll workers

**Migraciones** Migrations of voters that occurred before the recall referendum. The opposition claims that many voters were assigned to voting centers far from their homes, often in different states

**Misión Identidad** Government-led mission to register people as citizens of Venezuela and issue them *cédulas* before the recall referendum

**The National Electoral Council (Consejo Nacional Electoral)** Responsible for organizing all electoral events in Venezuela



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

**OAS** The Organization of American States, which formed part of the Tripartite Mission in conjunction with The Carter Center and the United Nations Development Programme

**Plan República** The role of the military during elections

**Planillas** Petition sheets used during the signature collections

**Planillas Planas** Petition sheets from the signature collections that, according to the CNE, had two or more lines that appeared to have been written in similar handwriting. These *planillas* were considered invalid but were sent to *reparos* so citizens could reaffirm/withdraw their signature.

**Punto Fijo** System in which two political parties, AD and COPEI, dominated Venezuelan politics from 1958 to 1993 by alternating power

**El Reafirmazo** Signature collection process that took place Nov. 28-Dec. 1, 2003, with the aim of collecting signatures in order to recall President Chávez

**REP** *Registro Electoral Permanente*, or the Venezuelan voter registry

**Reparo Process** The process held May 28-30, 2004, in which citizens were able to “correct” their signature after the verification process, either by affirming that they did indeed sign during the signature collection or by removing their signature from the petition

**SAES3000** The electronic voting machines made by Smartmatic and used in the Aug. 15 recall referendum

**Sala Situacional** Situational Room at the CNE during an electoral event

**Smartmatic** The company contracted to provide the automated voting machines used during the recall referendum

**Súmate** Civil society group involved in the recall process

**Table of Negotiation and Agreement (Mesa de Negociación y Acuerdos)** Forum that brought together the opposition and the government, from June 2002 to May 2003 to talk about their differences and try to negotiate possible solutions to the country’s political crisis

**Totalization** The adding up of votes from around the country to come up with the final vote count on election day

**Voting Center** Location where citizens go to vote, usually consisting of one to three voting tables



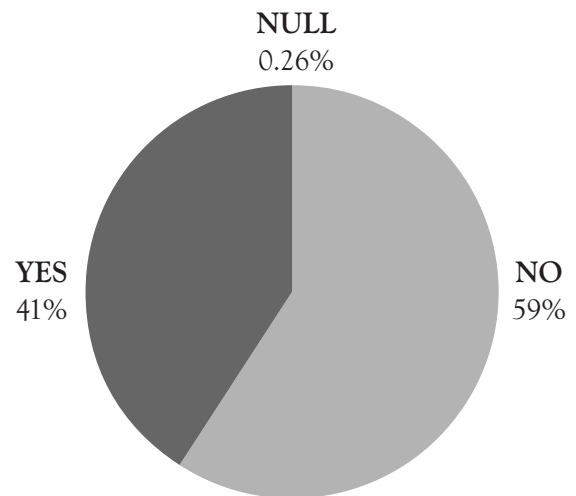
## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

**2****PRESIDENTIAL RECALL REFERENDUM:  
AUGUST 15, 2004, RESULTS****QUESTION POSED:**

“¿Está usted de acuerdo con dejar sin efecto el mandato popular, otorgado mediante elecciones democráticas legítimas al ciudadano Hugo Rafael Chávez Frías, como presidente de la República Bolivariana de Venezuela para el actual periodo presidencial?”

**SUMMARY OF ELECTORAL PARTICIPATION  
AND RESULTS**

	<b>TOTAL</b>	<b>%</b>
Total Electoral Population	14,037,900	~
Total Voters	9,815,631	69.92
Total Votes Counted	9,815,631	100.00
Abstention	4,222,269	30.08
<b>Total Valid Votes</b>	<b>9,789,637</b>	<b>99.74</b>
Total Null Votes	25,994	0.2648
Total <i>Actas</i>	23,873	~
<b>Total <i>Actas</i> Counted</b>	<b>23,682</b>	<b>99.2</b>
Votes NO	5,800,629	59.0958
Votes SI	3,989,008	40.6393
Votes Nulo	25,994	0.2648

**GRAPH OF RESULTS**





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

CHART: Summary of Electoral Participation and Results by State

State	Electoral Population	Total Voters		Abstention		NO		SI		Null	
		Total	%	Total	%	Total	%	Total	%	Total	%
Amazonas	59925	40558	67.681	19367	32.319	28522	70.324	11713	28.88	323	0.796
Anzoategui	715487	484351	67.695	231136	32.305	261877	54.068	221074	45.643	1400	0.289
Apure	215230	153285	71.219	61945	28.781	103642	67.614	49117	32.043	526	0.343
Aragua	850403	607750	71.466	242653	28.534	413174	67.984	193925	31.909	651	0.107
Barinas	366052	270040	73.771	96012	26.229	186901	69.212	81942	30.344	1197	0.443
Bolivar	670122	441582	65.896	228540	34.104	293027	66.358	147001	33.29	1554	0.352
Carabobo	1113967	766718	68.828	347249	31.172	435244	56.767	330501	43.106	973	0.127
Cojedes	159331	116709	73.249	42622	26.751	78143	66.955	38093	32.639	473	0.405
Delta Amacuro	81933	50373	61.481	31560	38.519	35446	70.367	14401	28.589	526	1.044
Distrito Capital	1331272	922210	69.273	409062	30.727	516840	56.044	405360	43.955	10	0.001
Falcon	480376	338274	70.419	142102	29.581	193639	57.243	142711	42.188	1924	0.569
Guarico	370116	257854	69.668	112262	30.332	183007	70.973	74219	28.783	628	0.244
Lara	904455	655363	72.459	249092	27.541	424394	64.757	229266	34.983	1703	0.26
Merida	444023	327712	73.805	116311	26.195	176438	53.839	150087	45.798	1187	0.362
Miranda	1487107	1064887	71.608	422220	28.392	542095	50.906	521536	48.976	1256	0.118
Monagas	425121	306356	72.063	118765	27.937	186763	60.963	118923	38.819	670	0.219
Nueva Esparta	232904	163887	70.367	69017	29.633	81887	49.966	82000	50.034	0	0
Portuguesa	424921	310980	73.185	113941	26.815	226569	72.856	82236	26.444	2175	0.699
Sucre	482413	311997	64.674	170416	35.326	208865	66.945	101617	32.57	1515	0.486
Tachira	585836	415064	70.85	170772	29.15	209818	50.551	203805	49.102	1441	0.347
Trujillo	375673	270575	72.024	105098	27.976	179329	66.277	89899	33.225	1347	0.498
Vargas	204962	142014	69.288	62948	30.712	91184	64.208	50582	35.618	248	0.175
Yaracuy	304877	224289	73.567	80588	26.433	135099	60.234	88287	39.363	903	0.403
Zulia	1698192	1139194	67.083	558998	32.917	605383	53.141	530607	46.577	3204	0.281
Exterior	50588	33609	66.437	16979	33.563	3343	9.947	30106	89.577	160	0.476



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

### 3 AUDIT OF THE RESULTS OF THE PRESIDENTIAL RECALL REFERENDUM IN VENEZUELA

FINAL REPORT 26/AUGUST/2004

#### Objective

The following questions are expected to be answered by this audit of the manual recount of voting receipts (*comprobantes de votación*) in the ballot boxes:

Does the electronic result transmitted by the voting machines (shown on the respective tally sheets) coincide with the manual recount of the receipts deposited in the respective ballot boxes, or not?

Is there a discernable bias in the discrepancies found in favor of either the “Yes” votes or the “No” votes?

To that end, the audit compared the results obtained by a manual recount of the receipts for the YES and NO options with the results that had been generated by the voting machines and then transmitted to the National Electoral Council (CNE) totalization system. In all, sixteen observers from The Carter Center and twenty observers from the Organization of American States (OAS) observed as CNE auditors sorted and counted over 135,000 voting receipts. International observers contributed 1,700 hours of work over three days and CNE auditors, *Comando Maisanta* witnesses, and another group of European observers also put in a myriad of hours in order to complete the task at hand.

Both the *Comando Maisanta* and *Coordinadora Democrática* were invited to witness the audit; however, the latter declined participation.

#### Sample

In the CNE meeting room at 7:00 p.m. on August 18, 2004, a working sample of 150 polling stations (*mesas*) was selected, along with an additional 50 stations, thus producing a total sample of 200 polling stations. The purpose of these 50 additional stations

was to make it possible to complete the sample, should the margin of error or reliability be affected by the absence of any of the first 150, due to the inability to find a ballot box or because the respective electoral material needed within any of the boxes was incomplete or damaged.

The polling stations were selected as a simple random sample from the 8,141 automated polling stations throughout the country.

The sample was generated by CNE staff using a simple software program with the following characteristics and procedures:

- The program was the same as that used to obtain the sample generated on the day of the referendum (in order to conduct the audit immediately [*en caliente*]), modified to work at the polling station rather than voting machine level.

- The program was a Delphi (Pascal programming language) application. The international observers were given a copy of the executable file, the source code, the input file (i.e. list of the 8,141 automated polling stations), and the output file (i.e. the random list of the 200 automated polling stations).

- The sample was generated during a public ceremony broadcast live on television by Channel 8 and in the presence of *Comando Maisanta* representatives, and international observers from the Carter Center, the OAS, and another group of European observers. The *Coordinadora Democrática* did not attend this ceremony.

- There were several test runs of the program conducted prior to the generation of the sample and observers checked to see that the output file was deleted.

The sample produced the following distribution:

- 150 polling stations and 359 voting machines distributed over 21 states.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

STATE	STATIONS	STATE	STATIONS	STATE	STATIONS
Capital	16	Aragua	10	Carabobo	11
Anzoategui	9	Barinas	5	Cojedes	1
Guarico	4	Lara	11	Merida	6
Miranda	18	Monagas	5	Portuguesa	1
Sucre	4	Tachira	8	Trujillo	4
Yaracuy	4	Zulia	18	Vargas	3
Apure	2	Bolivar	6	Falcon	4

The margin of error in this sample was 3%, with a level of confidence of 95%.

### Description of the Procedures Used To Audit the Boxes Containing the Voting Receipts

**Audit team:** The audit team that traveled to each state consisted of one or two international observers of the Carter Center and/or the OAS.

**Installation of the audit team:** The international observers arrived at the military garrisons of the respective state guarding the electoral material used in the presidential recall referendum of August 15, 2004 during the afternoon on August 18, 2004 and waited to be told what polling stations had been chosen at random. The CUFAN [Armed Forces Joint Command] showed them to a locked room containing the boxes holding the voting receipts. In some states the recall referendum material was kept or in several garrisons, not just one. In these cases, the international observers accompanied the military to pick up many, though, not all of these boxes, and received the other boxes at the principal garrison.

**Dissemination of the sample:** Inside the CNE, Carter Center technical staff drew up a list, ordered by state, of the 200 stations in the sample. This list contained the following information: Name of the state, municipality, parish and voting center; voting center code; and polling station number. This information was immediately conveyed to the international observers by cell phone. Later the international observers were also sent the list of stations corresponding to each state by e-mail or fax.

**Custody and transportation:** *Plan Republica* [the military operation in charge of security for the referendum] guarded and immediately transported the randomly selected boxes to the Aerocay vault in *Fila de Mariches*. The OAS and/or Carter Center observers accompanied the boxes in the military helicopters and planes and CUFAN trucks and continued to watch over them throughout the nights of August 18, 19, and 20 (i.e. during the transportation phase and during the actual audit in *Fila de Mariches*). In cases where the voting receipts from one station had been deposited in more than one box, all the boxes pertaining to that station were sought and transported. Moreover, in some cases in which the boxes were not correctly labeled, all the boxes corresponding to the voting center were transported in order to ensure all the necessary voting receipts could be found. When boxes of a polling station were not found, this fact was recorded on the audit form.

**Inspection of the boxes:** Each box was physically checked to see whether:

- The material used to seal the box was intact, or whether there were signs that it had been taken off and then replaced.
- There were cracks or holes through which votes might have been extracted or inserted.

If a box was defective in regard to sealing, cracks, or holes, all the boxes of that polling station were excluded from the audit and a note to that effect recorded in the minutes.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

### *The Audit Procedure*

**Formation of teams:** The CNE formed 21 audit teams, comprised of two people, a supervisor, one or two international observers and a “No” vote witness.

**Opening of the box:** CUFAN personnel opened the top end of each box by cutting the adhesive tape joining the two flaps.

**Preparation for sorting:** Six baskets were placed on a table, marked as follows:

- **Voting machine 1, YES option:** for voting receipts corresponding to the polling station’s No. 1 voting machine, with a YES vote.

- **Voting machine 1, NO option:** for voting receipts corresponding to the polling station’s No. 1 voting machine, with a NO vote.

- **Voting machine 2, YES option**

- **Voting machine 2, NO option**

- **Voting machine 3, YES option**

- **Voting machine 3, NO option**

**Sorting of the votes:**

- The auditor designated by the CNE took the voting receipts out of the box and placed them on the work table.

- For each voting receipt, the auditor checked the number of the machine and read out loud the station it corresponded to and the vote it contained (i.e. YES or NO).

- The witnesses and observers were able to see each voting receipt and if there was any disagreement they requested reconsideration by the auditor designated by the CNE.

- The auditor designated by the CNE placed the voting receipt in the appropriate basket. If the witnesses or observers expressed disagreement, discrepancies were noted in the minutes.

- Whenever a box contained receipts from three machines, all the receipts were first sorted according to machine, then by YES or NO vote, and then they were counted. Then a check was made to see whether a voter had placed his or her voting receipt in another box. This last exercise cleared

up some of the apparently major discrepancies encountered.

- Each of the two auditors performed an independent count of all the voting receipts, providing a double check of the process.

**Records in the minutes:** The CNE auditor recorded the following information in the minutes:

- Date and time the minutes were drawn up
- Name of the garrison
- Name of the state
- Name of the municipality
- Name of the parish
- Code and name of the voting center
- Number of the polling station
- Number of votes counted in each basket
- Observations and discrepancies
- All those present signed the minutes, indicating their name, and I.D. (*cédula*) or passport number
- The CNE auditor kept the original of the minutes. One photocopy was made for each witness and each international observer.

**Closing of boxes:** Once the audit of a box was finished, the contents of all the baskets were placed in the original box, along with the electoral material that had been taken out of it. The CUFAN sealed the box with new tape and glued a copy of the audit minutes onto the top of the box.

**Breaks and pauses:** Members of the audit team were able to leave the room temporarily to eat, go to the lavatory, and to rest. The team members could decide whether to continue or suspend the audit when one member temporarily left the room, but under no circumstances could the audit take place without the presence of the auditor designated by the CNE or of the international observer.

### *The Calculation Procedure*<sup>1</sup>

- First, discrepancies were calculated for each voting machine between “the number of votes transmitted” and “the manual recount of the paper receipts” (which



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

had previously been sorted) for both the YES and the No options. We added the positive and the negative discrepancies to obtain the direction and magnitude of the final effect of the discrepancy.

- A positive discrepancy indicates that the result transmitted exceeded the number of receipts counted. These discrepancies may be caused by numerous factors, such as a voter failing to deposit his or her voting receipt in the box, placing it in the wrong box, receipts being lost during transportation, etc.

- It was agreed to tolerate a discrepancy of less than five percent between votes transmitted and those counted manually. Any discrepancy above five percent would indicate major errors in the process.

- A calculation was then made of the average discrepancy of votes per voting machine. (This is the ratio of “the sum of vote discrepancies for each of the two options and “the total number of machines in the sample”<sup>2)</sup>

- The percentage discrepancy vis-à-vis average votes per machine was also calculated.<sup>3</sup>. This was done by dividing “the average discrepancy of votes per voting machine” calculated in point d) by the 406 average of votes.

- The average discrepancy of the machines in the sample was then extrapolated to the total number of

machines<sup>4</sup>, to obtain the total possible discrepancy of votes for both of the options.

- Finally, a calculation was made of the incidence of the total discrepancy of votes for each option in relation to the total vote, nationwide.

- Given the highly stable nature of the results obtained, the polling stations that could not be found or recounted did not affect the degree of reliability or the margin of error of the sample. In any event, the 50 additional reserve polling stations were there to deal with any such eventuality.

### *Results of the Audit (see Table 1 below)*

**Discrepancies and their impact on the national vote:** In the 334 machines that were audited, the total number of NO votes showing discrepancies between the results transmitted by the voting machine and the manual recount was 151. The total number of YES votes showing discrepancies between the results transmitted by the voting machine and the manual recount, in the 334 machines that were audited, was 99. All these discrepancies are distributed over 184 voting machines, showing discrepancies in the YES, the NO, or both options. For individual machines there are positive and negative discrepancies. The positive

**Table 1. Evaluation of the discrepancies and their impact**

Total vote discrepancies (“no” option)	Number of machines covered by the sample	Average vote discrepancies per machine (“no” option)	Maximum vote discrepancies extrapolated to 19,664 machines (“no” option)	Impact on automated national vote
151	334	0.45 (0.11%)	8.89001	0.10%
Total vote discrepancies (“yes” option)	Number of machines covered by the sample	Average vote discrepancies per machine (“yes” option)	Maximum vote discrepancies extrapolated to 19,664 machines (“yes” option)	Impact on automated national vote
99	334	0.30 (0.07%)	5.82855	0.07%



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

discrepancies in this Table indicate that the results transmitted exceed the manual recount, which suggests that there may have been voters who did not deposit their vote in the box.

In the case of the NO votes, the average discrepancy per machine is 0.45 (151 votes / 334 machines). In other words, in one out of every two machines it is likely that a voter did not deposit his or her voting receipt in the box.

If one applies the average discrepancy of each machine (0.45 votes per machine) to the average number of votes per machine (406), each machine shows on average a discrepancy of 0.11 percent between the total number of voting receipts for the NO option and the total that had been transmitted to the totalization center. Extrapolated to the national electoral result, the NO discrepancy is 0.10%.

The same calculation method was applied to the YES votes.

Projection of the impact of the discrepancies is based on the sum of the discrepancies, while the machine count for the absolute value of each discrepancy is used to evaluate the number of machines with a discrepancy.

To extrapolate the impact of the discrepancies on the electoral result, the direction of the discrepancy is taken into account, because part of these discrepancies cancel each other out, both in the sample and for the total number of machines.

To explain the accuracy of each machine's electoral result, the calculation is based on the absolute value of the discrepancy, since this is the magnitude of the difference between the electronically transmitted result and the manual recount of the voting receipts.

**Distribution of the discrepancies:** Table 2 shows, for example, that there are 43 machines with a (positive or negative) discrepancy of 2 votes.

Chart 1 provides a clear indication that discrepancies involving more than 4 votes are few and far between. It also shows that over 90 percent of the discrepancies occur in machines with an individual discrepancy of 3 or fewer votes.

Table 3 shows that for 184 machines (55.1 percent of those audited), there was a discrepancy of at least 1 vote. It also shows a 5-or-more vote discrepancy for 14 machines (4.2 percent of those audited). Consequently, it is estimated that 95.8 percent of the machines have a discrepancy in respect of 4 or fewer votes.

**Table 2. Distribution of the discrepancies**

Number of votes involving a discrepancy (in absolute terms)	Number of machines	Machines for which a discrepancy exists as a % of the 344 machines in the sample
1	112	33.5
2	43	12.9
3	11	3.3
4	4	1.2
5	1	0.3
6	3	0.9
7	1	0.3
8	3	0.9
9	0	0.0
over 9	6	1.8



# OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Chart 1: Frequency of discrepancy by machine

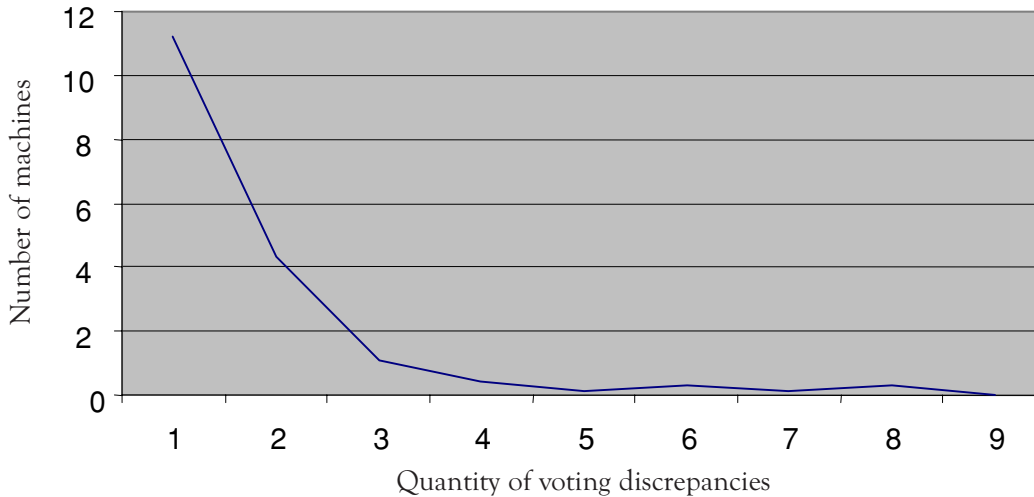


Table 3. Cumulative distribution of machines with discrepancies

X	Number of machines with discrepancies of X or more	Percentage of machines with discrepancies
1	184	55.1
2	72	21.6
3	29	8.7
4	18	5.4
5	14	4.2
6	13	3.9
7	10	3.0
8	9	2.7
9	6	1.8

### Conclusions

- The average discrepancy per voting machine is approximately 0.45 votes<sup>5</sup> (i.e. the equivalent of 0.11 percent of the average number of votes per machine<sup>6</sup>) for the NO option and 0,30 votes<sup>7</sup> (equivalent to 0.07 %<sup>8</sup>) for YES.

- The incidence of the discrepancies on the national vote is 0.10 %<sup>9</sup> and 0.07 %<sup>10</sup> for the NO and YES options, respectively.

- Five cases were detected in which the discrepancy exceeded five percent. These cases do not suggest a pat-

tern, since they affect both the YES and the NO options. The conclusion reached is that these are isolated cases in which electors probably failed to deposit the voting receipt in the correct ballot box.

- Based on the sample analyzed above, it is safe to say that the results transmitted by the voting machines have been fully validated by the results obtained during the manual recount of the voting receipts.

- In the discrepancies encountered, no bias has been detected favoring either one of the options.



**Report on an Analysis of the Representativeness of the Second Audit Sample, and the Correlation between Petition Signers and the Yes Vote in the Aug. 15, 2004 Presidential Recall Referendum in Venezuela**

This study was conducted by The Carter Center and confirmed by the OAS in response to a written request from Sumate presented to The Carter Center Sept. 7, 2004. Sumate asked that The Carter Center evaluate a study performed by Professors Ricardo Hausmann and Roberto Rigobon.

The Hausmann/Rigobon study states the second audit conducted Aug. 18-20 and observed by The Carter Center and the OAS was based on a sample that was not random and representative of the universe of all voting centers using voting machines in the Aug. 15, 2004, recall referendum.<sup>1</sup> The study further indicates that the correlation coefficient (elasticity) for the correlation between the signers and the YES votes for the sample was 10 percent higher than that for the universe. The Hausmann/Rigobon study came to these conclusions through an analysis of the exit poll data, petition signers data, and electoral results data provided by Sumate.

## **1 Objectives of the Carter Center Study**

1. Determine the correlation between the number of signers of the presidential recall petition and the electoral results of the Aug. 15 recall referendum.
2. Compare the characteristics of the universe of voting machine results with those of the sample for the 2nd audit performed Aug. 18.
3. Determine the universe from which the sample generation program used Aug. 18 was drawn.

The scope of this study is limited to the voting centers that used voting machines during the Aug. 15, 2004, recall referendum, to respond to concerns that the electronic voting machines results were manipulated.





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## 2 Data Sources

The data used to perform this study was officially received from the CNE. The following data was used:

1. The Voters List (REP) used for the Aug. 15 recall referendum officially received from the CNE July 30, 2004.
2. The “*cuadernos de reparo*” database containing the valid signatures and the “repairable” signatures used during the *Reparos* process and officially received from the CNE.
3. The rejected signature list (signatures that could not be repaired during *Reparos*) obtained from the CNE.
4. The electoral results file of voting machines for the Aug. 15, 2004, recall referendum, per machine, officially received from the CNE Aug. 18, 2004.
5. The sample generation program for the Aug. 18 audit including the source code, the executable file, the input file with the universe and the generated sample.

## 3 Methodology

The four data sources were loaded into different tables<sup>2</sup> on an IBM DB2 database to facilitate processing. The following calculations were performed:

1. The number of voters per voting center was calculated from the REP, excluding foreigners<sup>3</sup>.
2. A single table of signers in the database was loaded from the *cuadernos de reparos* file and the rejected signatures file, eliminating duplicate ID card numbers.
3. The number of signers per voting center was calculated from the table of all signers by matching the ID card number in the signer’s table with the ID card number in the REP and aggregating the signers into voting centers identified by voting center on the REP table.
4. The YES and NO votes per voting center were calculated by adding the electoral results from each voting machine in that center.
5. A final results table was produced with the following columns for each voting center:
  - a. State
  - b. Municipality
  - c. Parish
  - d. Voting Center Number
  - e. Total registered voters in the voting center
  - f. Total signers registered in the voting center
  - g. Total YES votes
  - h. Total NO Votes



# OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

The final results table was exported into an Excel file. The correlation coefficients were calculated using SPSS version 12.

Additionally an Excel worksheet with only the voting centers that had a mesa (voting station) audited in the Aug. 18 random sample used to perform the second audit was generated to evaluate the representativeness of the sample in the universe.

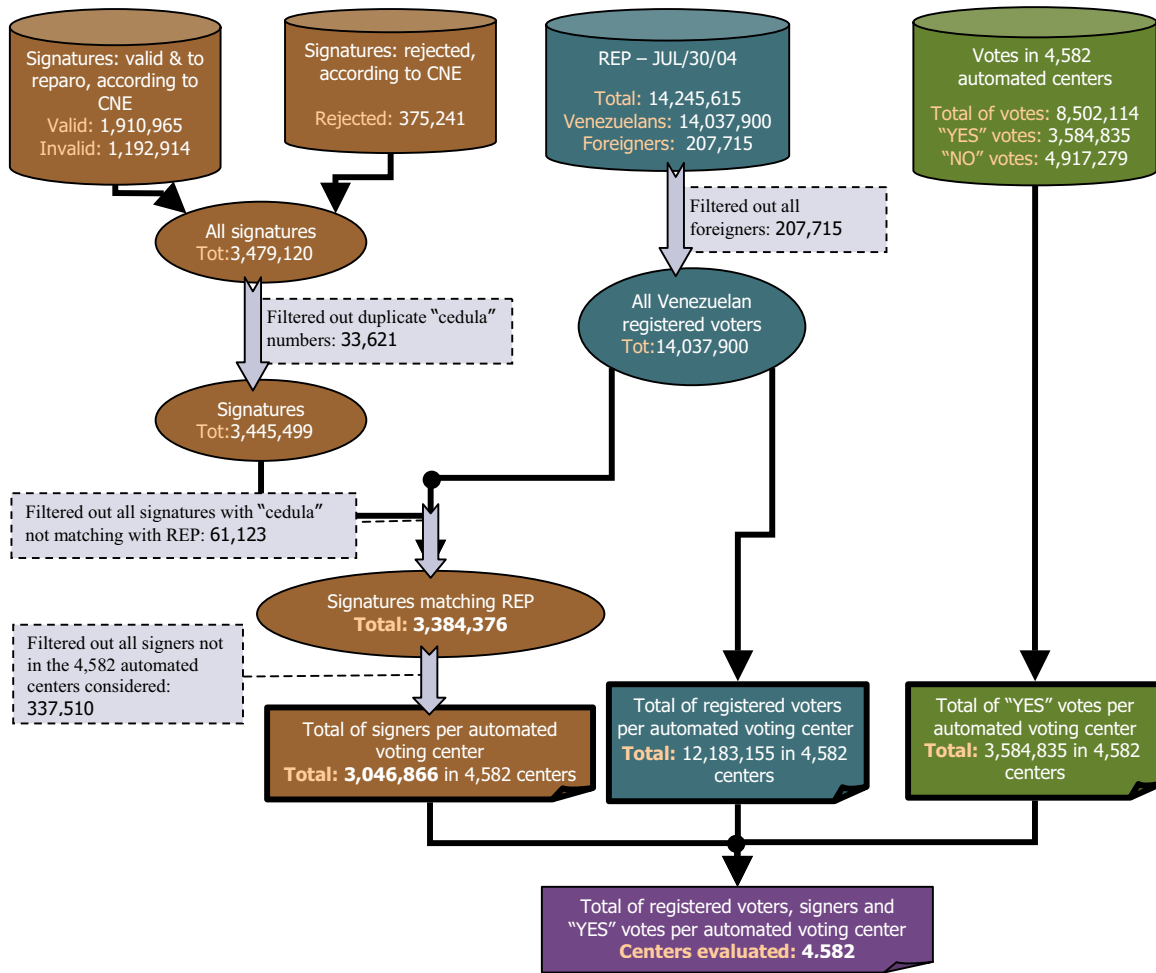


Diagram 1: Data processing flow chart

We calculated the distribution of differences between signer turnout and YES votes, as well as the correlation between signer turnout and YES votes, both for the universe of all voting centers and the sample drawn Aug. 18.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

The total amount of signers in the presidential recall, excluding duplicates by ID card, foreigners, and those not in the voter's list, was considered for this analysis. This study is based on the assumption that all signatures were made in good faith by real voters; for this reason rejected signatures because of *acta* problems, similar handwriting, fingerprint, and other problems were included in the universe of signatures.

The sample generation source and executable program were analyzed as were the input files with the universe and the output generated sample files.

The sample generation program was run 1,020 times with different seeds using an automated testing program. The 1,020 generated samples were loaded into a database. The database was used to determine the number of times a *mesa* (voting station) was included in a sample.

### 4 Findings

#### 4.1 Signer vs. YES Vote Correlation in Automated Voting Machine Universe

A very high correlation between the number of signers and the number of YES votes per center in the universe of automated voting machines has been found--a correlation coefficient of 0.988<sup>4</sup>. This means that in voting centers where a high signer turnout was obtained, a high YES vote also was obtained. As noted below, there were more YES votes Aug. 15 than signers of the original petition. This YES vote total is the net result of original signers, additional voters who chose YES, and signers that abstained or voted NO.

In this analysis the NO vote turnout is ignored since if a voter did not sign the recall petition, there is no way to differentiate between signer abstention and the will of the signer to oppose the recall.

In 88.9 percent of the voting centers that used voting machines there were more YES votes than signers. This result is expected because there were 537,969 more YES votes than signers: 3,046,866 signatures were collected from citizens assigned to an automated voting center and 3,584,835 YES votes were cast in those centers.

In only 11.1 percent of the voting centers were there less YES votes cast than signers, representing 29,866 votes. This figure can be interpreted as the minimum number of voters that signed the recall petition and voted NO or abstained from voting.

Chart 1 clearly shows the frequency of negative differences, where the signers are more than the YES votes, is very low compared to the positive frequencies. The chart also shows in most voting centers there were at least 100 more YES votes than signers assigned to the voting center. Positive differences indicate more YES votes than signers.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

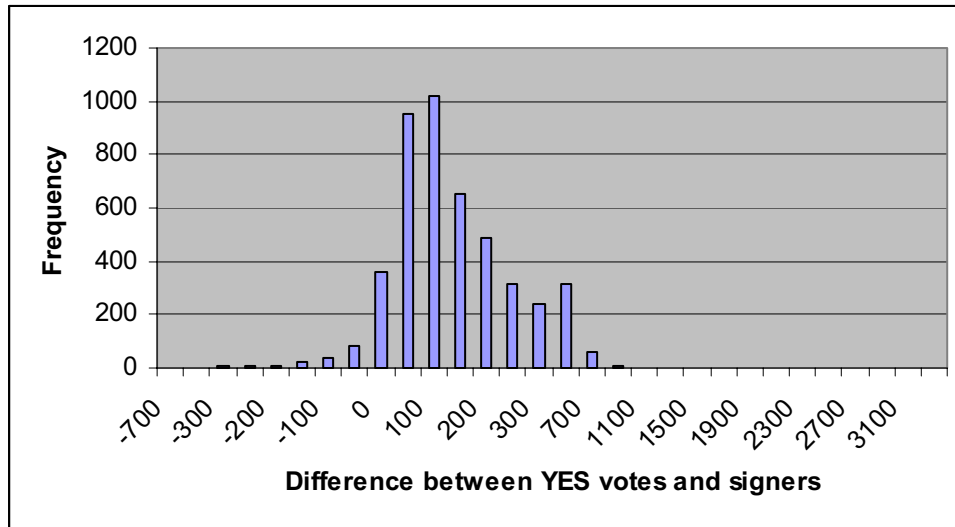


Chart 1: Difference between YES vote and signers histogram

### 4.2 Signer vs. YES Vote Correlation in Sample

A similarly very high correlation between the signer and the YES votes in the Aug. 18 audit sample has been found, with a correlation coefficient of 0.989.

### 4.3 Sample vs. Universe Comparison

The analyzed sample was drawn Aug. 18 by the CNE with the purpose to test the accuracy of the voting machines. The paper receipts (*comprobantes*) recording the votes in each of the machines of the voting tables selected in the sample were recounted by CNE auditors in the presence of Carter Center, OAS, and other international observers. The audit concluded the machines correctly tallied and transmitted the votes cast; the findings of this audit are documented in the 2nd audit report posted on the Web sites of The Carter Center and the OAS.

We note the sample also correctly represents the electoral result of all automated voting machines:

	YES Votes	% YES	NO Votes	% NO
Universe	3,584,835	42.2%	4,917,279	57.8%
Sample	145,785	41.6%	204,640	58.4%



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Furthermore, the correlation between the signers and the YES votes is almost identical in the universe and in the sample. The difference between the correlations is less than 1 percent:

	Correlation Coefficient
Universe	0.988
Sample	0.989

The distribution of the difference between the YES votes and the signers per voting center, presented in Chart 2 below, also shows a very similar behavior:

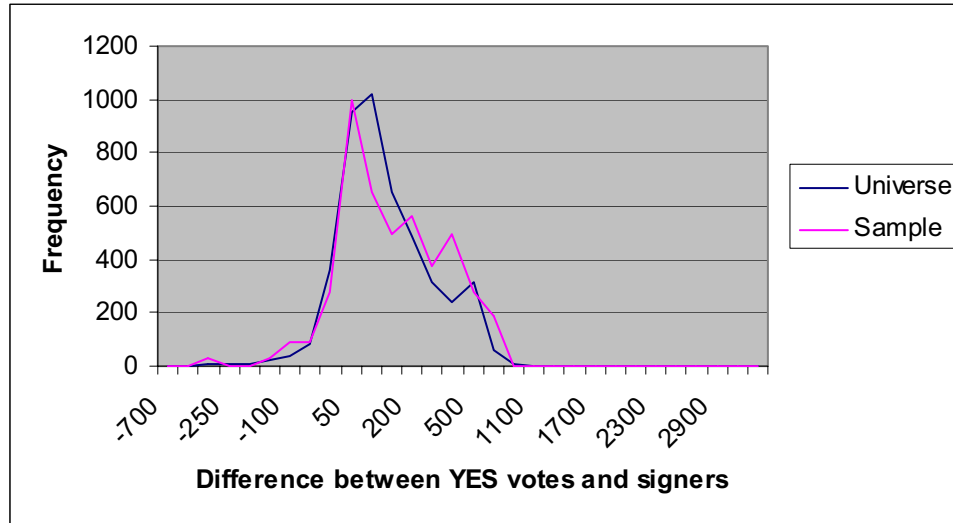


Chart 2: Distribution of difference between YES vote and signers per center

The occurrence of the differences for the sample has been projected to the universe to present the sample and the universe lines on the same scale.

### 4.4 Analysis of Sample Drawing Program

The CNE requested a group of university professors to develop a sample generation program for the 2nd audit. The program is written in Pascal for the Delphi environment. The program receives a 1 to 8 digit seed. The CNE delivered to the international observers the source code, the executable code, the input file, and the sample. Carter Center experts analyzed the program and concluded:

1. The program generates exactly the same sample given the same seed.
2. The program generates a different sample given a different seed.
3. The program generates a sample of voting stations (*mesas*) based on the universe of *mesas* that have voting machines.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

4. The source code delivered produces the executable file delivered.
5. The input file used to generate the sample is missing only six of 8,147 voting stations (*mesas*). The input file has one missing voting center.
6. The program, when run enough times, includes each *mesa* (voting station) in the sample, and the number of times a given mesa is included in a sample is evenly distributed, indicating the sample generation program is random.

The sample generation program was run 1,020 times. With no exception all of the 8,141 mesas appeared at least 14 times in a sample. Not a single mesa was excluded from the sample in the test run.

Average appearance of a mesa in a sample	25.05
Standard deviation	5.52
Minimum appearance	14
Maximum appearance	40

## 5 Conclusions

The sample drawing program used Aug. 18 to generate the 2nd audit sample generated a random sample from the universe of all *mesas* (voting stations) with automated voting machines. The sample was not drawn from a group of pre-selected *mesas*. This sample accurately represents different properties of the universe, including the accuracy of the machines, the total YES and NO votes and the correlation between the YES votes and signer turnout.

There is a high correlation between the number of YES votes per voting center and the number of signers of the presidential recall request per voting center; the places where more signatures were collected also are the places where more YES votes were cast. There is no anomaly in the characteristics of the YES votes when compared to the presumed intention of the signers to recall the president.

The second audit showed a high accuracy of the voting machines with discrepancies of less than 0.1 percent. The sample was analyzed, and it does not have different properties than the universe. The sample generation program was analyzed as part of the 2nd audit process and again in this study. Both studies showed that the sample does not operate on a subset of the universe, thus hiding or masquerading some of the properties of the universe. Consequently the results of the 2nd audit accurately confirm the electoral results of Aug. 15.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

**5** CARTER CENTER VERIFICATION SAMPLE REPORTRESULTS OF THE SAMPLE OF SIGNATURES PETITIONING FOR A RECALL REFERENDUM ON PRESIDENT HUGO RAFAEL CHÁVEZ FRÍAS, EVENT 2A  
APRIL 3, 2004**Contents**

- Executive Summary
- Objective and Scope
- Data Sources
- Findings
  - Data Entry
  - Physical Verification
  - REP Comparison
  - Acta Verification
- Projection of Signature Problems
- Comparison of The Carter Center and CNE Results
  - Physical Verification
  - REP Comparison
  - Acta Verification
- Signatures with Multiple Errors
- Conclusions

**EXECUTIVE SUMMARY**

The Carter Center was invited by the National Electoral Council of Venezuela (CNE) to observe the collection and verification of signatures petitioning for recall referenda in Venezuela, in accordance with the May 29, 2003 Table of Negotiation and Agreement agreement. As part of the observation of the verification process, the Carter Center proposed conducting a study of the CNE signature verification process by examining a statistically representative sample of signature forms for Events I and IIa. This sample would allow the Carter Center to assess the CNE's application of its verification criteria during the different stages of the verification process. The proposal was accepted by the CNE and communicated to the Carter Center at two separate meetings with the board.

The sample was designed to analyze the four main

verification processes conducted by the CNE to determine the number of valid and invalid signatures, as well as those signatures placed under observation. These processes were: Data entry; Acta Verification; Physical Verification and Technical Commission (CTS); and Comparison with the REP and Quality Control.

**Conclusions:**

*Based on the Carter Center sample analysis, in each problem category, the CNE determined more signatures to have problems than did the Carter Center.*

*The most significant difference was in the plana category, or signature rows with similar handwriting. In this category, the CNE found 286,690 more plana signature rows than did the Carter Center, based on the projection from the sample.*

*Although the differences in the categories of physical verification and acta verification are smaller, these differences are larger than the sample's margin of error. These differences might be explained by the CNE's use of more criteria than the Carter Center in each category, which limited itself to the criteria established in Resolutions 030925-465 and 031120-794 and the Instruction on Actas for January 8, 2004.*

*For the REP comparison, the difference between the number of signatures found by the Carter Center and the number of signatures invalidated by the CNE is not significant. More minor differences in birth-date or name were sent to reparos by the CNE.*

**OBJECTIVE AND SCOPE**

The Carter Center conducted a sample of petitions to recall opposition deputies, "Event I," and the petition to recall the President of Venezuela, "Event IIa". Both petitions took place in late November of



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

2003, and their verification by the CNE took place in January and February 2004. This report examines only Event IIa; the results of the sample conducted for Event I will be presented in a separate report.

The sample was designed to analyze the CNE's four main verification processes that determined the numbers of valid, invalid, and questionable signatures. These four processes were:

1. **Data entry:** Each signer's information as transcribed by CNE staff into their database was compared with the original *planilla* to determine if the transcription matched the original information.

2. **Acta Verification:** For each *planilla* serial number, the appropriate opening and closing *actas* were examined to verify that that serial number had been correctly recorded.

3. **Physical Verification and Technical Commission (CTS):** *Planillas* and signatures were analyzed by the Carter Center using the criteria established in the CNE's rules and regulations determining the validity of *planillas* and signatures. This included, for instance, whether the *planilla* had been properly filled out by collection agents, whether the signer's information was entered correctly, and whether the signer's fingerprint was stamped properly.

4. **Comparison with the REP and Quality Control:** The REP database was searched for each signer's ID card number, and the signer's name and birthday as recorded in the *planilla* were checked for consistency with the REP.

Each of these four processes was measured independently, through four separate sample analyses. However, each sample used the same randomly selected set of *planillas* and, on each ten-signature *planilla*, one randomly selected signature line (signature lines that had already been crossed out on the day of collection were not included). To achieve an error rate of 3% with 95% confidence in the results of each sample, the sample size was chosen to be 1,164. Since it was assumed that various *planillas* might not be found

while the Carter Center conducted its examination in the midst of the CNE's own complex process, the sample was increased by 200 to 1,364.

## DATA SOURCES

A list of all *planilla* serial numbers was obtained from the CNE, and the sample set of 1,364 *planillas* was randomly selected from this list. A signature on each *planilla* was also randomly selected.

**Phase 1, CNE Data Entry:** This process was evaluated by the Carter Center by comparing the signature information transcribed by CNE staff in the CNE databases with the corresponding physical *planillas* stored at the CNE offices.

**Phase 2, Physical Verification:** This process was conducted by the Carter Center during the CNE's physical examination of the *planillas*. Because of the complexity of the CNE verification process, and because the Carter Center was twice suspended from handling *planillas* due to issues of formal authorization, only 252 *planillas* were physically examined at the CNE offices. In late January, the Carter Center received from *Súmate*, one of the civil organizations sponsoring the petition, a computer hard drive containing the scanned images of every *planilla* delivered to the CNE by the opposition Democratic Coordinating Board. This allowed the Carter Center to carefully inspect the image of each *planilla* in the sample in order to evaluate the transcription and physical verification issues. The data from the original 252 *planillas* were compared with the electronic images, and were found to match perfectly.

**Phase 3, REP Comparison:** The Carter Center compared each selected signer's information with the information in the CNE's official REP database, using the CNE's computer terminals. As will be discussed below, the signer data that did not match the REP were then examined more carefully by comparing the *planilla* image directly with the REP in an effort to eliminate any transcription errors.

**Phase 4, Acta Verification:** The analysis of the official *acta* forms, on which *planilla* serial numbers





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

were transcribed at the beginning and end of every signature collection day, was conducted by the Carter Center in the CNE offices where the *actas* were stored. Carter Center results were later compared against the full list of the CNE's own *acta* findings for each *planilla* serial number, provided by the CNE.

## FINDINGS

### Data Entry

Because transcription errors can cause false REP invalidations later in the process, it was important to understand how prevalent CNE data entry errors were. Due to the complexity of the CNE transcription databases, and the staggered processing of signatures in different locations, the Carter Center was only able to view 817 records out of our sample set of 1,364. However, this number is sufficient to draw statistically valid conclusions. When the physical *planillas* were compared with the transcribed information, the Carter Center found that 91.2% of the transcribed signatures perfectly matched the information on their respective *planillas*.

(In the table below, and all following tables, signatures collected on fixed and itinerant collection forms are presented separately, to make clear those instances where errors occur at different rates on the different forms, and to allow greater accuracy in projecting signature totals later on.)

### Physical Verification

Each *planilla* and its selected signature was analyzed using the physical verification criteria established in the CNE's official rules and regulations, along with other criteria established later during the verification process: Resolutions 031120-794, 030925-465, and the Instruction of January 8. The 1,364 *planillas* and signa-

tures were examined via their scanned images.

There were four fundamental criteria for physical verification:

1. If the *planilla* was incorrectly filled out by the collection agent, such that the name of the official to be recalled was not written, or more than one name was written, or the heading information was left off altogether, the Carter Center judged the *planilla* to be problematic. The CNE considered these problems to invalidate all signatures on that *planilla*. The Carter Center did not examine the obverse side of each *planilla* because there were no official invalidation criteria for information on that side, nor did it find any instances of problems with the *planilla* security paper in the 252 physically examined *planillas*.
2. If the signature line does not contain a name, birth date, ID card number, signature and fingerprint, then the Carter Center marked the sampled signature as having a physical verification error.
3. According to the official criteria developed by the Technical Committee during the verification process, if the fingerprint had no visible lines or had another fingerprint superimposed over it, then that signature was considered in error. The Carter Center only evaluated these two types of fingerprint issues.
4. During the verification process, the CNE decided that, where the basic information for multiple signers appears in the same handwriting on the same *planilla*, (so-called *planas*) those names will be considered questionable, judged to have a physical verification problem, and the signers will be required to verify that they indeed did sign during the *reparo* period. The Carter Center sample evaluated how many total *plana* signatures were on each of the sampled *planillas*. This allowed for a projection

Table 1: Data Entry	Fixed	Itinerant	Total		Fixed	Itinerant	Total
Number of <i>planilla</i> rows observed	669	148	817				
Exact data entry	610	135	745		91.2%	91.2%	91.2%

\*Percentages are relative to the total number of observed *planilla* rows.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Table 2: Planillas Planas	Fixed	Itinerant	Total		% of Fixed	% of all Itinerant	% of Total
Number of <i>planillas</i> observed	1,082	282	1,364				
Total number of rows with similar handwriting (percentages are relative to the total number of signatures)	1,929	947	2,876		19.8	37.3	23.4
Number of <i>planillas</i> with at least 2 lines of matching handwriting	294	129	423		27.2	45.7	31.0
Number of rows with fingerprint problems	41	12	53		3.8	4.3	3.9
Number of rows with heading or signer data problems	23	10	42		2.1	3.5	2.4

of the total number of *plana* signatures and the total number of *planillas* with at least 2 lines of similar handwriting.

We note that the evaluation of similar handwriting is a subjective evaluation carried out by CNE verifiers (and Carter Center observers) who are not handwriting experts. Therefore the results can vary substantially from evaluator to evaluator. Our observers compared specific handwritten letters and numbers on the electronic image of the *planilla* to assess similarity.

It should also be noted that, although the Carter Center measured this physical verification issue, the Carter Center has said that it does not find this characteristic to be a problem sufficient to either invalidate a signature or require a signer to actively re-validate his/her signature.

#### Initial Review:

Table 3: REP Comparison	Fixed	Itinerant	Total		Fixed	Itinerant	Total
Number of <i>planilla</i> rows observed	1,065	279	1,344				
Correctly match the REP	986	245	1,231		92.6%	87.8%	91.6%
REP error	79	34	113		7.4%	12.2%	8.4%
Duplicate	0	0	0				
Minor	1	0	1				

The number of duplicates and minors found in the sample is too low to be statistically meaningful.

#### Voter List (REP) Comparison

Two comparisons with the REP were made, in a process similar to that conducted by the CNE. The first comparison established cases in which the ID card number (*cédula*) was not found in the REP. In a process similar to the CNE's quality control, a second comparison was made to compare those signature lines which were not found in the REP directly with the *planilla* images, which detected many transcription errors that could be corrected.

1,344 ID card numbers were searched in the REP using workstations with access to a REP query program, provided by the CNE in the CNE's Banesco facilities. The REP was searched for each ID card number for each sample signature line, and if a match was found in the REP, and if the names and birth dates matched enough to allow it to be reasonably concluded that the signer was the same person as in the REP,



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## Corrected numbers after second review:

Table 4: REP Comparison	Fixed	Itinerant	Total		Fixed	Itinerant	Total
Number of <i>planilla</i> lines observed	1,065	279	1,344				
Correctly in REP	1,033	255	1,288		97.0%	91.4%	95.8%
REP error	32	24	56		3.0%	8.6%	4.2%

then the REP check was judged satisfactory; otherwise it was considered not satisfactory.

After re-examining the *planilla* images containing the signature lines that did not produce any ID match in the REP, 50% of those signature lines that had no match in the REP were indeed found to have matches, primarily due to correcting errors in transcribing the ID number, made by either CNE staff or Carter Center staff. The remaining problems cases were not found in the REP or the information in the REP did not match that written in the *planilla*.

**Acta Verification**

The *actas* for 1,148 *planillas* from the sample were observed. Using the criteria established in the signature verification regulations, including the instructions on validating *actas*, the selected *planillas* were categorized as follows:

**Case 1:** If the *planilla* serial number was recorded in the delivery (opening) *acta* but not in the closing *acta*, then the *planilla* was coded with a 1.

**Case 2:** If the *planilla* was in the closing *acta* but not in the opening *acta*, then it was coded with a 2.

**Case 3:** If the *planilla* was in the opening *acta* but the closing *acta* was either missing or the *planilla* serial

number section was empty, it was coded with a 3.

**Case 4:** If the *planilla* serial number was in the opening *acta* and in the area listing unused *planillas* for all closing *actas* for that collection center, it was coded with a 4.

**Case 5:** If the *planilla* was not in the opening or in the closing *actas*, it was coded with a 5.

**OK:** If the *planilla* was in the opening and closing *actas* of the same day, it was coded OK.

**PROJECTION OF SIGNATURE PROBLEMS**

Based on the total number of signatures processed by the CNE and data delivered to the Carter Center on March 28, 2004, the results of the sample can be used to estimate the total number of signatures falling under each category that was analyzed. This was done by taking the percentage of signatures by type (fixed or itinerant) and multiplying that number by the total number of signatures of the same type (fixed or itinerant) as recorded by the CNE. Adding together the total estimated number of fixed and itinerant signatures with a given problem gives the Carter Center an estimate of the total number of signatures with that problem. The Carter Center can conclude with 95% confidence that the number of signatures collected by

Table 5: Acta Verification	Fixed	Itinerant	Total		Fixed	Itinerant	Total
Number of <i>planillas</i> observed	901	247	1,148				
Case 1	8	3	11		0.9%	1.2%	1.0%
Case 2	36	10	46		4.0%	4.0%	4.0%
Case 3	11	2	13		1.2%	0.8%	1.1%
Case 5	13	5	18		1.4%	2.0%	1.6%
OK	833	227	1,060		92.5%	91.9%	92.3%



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Table 6: CNE Results	Fixed	Itinerant	Total	Lower Bound	Upper Bound
	81.0%	19.0%			
Total signatures processed by the CNE	2,816,004	661,675	3,477,679		
Signatures with physical verification problems	59,860	23,464	83,323	80,120	86,527
Signatures with fingerprint problems	106,706	28,156	134,863	129,972	139,753
<i>Plana</i> signatures	557,822	246,890	804,712	773,164	836,260
Signatures with <i>Acta</i> problems	212,529	53,577	266,106	256,515	275,696
Signatures with REP problems	84,612	56,918	141,531	135,577	147,484

(The number of observed records from fixed planillas gives an error of 3%, while the number of observed records from itinerant planillas gives an error of 6%. The weighted projection of the results has a combined error of 3.4%.)

the CNE with a given error type will fall between the lower and upper bounds presented below.

### COMPARISON OF THE CARTER CENTER AND CNE RESULTS

Carter Center results were compared with the CNE's verification results provided on March 28, 2004, showing significant differences between the error rates observed by the Carter Center and those measured by the CNE. The CNE data delivered to the Carter Center on March 28, 2004, is comprised of 3,477,680 signatures and consists of three data files: the first containing a list of valid signatures (totaling 1,650,578 signatures); the second containing a list of problematic signatures that the CNE judged to require re-validation by the signers during the *reparo* period (totaling 1,120,545 signatures); and the third list containing those signatures that had been invalidated without hope of re-validation (totaling 530,033 signatures). The latter two also list for each signature line the precise type of REP, *acta*, and physical verification error (if any).

***It is important to note that, because a signature can have more than one error (up to 3), taking the simple sum of signatures under each type of error would overstate the total number of signatures with***

***problems by a significant amount. In other words, signatures with two or three errors would be counted two or three times.***

In the tables below, the percentage of all signatures found by the CNE to have each type of error is compared with the percentage observed by the Carter Center. Although the Carter Center only measured whether or not a physical verification, REP, or *acta* problem was present, the CNE subcategorized these errors in much greater detail. Many of these detailed subcategories were not measured by the Carter Center, and for the purposes of comparison with Carter Center results, have been labeled "other." In most cases, such "other" categories of error, while they encompass a number of error types, comprise a relatively small number of affected signatures.

It should also be stressed that, although a signer may have between 0 and 3 of the major error types assigned to his/her signature, within each of those types, the signer can only have one subtype assigned. Thus, for instance, a signature can have both a REP and a physical verification problem, but it can only have either a fingerprint or a *plana* problem, not both, because these are both physical verification problems. In the Carter Center's measurements, a signature can



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

have both a *plana* and fingerprint issue; for this reason, simply summing the Carter Center’s estimated total signatures in each error category is even more likely to overstate the total number of problematic signatures.

### Physical Verification

The CNE determined that 39.3% of all signatures had physical verification problems, while the Carter Center sample showed 29.7%. The main difference was in the count of signature lines with matching handwriting on a single *planilla* (*planas*). The projection based on the Carter Center sample is 804,712 *plana* signatures. The CNE found 286,690 more *plana* signatures than the Carter Center projection, equal to 8.2% of the total number of signatures. This difference is larger than the sample’s margin of error, and suggests that the Carter Center would judge significantly fewer of the same signatures as *plana* than the CNE. (Again, it should be stressed that this does not mean that the Carter Center considers *plana* to be a problem sufficient to send a signature to *reparo* or to invalidate it.)

### Comparison With the REP

The CNE found that 11.3% of all signatures had REP problems, while the Carter Center found 4.2%. However, the CNE REP problem categories that

invalidated signatures are the ones that that best match the criteria used by the Carter Center. These include such errors as signing twice, not being in the REP at all, being too young, dead people, foreigners, and other obviously disqualifying problems. The CNE only found that 5.0% of signatures fell into that category of “hard” REP problems, a number considerably closer to the Carter Center result (a difference of 0.8%).

The remaining 6.3% of REP errors found by the CNE correspond, for example, to small differences in birth dates or names, errors which may be corrected in the *reparo* period.

### Acta Verification

Unlike the other two major error categories, the CNE has decided that any *acta* error automatically renders a signature invalid without being sent to *reparo*, and thus there are no signatures with *acta* problems in either the *reparo* or the valid list. The CNE found 100,170 more signatures with *acta* problems than did the Carter Center (366,276 versus 266,106), equal to 2.9% of all signatures. This difference is larger than the sample’s margin of error, and is especially important because *acta* errors completely disqualify signatures. It should also be pointed out, as can be seen in the table below, that a large proportion of the

Table 7: Physical Verification	CNE Data, March 28				
	Invalid Signatures	Signatures for <i>reparo</i>	Total instances	% CNE	% TCC
Without physical verification problem, but included in invalid or <i>reparo</i> group for REP or <i>Acta</i> problem	200,805	86,362	287,167		
<i>Plana</i>	178,357	913,045	1,091,402	31.4	23.4
Line or heading problems on <i>planilla</i>	51,993	0	51,993	1.5	2.4
Fingerprint problems as found by TCC	22,572	53,168	75,740	2.2	3.9
Other fingerprint problems	37,985	58,700	96,685	2.8	
Other problems (not measured by TCC)	38,321	9,270	47,591	1.4	
<b>Total</b>	<b>530,033</b>	<b>1,120,545</b>	<b>1,650,578</b>	<b>39.3</b>	<b>29.7</b>



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Table 8: REP Findings	CNE Data, March 28				
	Invalid Signatures	Signatures for <i>reparo</i>	Total instances	% CNE	% TCC
Without REP problems, but with <i>acta</i> or physical verification problems	356,750	900,392	1,257,142		
Not found in REP or disqualified	173,283 (5.0%)	220,153 (6.3%)	393,436	1.5	2.4
<b>Total</b>	<b>530,033</b>	<b>1,120,545</b>	<b>1,650,578</b>		

difference between the Carter Center and the CNE count could be due to the fact that the Carter Center did not encounter Case 4 *acta* problems. These are *planillas* which appear in the section of the *acta* listing *planillas* that were returned blank (even though any signature so categorized was of course written on that *planilla*), a potentially serious problem suggestive of fraud. However, the Carter Center did not see a single one of the sample *planillas* listed in the blank section of an *acta*.

## SIGNATURES WITH MULTIPLE ERRORS

Each signature has 3 potential problem categories associated with it. Shown below is the total number of problem signatures in each of the three categories of error, separated into invalid and *reparo* groups, as determined by the CNE in the information delivered on March 28, 2004.

Based on the CNE's information, 472,545 problems affect a signature row that already has at least 1 problem. Thus 13.6% of all signatures have 2 or 3 errors.

It is clear that it is not possible to simply add the signatures making up the three error categories in order to obtain the number of signatures without problems. In order to calculate the number of signatures without problems it is necessary to calculate the overlap of the problems affecting the signatures: *Planas*, *Actas*, and REP. The Carter Center sample was not designed to project total valid and invalid signatures. Therefore, even though it is possible to do this calculation based on the error rates provided by the CNE on March 28, we do not present these calculations.

Table 9: Acta Findings	CNE Data, March 28				
	Invalid Signatures	Signatures for <i>reparo</i>	Total instances	% CNE	% TCC
Without <i>Acta</i> problems	163,757	1,120,545	1,284,302		
Case 1	31,255	220,153	31,255	0.9	1.1
Case 2	172,050	0	172,050	4.9	4.0
Case 3	73,420	0	73,420	2.1	1.1
Case 4	67,834	0	67,834	2.0	
Other	21,717	0	21,717	0.6	1.6
<b>Total</b>	<b>530,033</b>	<b>1,120,545</b>	<b>1,650,578</b>	<b>10.5</b>	<b>7.8</b>



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Table 10: Total Problems	Invalid	Reparo	Total
Total physical verification problems	329,228	1,034,183	1,363,411
Total <i>acta</i> problems ( <i>comisión de abogados</i> )	366,276	0	366,276
Total REP problems (quality control)	173,283	220,153	393,436
<b>Total of Problems</b>	<b>868,787</b>	<b>1,254,336</b>	<b>2,123,123</b>

Table 11: CNE Totals

A	Total Signatures	3,477,679
B	Total Problems, CNE	2,123,123
C	Difference (A-B)	1,354,556
D	Total valid, CNE	1,827,102
E	Difference (C-D)	472,546

## CONCLUSIONS

The purpose of using the sample methodology for observation was to assess the degree to which the CNE verification process complied with the criteria outlined in the regulations and instructions. We designed the sample to follow the criteria known at the beginning of January, 2004. Subsequent instructions given in the middle of the verification process added verification criteria, primarily in the categories of fingerprint analysis and similar handwriting. Because the similar handwriting criteria affected such a large number of signatures, we added this to our own criteria. We also followed the strictest fingerprint instructions, focusing on only two of several potential categories of fingerprint problems.

Based on the Carter Center sample analysis, in each problem category, the CNE determined more signatures to have problems than did the Carter Center.

- The most significant difference was in the *plana* category, or signature rows with similar handwriting. In this category, the CNE found 286,690 more *plana* signature rows than did the Carter Center, based on the projection from the sample.

- Although the differences in the categories of physical verification and *acta* verification are smaller, these differences are larger than the sample's margin of error. These differences might be explained by the CNE's use of more criteria than the Carter Center in each category, which limited itself to the criteria established in Resolutions 030925-465 and 031120-794 and the Instruction on *Actas* for January 8, 2004.

- For the REP comparison, the difference between the number of signatures found by the Carter Center and the number of signatures invalidated by the CNE is not significant. However, the CNE required an additional 6.3% of signatures to be sent to the *reparo* period due to small differences in names or birth dates.



OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

6

PLANILLA DE RECOLECCIÓN DE FIRMAS

PLANILLA DE RECOLECCIÓN DE FIRMAS

Nosotros los abajo firmantes por la presente solicitamos al Consejo Nacional Electoral, la realización de un Referéndum Revocatorio del mandato al ciudadano: \_\_\_\_\_  
elegido en fecha: \_\_\_\_\_ para el cargo de: \_\_\_\_\_, tomó posesión el: \_\_\_\_\_

SERIAL - B00000000

N	Cédula de Identidad	Nombres y Apellidos	Fecha de Nacimiento			Firma	Huella Dactilar
			DÍA	MESES	AÑO		
1							
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MUESTRA SIN VALOR





OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

7

CUADERNO DE REPARO FIRMAS VALIDAS

REPÚBLICA BOLIVARIANA DE VENEZUELA



PODER ELECTORAL

CUADERNO DE REPARO FIRMAS VALIDAS  
EVENTO II



PAG.

								REVOCABLE	COD:
								ENSAMBLE N°:	
ORDEN	CÉDULA	APELLIDOS Y NOMBRES	F/ NACIMIENTO	EDAD	DIA DE REPARO	SELLO	FIRMA	HUELLA	
1					28/05/04				
					29/05/04				<input type="checkbox"/>
					30/05/04				<input type="checkbox"/>
2					28/05/04				
					29/05/04				<input type="checkbox"/>
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OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

8 CUADERNO DE REPARO FIRMAS RECHAZADAS

REPUBLICA BOLIVARIANA DE VENEZUELA



PODER ELECTORAL

CUADERNO DE REPARO  
FIRMAS RECHAZADAS  
EVENTO II



PAG.

REVOCABLE  
ENSAMBLE N°

COD:

ORDEN	CÉDULA	APELLIDOS Y NOMBRES	F/ NACIMIENTO	EDAD	DIA DE REPARO	SELLO	FIRMA	HUELLA	
1					28/05/04				
					29/05/04				<input type="checkbox"/>
					30/05/04				<input type="checkbox"/>
2					28/05/04				
					29/05/04				<input type="checkbox"/>
					30/05/04				<input type="checkbox"/>
3					28/05/04				
					29/05/04				<input type="checkbox"/>
					30/05/04				<input type="checkbox"/>
4					28/05/04				
					29/05/04				<input type="checkbox"/>
					30/05/04				<input type="checkbox"/>
5					28/05/04				
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6					28/05/04				
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					29/05/04				<input type="checkbox"/>
					30/05/04				<input type="checkbox"/>
8					28/05/04				
					29/05/04				<input type="checkbox"/>
					30/05/04				<input type="checkbox"/>



## BALLOT

Consejo Nacional Electoral

Referendo 2004

Instancia Nacional

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¿ Está usted de acuerdo con dejar sin efecto el mandato popular,  
otorgado mediante elecciones democráticas legítimas  
al ciudadano Hugo Rafael Chávez Frías, como presidente de la  
República Bolivariana de Venezuela para el  
actual período presidencial?



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

**10**

Observación de la Recolección de Firmas para la Solicitud de Revocatorio  
Presidencial y de Diputados a la Asamblea Nacional del  
28 de Noviembre al 1 de Diciembre de 2003

## Centro Carter

Equipo		Estado	
--------	--	--------	--

Percepción del Observador Internacional al Llegar al Centro de Recolección			
	Municipio		
	Dirección centro de recolección		
	Fecha de llegada		Hora de llegada
1	Número de agentes de recolección presentes		
2	Número de observadores del CNE presentes		
3	Número de testigos presentes del gobierno		
4	Número de testigos presentes de la oposición		
5	Número de firmantes en la cola		
6	Número de mesas de recolección		
7	El ambiente general es:	Calmado	Tenso
8	Vio a personas intimidando	SI	NO
9	El proceso de registro de firmas es	Ordenado	Confuso

Percepción del Observador Internacional al Salir del Centro de Recolección			
11	Hora de salida		
12	Es el manejo de planillas ordenado	SI	NO
13	Su estimación en el relación al número de firmas recolectadas concuerda con la proporcionada con el agente	SI	NO



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Entrevista a un Agente de Recolección u Observador de la Oposición (representa a la oposición)				
21	A qué hora llegó el Agente de Recolección			
22	Número Observadores del CNE presentes cuando llegó			
23	Número agentes de recolección presentes cuando llegó			
24	Número de testigos presentes cuando llegó			
25	Hora de apertura del centro de recolección			
26	Cuánto tiempo tomó abrir el centro de recolección (desde que llegaron las planillas hasta que se registró la primera firma)			
27	Las planillas llegaron	6AM	Hora:	NO Llegaron
28	Faltaron planillas en la jornada		SI	NO
29	Se repusieron planillas en la jornada		SI	NO
30	Estaba el contenido de las planillas en blanco		SI	NO
31	Cuánto tiempo estuvieron sin planillas			min.
32	Se llenaron las Actas de Entrega de Planillas	No Sabe	SI	NO
33	Tiene las Actas de Cierre		SI	NO
34	Fue molestado, insultado, amenazado o tuvo problemas relativos a la colección de firmas hoy o en los pasados 5 días, en caso afirmativo describa el problema		SI	NO
35				
36	A qué hora llegó el primer observador del CNE			
37	Estuvo por lo menos un observador del CNE presente toda la jornada		SI	NO
38	Estuvieron todos los observadores del CNE presentes toda la jornada		SI	NO
39	Hubo visitas de testigos		SI	NO
40	Quién lo nombró como agente de recolección			
41	Cuántas firmas se recolectaron en su mesa esta jornada			
42	Están todas las planillas fijas llenadas el día de hoy en este centro de recolección		SI	NO
43	En caso negativo, quién vino a recoger las planillas esta jornada			
Preguntas a partir del segundo día				
44	Hora de cierre del día anterior		SI	NO
45	Observadores del CNE presentes durante el cierre del día anterior		SI	NO
46	Se hizo acta de cierre el día anterior		SI	NO
47	Obtuvieron copia del acta el día anterior		SI	NO
48	Cuánto tiempo (en horas) tomó hacer el cierre el día anterior (desde que se dejaron de recolectar firmas hasta que se llevaron el Acta original al CNE y recogieron las planillas vacías)			



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Entrevista a un Observador del CNE o Testigo representando al Gobierno			
50	Hay un representante del gobierno presente		SI NO
51	A qué hora llegó observador del CNE o testigo		
52	Número Observadores del CNE presentes cuando llegó		
53	Número agentes de recolección presentes cuando llegó		
54	Número de testigos presentes cuando llegó		
55	Hora de apertura del centro de recolección		
56	Cuánto tiempo tomó abrir el centro de recolección (desde que llegaron las planillas hasta que se registró la primera firma)		
57	Las planillas llegaron	6AM	Hora: NO Llegaron
58	Faltaron planillas en la jornada		SI NO
59	Se repusieron planillas en la jornada		SI NO
60	Estaba el contenido de las planillas en blanco		SI NO
61	Cuánto tiempo estuvieron sin planillas		min.
62	Se llenaron las Actas de Entrega de Planillas	No Sabe	SI NO
63	Tiene las Actas de Cierre		SI NO
64	Fue molestado, insultado, amenazado o tuvo problemas relativos a la colección de firmas hoy o en los pasados 5 días, en caso afirmativo describa el problema		SI NO
65			
66	A qué hora llegó el primer observador del CNE		
67	Estuvo por lo menos un observador del CNE presente toda la jornada		SI NO
68	Estuvieron todos los observadores del CNE presentes toda la jornada		SI NO
69	Hubo visitas de testigos		SI NO
70	Quién lo nombró como agente de recolección		
71	Cuántas firmas se recolectaron en su mesa esta jornada		
72	Están todas las planillas fijas llenadas el día de hoy en este centro de recolección		SI NO
73	En caso negativo, quién vino a recoger las planillas esta jornada		
Preguntas a partir del segundo día			
74	Hora de cierre del día anterior		SI NO
75	Observadores del CNE presentes durante el cierre del día anterior		SI NO
76	Se hizo acta de cierre el día anterior		SI NO
77	Obtuvieron copia del acta el día anterior		SI NO
78	Cuánto tiempo (en horas) tomó hacer el cierre el día anterior (desde que se dejaron de recolectar firmas hasta que se llevaron el Acta original al CNE y recogieron las planillas vacías)		



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

Entrevista a un Firmante				
Hora				
80	Fue forzado a firmar	Por quién	SI	NO
81	Fue intimidado para no firmar	Por quién	SI	NO
82	Si Ud. firmó para el referendo consultivo en noviembre de 2002, solicitó al CNE una constancia de no firma o firma para el referendo consultivo		SI	NO
83	Fue molestado, insultado, amenazado o tuvo problemas relativos a la colección de firmas hoy o en los pasados 5 días, en caso afirmativo describa el problema		SI	NO
84	Se le negó la posibilidad de firmar la planilla		SI	NO
85	Porqué			

Entrevista a un Firmante				
Hora				
80	Fue forzado a firmar	Por quién	SI	NO
81	Fue intimidado para no firmar	Por quién	SI	NO
82	Si Ud. firmó para el referendo consultivo en noviembre de 2002, solicitó al CNE una constancia de no firma o firma para el referendo consultivo		SI	NO
83	Fue molestado, insultado, amenazado o tuvo problemas relativos a la colección de firmas hoy o en los pasados 5 días, en caso afirmativo describa el problema		SI	NO
84	Se le negó la posibilidad de firmar la planilla		SI	NO
85	Porqué			

Entrevista a un Firmante				
Hora				
80	Fue forzado a firmar	Por quién	SI	NO
81	Fue intimidado para no firmar	Por quién	SI	NO
82	Si Ud. firmó para el referendo consultivo en noviembre de 2002, solicitó al CNE una constancia de no firma o firma para el referendo consultivo		SI	NO
83	Fue molestado, insultado, amenazado o tuvo problemas relativos a la colección de firmas hoy o en los pasados 5 días, en caso afirmativo describa el problema		SI	NO
84	Se le negó la posibilidad de firmar la planilla		SI	NO
85	Porqué			

Entrevista a un Firmante				
Hora				
80	Fue forzado a firmar	Por quién	SI	NO
81	Fue intimidado para no firmar	Por quién	SI	NO
82	Si Ud. firmó para el referendo consultivo en noviembre de 2002, solicitó al CNE una constancia de no firma o firma para el referendo consultivo		SI	NO
83	Fue molestado, insultado, amenazado o tuvo problemas relativos a la colección de firmas hoy o en los pasados 5 días, en caso afirmativo describa el problema		SI	NO
84	Se le negó la posibilidad de firmar la planilla		SI	NO
85	Porqué			



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

11



## APERTURA Y CIERRE DE MESA

Formulario 1

THE  
CARTER CENTER

OBSERVADOR: _____	
FECHA: _____ de mayo del 2004	ESTADO: _____
MUNICIPIO: _____	PARROQUIA: _____
Código Centro: _____	Mesa N°: _____

Apertura		Si	No	N/V*
1.	¿El material estuvo precintado?			
2.	¿Se elaboró la Sección I del Acta de Reparación?			
3.	¿El centro se instaló en el lugar previsto?			
4.	¿Se abrió la mesa a la hora prevista?			
<i>En caso de haber respondido NO, indique el motivo con una o más X</i>				
<input type="checkbox"/> Lluvia		<input type="checkbox"/> Problema con credenciales		
<input type="checkbox"/> Material incompleto		<input type="checkbox"/> Ausencia de agentes de reparo		
<input type="checkbox"/> Material defectuoso		<input type="checkbox"/> Ausencia del operador de la computadora		
<input type="checkbox"/> Material de otro centro		<input type="checkbox"/> Ausencia de testigos		
<input type="checkbox"/> Computadora no funcionó / no llegó		<input type="checkbox"/> Otros motivos (especifique):		
<input type="checkbox"/> Problemas instalación del software				
5.	¿A qué hora la mesa estuvo lista para atender a los firmantes?			

Cierre		Si	No	N/V*
6.	¿Se llenó la Sección II del Acta de Reparación?			
7.	¿Los miembros de la mesa llenaron el acta sin problemas?			
8.	¿El acta se completó sin enmiendas o tachaduras?			
9.	¿El acta se completó en su totalidad?			
10.	¿Se utilizó el acta original (en oposición al acta sustitutiva)?			
11.	¿La información de la PC coincidió con la información del cuaderno?			
12.	¿Se empacó y precintó todo el material al cierre?			
13.	¿El Plan República recibió el material al final del día?			
14.	¿Se entregó una copia del acta al observador?			
15.	¿A qué hora se cerró la mesa de reparo? (a qué hora se suspendió la recepción de firmantes)			





# OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



## APERTURA Y CIERRE DE MESA

Formulario 1

**Día 4**

		Si	No	N/V*
16	¿Se colocó el cuaderno en el sobre para su posterior envío?			
17	¿Se inutilizaron los renglones no reparados?			

Notas: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

**REPARO DE LAS FIRMAS**  
**Formulario 2**

OBSERVADOR: \_\_\_\_\_

FECHA: \_\_\_\_\_ de mayo del 2004 ESTADO: \_\_\_\_\_

MUNICIPIO: \_\_\_\_\_ PARROQUIA: \_\_\_\_\_

	Centro N°	Mesa N°	Centro N°	Mesa N°	Centro N°	Mesa N°	Centro N°	Mesa N°	Centro N°	Mesa N°
1. Coincidió la suma de las firmas en blanco del cuaderno con el nro. consignado en el acta del día anterior?	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>
	N/O* <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
2. ¿La lista de firmantes está visible a la entrada del recinto?	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>
	N/O* <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
3. ¿La seguridad del centro es adecuada?	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>
	N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
4. ¿Se interrumpió el proceso de reparos? <i>Indique el motivo con una o más X.</i>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>	Si <input type="checkbox"/>	No <input type="checkbox"/>
	N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
<i>Material incompleto</i>										
<i>Material de otro centro</i>										
<i>Computadora no funciona</i>										
<i>Problema con credenciales</i>										
<i>Falta de agentes de reparo</i>										
<i>Falta de operador de computadora</i>										
<i>Falta de testigos</i>										
<i>Discusión frente a la mesa</i>										
<i>Otros casos</i>										



OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

	Centro N°	Mesa N°	Centro N°	Mesa N°	Centro N°	Mesa N°	Centro N°	Mesa N°	Centro N°	Mesa N°
5. ¿Hubo personas que no pudieron firmar? <i>Indique el motivo con una o más X.</i>	Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>	
	N/O* <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
<i>Problemas con la cédula</i>										
<i>Problemas con el cuaderno (le faltaban páginas, tenía páginas de otro libro, páginas dañadas)</i>										
<i>Discrepancia de nombres</i>										
<i>Discrepancia de fecha de nacimiento</i>										
<i>Discrepancia de Firma</i>										
<i>El renglón estaba lleno.</i>										
<i>Cédula no estaba en el cuaderno</i>										
<i>Estaba en el listado exterior pero no en el cuaderno</i>										
<i>Cuaderno dañado</i>										
<i>Otros</i>										
6. ¿Se presentaron casos de personas cuyos datos no figuraban ni en el listado ni en el cuaderno?	Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>	
	N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
7. ¿Se observó la presencia de efectivos militares en los centros de reparos?	Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>	
	N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
8. ¿Se observaron actos de intimidación en el centro de reparos o sus alrededores?	Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>	
	N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
9. ¿Se observaron actos de violencia?	Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>	
	N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
10. ¿Se recibieron denuncias de intimidación y/o violencia?	Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>		Si <input type="checkbox"/> No <input type="checkbox"/>	
	N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>		N/O <input type="checkbox"/>	
11. Tiempo aproximado de atención al firmante:	0 - 2 min. <input type="checkbox"/> 3 - 5 min. <input type="checkbox"/> 6 - 10min <input type="checkbox"/> 11 a más <input type="checkbox"/>		0 - 2 min. <input type="checkbox"/> 3 - 5 min. <input type="checkbox"/> 6 - 10min <input type="checkbox"/> 11 a más <input type="checkbox"/>		0 - 2 min. <input type="checkbox"/> 3 - 5 min. <input type="checkbox"/> 6 - 10min <input type="checkbox"/> 11 a más <input type="checkbox"/>		0 - 2 min. <input type="checkbox"/> 3 - 5 min. <input type="checkbox"/> 6 - 10min <input type="checkbox"/> 11 a más <input type="checkbox"/>		0 - 2 min. <input type="checkbox"/> 3 - 5 min. <input type="checkbox"/> 6 - 10min <input type="checkbox"/> 11 a más <input type="checkbox"/>	



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

12

THE  
CARTER CENTER

## Formulario 1

### APERTURA Y CIERRE

#### Referendo Revocatorio Presidencial

OBSERVADOR: \_\_\_\_\_ ESTADO: \_\_\_\_\_  
 MUNICIPIO: \_\_\_\_\_ PARROQUIA: \_\_\_\_\_  
 CENTRO: \_\_\_\_\_  
 CODIGO: \_\_\_\_\_ N° MESA: \_\_\_\_\_

**APERTURA**

**CLASIFICACIÓN DE LA MESA AL  
MOMENTO DE LA APERTURA:**

Automatizada	
Automatizada convertida en manual	
Manual	

		Si	No	N/V*
1	¿La caja conteniendo el material estaba precintada?			
2	¿Se cambió de lugar el centro de votación?			
3	¿A qué hora se constituyó la mesa?			
	<i>Si la mesa se constituyó después de las 6:00am, indique el motivo con una o más X</i>			
	<input type="checkbox"/> Material incompleto	<input type="checkbox"/> Ausencia de miembros de mesa	<input type="checkbox"/> Máquina de votación no funcionó o no llegó	
	<input type="checkbox"/> Material defectuoso	<input type="checkbox"/> Ausencia del operador de la máquina de votación	<input type="checkbox"/> Problema con credenciales	
	<input type="checkbox"/> Material de otro centro	<input type="checkbox"/> Lluvia	<input type="checkbox"/> Otro (especifique)	
4	¿Estaba el testigo del SI presente para observar la apertura?			
5	¿Estaba el testigo del NO presente para observar la apertura?			
6	¿Se mostró la urna vacía a los testigos y electores presentes?			

PARA LAS MESAS CON SISTEMA AUTOMATIZADO				
7	¿Se imprimieron los reportes de diagnóstico con estatus de 'OK'?			
8	¿Se imprimió el Acta de Inicialización en cero?			

PARA TODAS LAS MESAS				
9	¿Los procedimientos de la apertura se cumplieron satisfactoriamente?			
	<i>En caso negativo indique la falla con una o más X</i>			
	<input type="checkbox"/> No se completó el Acta de Constitución de la Mesa	<input type="checkbox"/> No se llenó la primera parte del Acta de Constitución y Votación		
	<input type="checkbox"/> Otro (especifique)			
10	¿A qué hora la mesa estuvo lista para iniciar la votación?			
11	¿Hay máquina captadora de huellas en el centro?			
12	<i>En caso afirmativo ¿se encuentra funcionando?</i>			



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## CIERRE

CLASIFICACIÓN DE LA MESA AL  
MOMENTO DEL CIERRE:

Automatizada	
Manual	

		Si	No	N/V*
13	¿A qué hora cerró la mesa de votación?			
14	¿Se atendió al total de votantes en la fila?			
15	¿Se llenó el Acta de Constitución y Votación?			

PARA MESAS CON SISTEMA AUTOMATIZADO				
16	¿La transmisión de resultados se efectuó sin inconveniente?			
	<i>En caso negativo, indique los motivos que aplican abajo con una X</i> ___ Operador no estaba capacitado para realizar la operación      ___ La máquina de votación no funcionó adecuadamente (indique el código de error emitido por la máquina) ___ La línea telefónica no estaba instalada      ___ La línea telefónica no funcionó ___ Otros (especifique)			
17	¿Recibió el testigo del NO una copia del Acta de Escrutinio?			
18	¿Recibió el testigo del SI una copia del Acta de Escrutinio?			
19	¿El número de personas que votó (anotadas en el cuaderno) cuadró con la cifra en el Acta de Escrutinio?			
20	¿Se hizo el conteo manual?			
	<i>En caso afirmativo,</i> a) ¿Cuadró el número del conteo manual con la cifra en el Acta de Escrutinio? b) ¿Se llenó el Acta del Número de Boletas Depositadas? c) ¿Se selló la Caja para Resguardo de Boletas?			
21	¿Se colocó la memoria removible en el Sobre 1?			

PARA MESAS CON SISTEMA MANUAL				
22	¿Se cumplió con los requisitos previstos en el reglamento de escrutinio?			
	<i>En caso negativo, indique la falla con una o más X</i> ___ No se llenó el Acta de Escrutinio      ___ No se selló la Caja para Resguardo de Boletas ___ No se llenó el Acta del Número de Boletas Depositadas      ___ No se colocó el sello BOLETAS INUTILIZADAS ___ Otro (especifique)			

AMBOS CASOS				
23	¿Los miembros de mesa o testigos estuvieron conformes con los resultados? <i>En caso negativo, indique quién y por qué</i>			
24	¿Se colocó el sello NO ASISTIÓ en los espacios vacíos del cuaderno?			
25	¿El Plan República recibió el material al cierre de la jornada de votación?			

En caso de que la respuesta sea NO a cualquiera de las preguntas, favor explicar



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

	<b>Formulario 2A</b> <b>PROCESO DE VOTACION</b> <b>Referendo Revocatorio Presidencial</b>
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OBSERVADOR: _____	ESTADO: _____
MUNICIPIO: _____	PARROQUIA: _____
CENTRO: _____	
CODIGO DEL CENTRO: _____	HORA: _____

## PREGUNTAS SOBRE EL CENTRO

<b>(i): Condiciones del Centro</b>			
1) ¿Los efectivos del Plan República están presentes en el centro?	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>
2) ¿Se observan actos de intimidación en el centro o en sus alrededores?	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>
3) ¿Se observan actos de violencia?	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>
4) ¿Se recibieron denuncias de intimidación y/o violencia?	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>
5) ¿La lista de votantes está visible en la entrada del recinto?	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>

<b>(ii) Acceso de los electores al Centro de Votación</b>			
6) ¿Hubo electores que no se les permitió ingresar al centro de votación? <i>En caso afirmativo, indique abajo el motivo con una o más X)</i>	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>
a) Problemas con aceptación de la cédula en la computadora de registro de huellas o la entrada del centro de votación	1 - 10 <input type="checkbox"/>	11 - 20 <input type="checkbox"/>	Mas de 20 <input type="checkbox"/>
b) Cédula aparece en la lista pero no en la computadora de registro de huellas	1 - 10 <input type="checkbox"/>	11 - 20 <input type="checkbox"/>	Mas de 20 <input type="checkbox"/>
c) La computadora de registro de huellas indica que ya votó	1 - 10 <input type="checkbox"/>	11 - 20 <input type="checkbox"/>	Mas de 20 <input type="checkbox"/>
d) Otros casos (especifique)			

<b>(iii) Máquinas captadoras de huellas</b>			
7) ¿Cuántas máquinas captadoras de huellas hay en el centro? <i>(Si la respuesta es "ninguna" proceda a la Sección B)</i>			
8) ¿La máquina captadora de huellas funcionó adecuadamente? <i>(Si la respuesta es negativa especifique abajo con una X el tipo de falla)</i>	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>
a) Fallas intermitentes			
b) Fallas persistentes			
9) ¿En los momentos en que la máquina captadora de huellas no funcionó, se permitió a los electores continuar con el proceso de votación?	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>
10) ¿Aproximadamente cuánto tiempo duró la verificación de la huella por persona?	0 - 1 min. <input type="checkbox"/>	1 - 3 min. <input type="checkbox"/>	Más de 3 <input type="checkbox"/>
11) ¿Se registraron casos de duplicaciones de huellas?	SI <input type="checkbox"/>	NO <input type="checkbox"/>	N/V <input type="checkbox"/>
a) Si la respuesta es afirmativa, indique cuantos			

\* No Visto

1



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

	<b>Formulario 2B</b> <b>PROCESO DE VOTACION</b> <b>Referendo Revocatorio Presidencial</b>
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## PREGUNTAS SOBRE LA MESA

	Mesa _____ Hora _____	Mesa _____ Hora _____	Mesa _____ Hora _____	Mesa _____ Hora _____
<b>(iv) Clasificación y composición de la mesa</b>				
12) Clasificación de la mesa				
a) <i>Automatizada</i>				
b) <i>Automatizada convertida en manual</i>				
c) <i>Manual</i>				
13) ¿Están presentes por lo menos 3 miembros de la mesa?	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>
14) ¿Está presente el testigo de parte del SI?	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>
15) ¿Está presente el testigo de parte del NO?	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>
16) ¿Está presente el operador de máquina de votación (caso automatizado)	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>

<b>(v) Proceso de votación</b>				
17) ¿A qué hora se constituyó la mesa? <i>Si se constituyó después de las 6:00am marque con X</i>				
a) <i>Fallas de la máquina (caso automatizado)</i>				
b) <i>Problema con credenciales</i>				
c) <i>Falta de miembros de mesa</i>				
d) <i>Falta de operador de máquina</i>				
e) <i>Otro (especifique)</i>				
18) ¿Se interrumpió el proceso de votación por más de una hora? <i>En caso afirmativo, indique el motivo con una o más X</i>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> NV <input type="checkbox"/>
a) <i>Fallas de la máquina (caso automatizado)</i>				
b) <i>Discusión en la mesa</i>				
c) <i>Otro (especifique)</i>				

\* No Visto

2



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

<b>(vi) Máquinas de votación</b>				
19) ¿Se tuvo que reemplazar la máquina de votación?	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>
<i>En caso afirmativo, a) ¿En cuánto tiempo se instaló la nueva máquina/componente?</i>	0 - 30 min. <input type="checkbox"/> 31 - 60 min. <input type="checkbox"/> 61 - 90 min. <input type="checkbox"/> 91 o más <input type="checkbox"/>	0 - 30 min. <input type="checkbox"/> 31 - 60 min. <input type="checkbox"/> 61 - 90 min. <input type="checkbox"/> 91 o más <input type="checkbox"/>	0 - 30 min. <input type="checkbox"/> 31 - 60 min. <input type="checkbox"/> 61 - 90 min. <input type="checkbox"/> 91 o más <input type="checkbox"/>	0 - 30 min. <input type="checkbox"/> 31 - 60 min. <input type="checkbox"/> 61 - 90 min. <input type="checkbox"/> 91 o más <input type="checkbox"/>
b) ¿Se pudo continuar con la nueva máquina o componente?	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>
20) ¿La máquina tiene el paraván para preservar la privacidad del voto?	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>

<b>(vii) Ejercicio del derecho al voto</b>				
21) ¿Hubo personas que no pudieron ejercer su derecho a votar? <i>En caso afirmativo, indique el motivo con una o más X</i>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>	SI <input type="checkbox"/> NO <input type="checkbox"/> N/V <input type="checkbox"/>
e) <i>Problemas con aceptación de la cédula</i>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>
f) <i>Cédula aparece en la lista pero no en el cuaderno</i>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>
g) <i>Problemas con el cuaderno (le faltaban páginas, tenía páginas de otro libro, páginas dañadas)</i>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>
h) <i>Otra persona firmó en el renglón</i>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>
i) <i>El renglón esta ocupado con una fe de errata ("sticker")</i>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>
j) <i>Expiró el tiempo permitido por la máquina</i>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>	1 - 10 <input type="checkbox"/> 11 - 20 <input type="checkbox"/> Mas de 20 <input type="checkbox"/>
k) <i>Otros casos (especifique)</i>				

<b>(viii) Duración del proceso</b>				
22) Tiempo aproximado del proceso de votación desde la revisión de la cédula hasta su devolución	0 - 2 min. <input type="checkbox"/> 2 - 4 min. <input type="checkbox"/> 4 - 6 min. <input type="checkbox"/> Más de 6 <input type="checkbox"/>	0 - 2 min. <input type="checkbox"/> 2 - 4 min. <input type="checkbox"/> 4 - 6 min. <input type="checkbox"/> Más de 6 <input type="checkbox"/>	0 - 2 min. <input type="checkbox"/> 2 - 4 min. <input type="checkbox"/> 4 - 6 min. <input type="checkbox"/> Más de 6 <input type="checkbox"/>	0 - 2 min. <input type="checkbox"/> 2 - 4 min. <input type="checkbox"/> 4 - 6 min. <input type="checkbox"/> Más de 6 <input type="checkbox"/>

**Observaciones generales** (indicar claramente el No. de Mesa): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* No Visto

3





## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

**13** FINDINGS OF AN INDEPENDENT PANEL ON ALLEGATIONS OF STATISTICAL EVIDENCE FOR FRAUD DURING THE 2004 VENEZUELAN PRESIDENTIAL RECALL REFERENDUM

## PANEL PARTICIPANTS

**Henry Brady**

Class of 1941 Monroe Deutsch Professor of Political Science and Public Policy at the University of California, Berkeley, with appointments in the Department of Political Science and the Goldman School of Public Policy. Faculty director of Berkeley's Survey Research Center and the University of California Data Archive and Technical Assistance (UC DATA) program.

Dr. Brady has written extensively on research methods and statistical techniques for analyzing social science data as well as on social welfare policy, political participation, and voting systems.

**Richard Fowles**

Associate Professor of Economics, University of Utah.

Dr. Fowles is an econometrician specializing in model specification fragility and analysis and also works on low probability/high consequence decision-making and public policy economics.

**Aviel Rubin**

Professor of Computer Science and Technical Director of the Information Security Institute at Johns Hopkins University.

Dr. Rubin is the author of several books on computer security and co-author of a report that showed security flaws in a widely used electronic voting system and that focused a national spotlight on the issue.

**Jonathan Taylor**

Assistant Professor, Department of Statistics, Stanford University.

Dr. Taylor's work focuses on multiple comparisons problems, specifically in neuroimaging and smooth stochastic processes.

**Nicholas Beauchamp (Panel Coordinator)**

Carter Center consultant on the Venezuela project. (Apart from Mr. Beauchamp's work at The Carter Center, none of the panel members had any connection to Venezuela or the recall referendum before Aug. 15. Some of them were contacted or consulted by Venezuelans or The Carter Center after the event.)

## INTRODUCTION

Immediately following the Aug. 15, 2004, presidential recall referendum in Venezuela, a number of allegations of fraud began to appear in the Venezuelan press. Some of these allegations were based solely on statistical studies of the recall referendum returns, while other allegations examined that data in combination with exit polls, registered voters lists, the 2000 election results, or the results of the November 2003 petition to hold a recall referendum. Because the Aug. 18 audit of a sample of recall referendum returns found no significant discrepancy between the official electronic returns and the paper receipts printed out after each vote, some of the allegations of fraud extended to the audit as well. The Carter Center convened a panel of independent experts who had not been involved in the Venezuelan recall referendum to explore some of these statistically based allegations of fraud, and to make recommendations for minimizing the potential for fraud suspicions in future elections.

Because there have been numerous reports alleging evidence of fraud and because many of these reports have not yet been published or publicly released in full, the panel has only investigated a subset of the claims that have been made. The claims of fraud investigated fall into four categories. In general, the various allegations of fraud have not been integrated into a



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

single scenario, and the evidence for each accusation has been treated on its own terms.

### CLAIMS INVESTIGATED

1. Anomalous distributions of recall referendum votes among voting machines, including anomalously high rates of matching Yes votes among machines at a single voting table or voting center.
2. Unusual correlations between recall referendum results, exit polls, and the November 2003 petition to hold the recall referendum.
3. Regression analysis incorporating various factors such as Yes votes, 2003 petition signatures, and registered voters, showing that the audited voting centers behave slightly differently from the total universe of voting centers.
4. The failure of recall referendum vote totals to conform to “Benford’s Law” governing the frequency of the first and second digits in those totals.

### SUMMARY OF CONCLUSIONS

The Carter Center panel has found that none of the statistical studies examined here present evidence that fraud occurred during the 2004 presidential recall referendum:

1. The number of voting centers with matching machines is only slightly outside the expectations generated by most election models. A broader examination of vote distributions using more powerful tools has found no significant anomalies in the recall returns.
2. The panel rejects the hypothesis that a direct correlation between 1) the differences between the recall referendum and November 2003 petition results and 2) the differences between recall referendum and exit poll results implies that the referendum results were fraudulently manipulated. Instead, as others have suggested, there are numerous reasons why the petition and exit poll errors could be directly correlated, most of which have not been tested.
3. The panel has attempted to replicate the results of the Hausmann and Rigobon report claiming that the audited voting centers do not behave exactly the same in a linear regression model as the total universe

of votes and that, therefore, the audited sample was not random. The panel found that this result was very dependent on the 2003 recall petition data and that slightly different petition data sets reduced or eliminated the audit anomaly. Because the anomaly is small and not robust, the panel concludes that these regressions do not present evidence that the audit sample was fraudulently biased.

4. The panel concludes that there is insufficient evidence that Benford’s Law applies to election results in general. Furthermore, a simple but plausible model of the election does not produce results that conform to Benford’s Law.

### RECOMMENDATIONS FOR FUTURE ELECTIONS

To strengthen trust in electronic voting, there should be no doubt about the security of any stage of the process. The code running on voting machines should be publicly available for inspection as should the code running on any server involved in aggregating and tallying the votes. Vote-aggregating servers should neither be in contact with the Internet nor accessible via modem, except for the period when voting machines send in their tallies. As much as possible, the actions of these servers should be equally open to observation by any of the parties during the tallying phase. There should be no mechanism for any voting machine to receive instructions or modifications from the server, and only poll workers at the voting machines should be able to initiate the transfer of vote tallies to the server. The vote tally from each machine should also be recorded to a memory stick or other portable memory device, which should be physically delivered to the central electoral agency and compared with the electronically reported tallies. There should be no means for election workers to modify the results of voting machines, apart from resetting the machines at the beginning of the election day.

The paper voting receipts collected from each voter during the election are an excellent method for building trust in electronic voting by providing a verifiable



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

paper record of the election. During the Aug. 18 audit, the paper record allowed a relatively easy comparison of the paper receipts with the official electronic election results. However, the three days between the election and the audit raised doubts about the authenticity of the paper voting records, doubts which could be largely eliminated by keeping the paper records under observation by both sides during the entire time between the election and any audit. In the future, there should be a clearly established chain of custody for the paper ballot receipts, one that allows the maximum degree of transparency to observation without jeopardizing the security of the paper records.

Doubts about the electronic tally and the paper receipts could further be diminished by shortening the time between the election and the audit, with the ideal scenario being a “hot” audit at a random sample of voting centers immediately after voting has closed. The sampled centers should be selected immediately after voting has ended in order not to affect voting or warn away fraud attempts at those machines. Such a hot audit was attempted during the Aug. 15 referendum but was not successful, largely due to the irregular closing times of voting centers. During the Oct. 31 election, however, a hot audit was successfully performed following most of these guidelines, and a sample of approximately 5,000 machines (one for each automated voting center) found a very close match between electronic and paper results. Because the audit was performed without delay and because various other security measures were implemented for the election (such as printing machine tallies before transmitting results), the potential for doubt was minimized, and few accusations of fraud later appeared. The Oct. 31 election and audit have set a good standard for establishing the security of electronic voting results.

As trust builds in the electronic voting system, it may become less necessary to conduct hot audits for every election. In those cases where all parties have agreed to forego a hot audit, it will be crucial to keep the paper voting records in well-observed locations

until the period in which doubts could trigger a cold audit has passed. If ballot boxes and voting machines have not been under continuous observation since the election, any cold audit should send observers to all ballot box and voting machine storage locations prior to the selection of audited machines to prevent the audited receipts or machines from being manipulated between the announcement and the pickup. This technique, employed in the Aug. 18 audit, ensures that any attempt to manipulate the paper receipts to match fraudulent electronic tallies would require replacing the paper for every single ballot box, a job that would be quite difficult logistically as well as quite difficult to keep secret.

To remove doubts about the audited sample being truly random, the program code for generating the sample should be open for all to see; the computer on which the code is run should belong to a neutral party and may be reformatted prior to running the program; the numerical “seed” for the random sample generator should be chosen in pieces by each participating party, and these pieces should be combined by bitwise XOR rather than merely conjoining the pieces (bitwise XOR diminishes the possibility that any party’s seed-piece might deliberately shape the outcome); for a cold audit, the sample-generating program should be run publicly, and its outcome publicly reported, while for a same-day hot audit, the parties may not wish to publicly identify the audited voting centers until after the election is over, in order not to affect the voting. Most of these guidelines were followed during the Aug. 18 audit, although only one party (the CNE) selected the seed, and the sample-generating program was run on a CNE computer (see the discussion for Claim 3 for more on this). These oversights can be easily corrected in future elections, as they were, to a large degree, in the Oct. 31 election.

## DISCUSSION

**Claim 1**

The first concrete allegations that there was statistical evidence of fraud were based on an examination of the vote totals for machines at the same voting table or



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

voting center. Initially, the claim was that, because many machines at a given table appeared to have matching Yes vote totals, the Yes totals might have been capped by a hidden program in the voting machines which then transferred any votes above that cap to the No option. However, this specific scenario was quickly abandoned when it was shown that the matching totals were normally distributed and that the totals for the third machine at a table where the other two machines were “capped” had more Yes votes as often as it had fewer. This “capping” scenario was largely dropped and, instead, somewhat more rigorous claims were put forward that the frequency of matching machines was anomalously high, without committing to a specific fraud scenario.

The panel examined two public reports supporting these claims, by Valladares and by Jimenez et. al. The panel also looked more generally at the match between actual vote distributions and plausible models of the election. Regarding matching totals, the panel largely agrees with the results in Felten et. al., Hausmann and Rigobon, and Taylor, finding that matching totals were in some cases slightly higher than predicted by some models but that usually the matching rate was within the expected range generated by reasonable election models.

To further examine this issue, a closer examination of the multinomial deviance under the Poisson model was conducted by Taylor using a “False Discovery Rate” (FDR) analysis to see if the minor departures from the Poisson model were due to manipulation of some nontrivial subset of machines. This analysis presupposes the presence of an unusual dispersion in the Yes results that could manifest itself as an unusual number of ties or other types of vote manipulation and then tries to estimate the departure from a global null model. In this case, the null model was one of the models proposed by Valladares that assumes that the votes within a table are independent Poisson random variables with equal parameters across each machine. (While the final model of Valladares et al. assigned the parameters slightly differently, the panel feels this would not greatly affect the FDR analysis.) Taylor concludes

that those small discrepancies that can be found are due mainly to 21 voting tables in one analysis and due to eight tables in another. In general, the dispersions of the No and Yes votes seem to be the same, and he concludes that the data show “no clear departures from the Poisson model.”

### *Claim 2*

Part 1 of Hausmann and Rigobon’s *In Search of the Black Swan* concerns the recall referendum results in general, while Part 2 deals with the Aug. 18 audit. Part 1 will be discussed in this section (Claim 2), while Part 2 will be discussed in the following section (Claim 3).

In Part 1 of their report, Hausmann and Rigobon use linear regression models of Yes votes versus exit polls and Yes votes versus signatures collected during the November 2003 petition to hold a referendum and compare the residuals for those regressions, finding that they are correlated at 0.17 ( $p \sim 0.1\%$ ). They assume that these residuals should not be directly correlated (because the exit polls and signature collection took place under different circumstances) and conclude that therefore any correlation is due to a hidden fraud factor within the residual terms arising from manipulation of the Yes vote. However, even accepting this correlation, there are numerous explanations for why the exit poll and signature residuals could be directly correlated. For instance, two voting centers may have had the same percentage of opposition voters, but at one center, those voters may have been more motivated and dedicated to the cause, industriously signing the more complex petitions at higher rates and later seeking out exit pollsters to produce a higher Yes exit poll response in those areas. Similarly, since the petition and the exit polls in question were staffed by the same local opposition supporters, areas with more industrious opposition workers could have gathered more signatures and later (presuming a polling bias toward opposition respondents, as the exit polls suggest) gathered more Yes exit poll responses. Without testing these and related hypotheses, the correlation between exit poll and signature residuals cannot be taken as evidence of fraud.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

**Claim 3**

In Part 2 of their report, Hausmann and Rigobon present evidence that audited parroquias (voting precincts) in the 2004 Venezuelan referendum are statistically different from the unaudited ones. Their claim is that these results cast doubt on the reliability of the audit and show that the audited sample was not truly random and representative of the entire universe of voting centers. However, in attempting to replicate Hausmann and Rigobon's results, Richard Fowles found that the data used to assess fraud is fragile – it does not clearly show whether there is a difference between the audited and unaudited precincts.

Hausmann and Rigobon's ordinary least squares (OLS) regression model demonstrates that in both audited and unaudited precincts there is a positive relationship between the number of signatures obtained and the number of Yes votes. They claim, however, that the presence of fraud introduces a bias in OLS estimation that will unambiguously result in a positive and statistically significant coefficient on a particular variable defined in their regression model. That explanatory variable is created using a binary variable indicating whether or not a precinct was audited, multiplied by the logarithm of the number of signatures collected during the referendum. In this model, the dependent variable is the logarithm of the number of Yes votes in the precinct. This model directly estimates the elasticity of the number of Yes votes with respect to the number of petition signatures. In Table 10 of the Hausmann and Rigobon paper, this elasticity is estimated at .958 for unaudited precincts and .105 higher than this for audited precincts.

During attempts to replicate the Hausmann and Rigobon results, two basic data sets were used. One was supplied by Rigobon to Richard Fowles, and the other came from the civil society group Súmate (via The Carter Center). Although the numbers in these data sets were close, they were not exactly the same in the key variables needed to replicate the Hausmann and Rigobon results. Differences were present for the

numbers of signatures collected in areas corresponding to each voting center (see below), and slight differences were present in the data specifying which centers had been audited. The Carter Center also supplied its own data sets for signatures and the audit status of a parroquia. Thus there were nine different combinations of the key explanatory variable and two combinations of Yes votes that could be used to assess the reliability of the Hausmann and Rigobon result. Our regressions revealed that the statistical significance of the estimated coefficients highlighted by Hausmann and Rigobon was due to differences in the signature data from the two data sets.

For example, a pure Rigobon regression used the Rigobon Yes vote, the Rigobon binary audit variable, and the Rigobon signature data. As expected, this regression results in a statistically significant estimated coefficient on the key variable of interest. A pure Súmate regression (using Súmate's Yes, audit, and signature data) does not result in an estimated coefficient on the key variable that is statistically different from zero and thus presents no evidence of fraud under the Hausmann and Rigobon assumptions. A mixed regression used assorted combinations of the Súmate and Rigobon data. If, for example, the Súmate signature variable was used in an otherwise pure Rigobon regression, the Hausmann and Rigobon results did not show up. Similarly, if the Rigobon signature variable was used in an otherwise pure Súmate regression, the Hausmann and Rigobon result appeared.

The differences in the signature data may be due to the difficulty of assigning signers in 2003 to voting centers in 2004, since the voting locations were shifted somewhat in between these two dates, requiring a careful reallocation of signatures to the new voting centers. But in any case, the panel concludes that the data used to assess this fraud is fragile and is not conclusive evidence of fraud in the audit. This conclusion is independent of any criticism of the Hausmann and Rigobon assumptions that they use to focus attention on their regression, and it is also independent of any assessment of basic fragility in model specification.



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

***Further Discussion of the Aug. 18 Audit***

Given that the audited paper voting receipts matched the electronic tallies for those machines extremely closely, most fraud scenarios must include the hypothesis that the audit was, in fact, not random and that the CNE was able to force the selection of the audited sample. This could have been done by carefully selecting the seed for the program generating the random sample. However, the CNE did not expect to select the entire seed itself – this contingency was only made possible when the opposition refused to participate in the seed selection, the OAS and Carter Center observers subsequently declined to choose the seed, and the CNE officials therefore had to select the seed themselves. The CNE would also have needed to run many seeds through the program ahead of time in order to produce a sample whose overall results matched a fraudulent No victory.

Alternatively, some have claimed that the program was simply hacked. The Carter Center and OAS checked the program before and after the drawing of the sample and found that it produced the same sample given the same seed. The Carter Center further checked the program with many different seeds and found that every machine in the universe did appear in at least one sample drawn, indicating that the sample was not restricted to a subset of the machines. While there can be no absolute guarantee that code run on an insecure computer may not have been briefly modified or that the seed may have been chosen to produce a specific set of centers, there is at least one additional reason to believe that this did not occur. On the hypothesis that Yes actually won, a sample of voting centers that supported a resounding No victory would necessarily be made up of anomalously No-leaning areas. To examine this possibility, Weisbrot et. al. looked at whether the audited centers were anomalously pro-Chávez in the 2000 election. Instead, they found that the audited centers were generally representative in the 2000 election. It remains conceivable that seeds could have been tried until a sample was chosen that was both representative in 2000 and unusually pro-Chávez in

2004 – but the panel finds this unlikely.

As mentioned above, to prevent future concerns regarding the randomness of the audit, any audit should begin immediately after voting has closed; the program code should be open for all to examine; the program should run on a secure, neutral computer; and the seed should be publicly chosen by a variety of parties who combine their pieces in an XOR fashion. Additionally, although some of the security measures recommended here have yet to be implemented, the Oct. 31 hot audit successfully eliminated most of the potential doubts about the electronic ballot tallies.

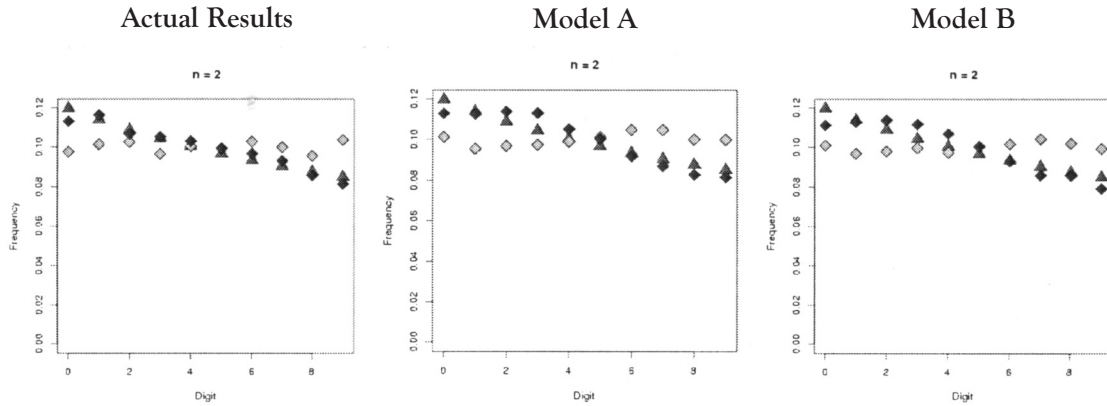
***Claim 4***

More recently, claims have been made by Mikoss and by Pericchi and Torres that a comparison of the recall referendum results with “Benford’s Law” shows that the results are fraudulent. Benford’s Law is occasionally used to search for financial fraud and governs the rate that the digits 0-9 appear in some sets of data. Pericchi and Torres argue that the election data (specifically, the second digit of machine-level totals) conform to Benford’s Law, except for the automated No results. Mikoss examines the No minus Yes totals and finds that it matches Benford’s Law but that when one switches a varying percentage of votes from No “back” to the hypothetical Yes victory, the match with Benford’s Law is much improved at a 24 percent switch.

The panel believes that there are many reasons to doubt the applicability of Benford’s Law to election returns. In particular, Benford’s Law is characteristic for scale-invariant data, while election machines are allocated to maintain a relatively constant number of voters per machine. Brady finds, for example, that the first digit of precinct-level electoral data for Cook County, the city of Chicago, and Broward County, Fla., depart significantly from Benford’s Law, primarily because of the relatively constant number of voters in voting precincts. He also describes a set of assumptions that fit many kinds of electoral data (at least approximately) and that will lead to distributions other than Benford’s. Brady also finds that taking the difference



# OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM



Graphs are of Digits versus Frequency. Dark diamond=Benford's Law, Light diamond=Yes, Triangle=No

of votes for two major presidential candidates in Cook County precincts leads to an empirical distribution that departs from Benford's Law (which Mikoss takes in the analogous case as evidence of fraud). Furthermore, Brady finds that in situations where some of the conditions for the application of Benford's Law seem to apply, the electoral data fail to conform to the law. In short, Benford's Law does not generally apply to electoral data and even in cases where we suspect that it might apply, we find that it does not. All in all, Benford's Law seems like a very weak instrument for detecting voting fraud. There are many reasons to believe that it does not apply to electoral data, and empirical tests suggest that deviations from the law are not necessarily indicative of fraud.

It also seems reasonable to assume that if Benford's Law does hold for election data, then it should hold for a reasonable model of the election. Jonathan Taylor tested Benford's Law for two models of the election: a) a simple Poisson model with parameter varying by table, with Yes/No votes split 40 percent Yes/60 percent No across all mesas and b) Poisson with a parameter varying by table, and Yes/No votes split equally among machines, which is the same model used for the FDR analysis above and was one of the models proposed by Valladares et al. as a model of the election data without fraud. The results for the second digit are as follows:

Clearly the digit frequencies for both models match the actual data fairly closely, and the "violation" of Benford's Law for the second digit of No votes does not show fraud, particularly if one accepts the claim that Valladares et al.'s model is a model of a fair election without fraud.

## CONCLUSIONS

The panel finds that none of the reports examined present evidence that there was significant fraud during the Aug. 15 presidential recall referendum.

Though the rate of Yes vote matches at times is somewhat greater than that predicted by some models of the election, a thorough examination of vote distributions finds no significant difference between a reasonable model of the election and the actual results.

Hausmann and Rigobon's comparison of exit polls, petition signatures, and recall referendum results finds a direct correlation between the first two, which they attribute to fraud but which the panel considers to be a simple correlation potentially due to any number of nonfraudulent causes.

A regression analysis showing that the audited sample behaves slightly differently than the total universe of votes proves to be dependent on the 2003 petition signature data, and that result was not robust under small changes in that data.

Alleged evidence of fraud based on Benford's Law



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

instead demonstrates how closely the election data match reasonable models of the election.

Although doubts were raised about the security of ballot boxes in between the recall referendum and the audit, and doubts were raised about the security of the program generating the audit sample, it should be emphasized that the paper audit produced results that very closely matched the electronic tally and that any manipulation of the non-audited centers would not only need to bias the audited centers to match a fraudulent outcome but would need to choose centers that were somehow also representative in the 2000 election. It might also be mentioned that none of the claims for evidence of fraud suggested a fraud so great as to change the exit-pollled 60/40 opposition win to the official 40/60 government win.

That said, the panel only concludes that there is no statistical evidence of fraud based on the reports we have examined. The panel cannot explain why the exit polls proved so mistaken— though, following Weisbrot, the panel can point to one exit poll conducted without opposition help by the American firm Evans/McDonough that found results of 55 percent No to 45 percent Yes.

The Venezuelan recall referendum implemented more security and trust-building features than electronic elections in many other countries, including paper receipts and the cold audit. Although the hot audit on Aug. 15 was not successful, the hot audit performed during the Oct. 31 elections was quite successful, dispelling many of the kinds of doubts that appeared after the recall referendum. The panel has made further recommendations in the section above for building trusted elections, but the Venezuelan election authority already has most of the pieces in place for building a trustworthy voting system in which it will be even more difficult to perpetrate any substantial fraud.

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## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

## END NOTES

1. It is of note that concurrent with the presidential recall referendum effort, efforts to recall multiple deputies in the National Assembly occurred. Signatures initially were collected with the aim of recalling 37 opposition deputies and 33 pro-government deputies. Although the deputy recall efforts continued through the *reparo* period, and it was confirmed that signatures had been collected to provoke a recall for nine opposition deputies and none of the pro-government deputies, as of the writing of this report, there have been no recall referenda held to determine the fate of these elected officials. While The Carter Center also observed these recall processes through the *reparos*, for the purposes of this report, we have focused on the presidential recall referendum. We included a short summary report of our observation of the deputy recall referenda in the appendices to this report.

2. According to the constitution, if the actual recall referendum occurred later than four years into a presidential term (Aug. 20, 2004), then a recalled president would be replaced by his vice president rather than a new election held.

3. Rules to Regulate the Recall Referendum Processes for Popularly Elected Posts. Resolution No. 030925-465, Sep. 25, 2003.

4. Rules on the Criteria for Validation of Signatures and Signature Collection Forms for the Recall Referendum Processes for Popularly Elected Posts. Resolution No. 031120-794. Nov. 20, 2003; Rules to Regulate the Activities of CNE Observers of the Signature Collection, and of Signature Collection Agents for the Presenters of Petitions for the Recall Referenda for Popularly Elected Posts. Resolution No. 031030-714, Oct. 30, 2003; Art. 24 update of Rules to Regulate Recall Referendum Processes for Popularly Elected Posts. Resolution No. 031030-717.

5. The “itinerant” signature collection arguably provided an important means for individuals to participate in the collection who might otherwise be unable. Yet this collection methodology could also be more susceptible to fraud. In this instance, a safeguard mechanism, such as the *acta* control, could be more essential.

6. The following instructions pertaining to evaluating signature validity were issued by the CNE subsequent to the collection period:

- *Acta* evaluation instructions of Jan. 8, 2004: Instructivo para el examen de las *actas* de entrega y *actas* de cierre de los procesos de recolección de firmas para la convocatoria de referendos revocatorios de mandatos de cargos de Elección Popular.
- Manual de Trabajo para el Comité Técnico Superior, issued on Jan. 4 by the Junta Nacional Electoral.
- Instructivo para el Comité Técnico Superior, issued on Feb. 3.
- Instructivo para el Tratamiento de Firmas de Caligrafía Similar por el Comité Técnico Superior, issued on Feb. 24, 2004.

7. Headings. The Carter Center deemed aspects of the invalidation criteria regarding *planilla* headings to be unreasonable. The CNE criteria specified that if the revocable official could not be identified from the information on the heading of the petition, the will of the petitioner could not be determined and the *planilla* should be invalidated. This rule was applied when the heading had been left blank or more than one name had been written. While this criterion is reasonable, the CNE also decided it would be mandatory for the form heading to include the name of the state and the date the official took office. The Carter Center considered nonessential the requirement to have the inauguration date and name of the state, as the official’s name by itself identifies the correct revocable official.

Corrections. Any line on the petition form containing a correction was considered invalid. The Carter Center believes that minor corrections that did not affect the understanding of the signer’s intent and were not a clear attempt to alter data should not override the will of the signer, e.g. a correction in the ID card number should not invalidate the signature if the name and birth date match the ID card information registered in the voters list.

8. At this point of the signature review, almost half of the signatures had been reviewed, as signatures were reviewed in alphabetical order by state.

9. Article 3, paragraphs 3 and 5 of the validation criteria regulation No. 031120-794; Article 3, paragraphs 3 and 5 of the validation criteria regulation No. 031120-794.

10. Resolutions released regarding *reparos* :

- Resolución 040420-563 - Normas sobre el ejercicio del derecho de reparo en los procedimientos revocatorios de mandatos de cargos de elección popular.
- Resolución No. 040519-794 - Normas sobre el proceso de totalización para las *actas* de reparo de los procedimientos revocatorios de mandatos de cargos de elección popular.
- Instructivo para la verificación de que el documento de identidad corresponde al titular del derecho, durante el acto de reparo en los procedimientos de referendo revocatorio de mandatos de cargos de elección popular.
- Resolución 040519-795 - Acuerdo para regular la colaboración de la Fuerza Armada Nacional en la fase de reparos del procedimiento revocatorio de mandatos del cargo de elección popular.

11. Article 12. Irregularities affecting the *Reparo Actas*. The *reparo actas* would not be submitted for observation and would not be totaled with the following irregularities or numerical inconsistencies:

- 1) If the total of excluded valid and reinstated rejected signatures contained in the daily *acta* is greater than the number of citizens with right to repair contained in the corresponding *reparo* notebook. Similarly, when the same inconsistency appears in the



## OBSERVING THE VENEZUELA PRESIDENTIAL RECALL REFERENDUM

three (3) *actas* from the same table. In this case, if the inconsistency affects only one of the subtotals, the affected part (the subtotal of rejected signatures or the subtotal of valid signatures) will be put under observation and the unaffected part will be totalized; 2) If the subtotal of excluded valid signatures or the subtotal of nonexcluded valid signatures as well as the subtotal of ratified rejected signatures and the subtotal of nonratified rejected signatures is greater than the total number of citizens with right to repair, according to the corresponding *reparo* notebook.; 3) If the *actas* have not been signed by any of the *reparo* agents (principal or substitute); and 4) The *actas* show changes or erasures in their numerical data and such have not been recorded in the space for observations for the corresponding *acta*.

12. Including the totalization regulation (RESOLUCIÓN N° 040811-1103) issued on Aug. 11, the table constitution regulation (RESOLUCIÓN N° 040806-1101) issued on Aug. 6, and the table installation regulation (RESOLUCIÓN N° 040630-1054) issued on June 30.

13. (Instructivo sobre el Procedimiento de Auditoría del Sistema Automatizado de Votación, Escrutinio y Totalización de la Consulta Electoral del 15 de agosto de 2004)

14. A legally required procedure where *mesa* members gather at the polling station to receive and check the electoral material to confirm all appropriate material was delivered.

15. The voter had to hand his/her ID card to the *mesa* member; the *mesa* member then checked the number, name, and birth date against the voters list; the voter cast the ballot, deposited the paper ballot, signed the voters list, stamped his fingerprint, and put his finger on the indelible ink.

## APPENDIX THREE FOOTNOTES

1. For various reasons it was not possible to clarify the cases of three polling stations still showing a “high” discrepancy – unlike other instances in which more in-depth investigation in Mariches revealed that the voting receipts had been placed in the boxes corresponding to adjoining stations. The three polling stations for which explanations are still pending are:

Center	Station	Exercise book ( <i>cuaderno</i> )	Comment
13651	3	3	Bolívar, NO1: 31 discrepancies; NO2: 28 discrepancies; NO3: 29 discrepancies
13654	2	1	Bolívar, NO1: 17 discrepancies; SI1: 13 discrepancies
26290	1	3	Guarico, NO1: 28 discrepancies

2. The total number of machines in the sample turned out to be 334

3. The average number of votes per machine is 406

4. The total number of machines in the country was 19,664

5.  $151$  [discrepancies with respect to the NO votes /  $334$  [machines in the sample] =  $0.45$  [average discrepancies with respect to NO votes per machine]

6.  $0.45$  [NO vote discrepancies/machine] /  $406$  [average votes/machine] =  $0.11$  %.

7.  $99$  [discrepancies with respect to YES votes] /  $334$  [machines in the sample] =  $0.30\%$  [average discrepancies with respect to YES votes per machine]

8.  $0.30$  [YES vote discrepancies / machine] /  $406$  [average votes/machine] =  $0.07$  %.

9.  $0.45$  [average NO vote discrepancies per machine] x  $19,664$  [total number of machines] =  $8,890$  [total NO vote discrepancies]. Hence:  $8,890$  [NO vote discrepancies] /  $8,502,114$  [total votes] =  $0.10$  %.

10.  $0.30$  [average YES vote discrepancies per machine] x  $19,664$  [total number of machines] =  $5,829$  [total YES vote discrepancies]. Hence:  $5,829$  [YES vote discrepancies] /  $8,502,114$  [total votes] =  $0.07$  %.

## APPENDIX FOUR FOOTNOTES

1. Conclusions section, page 25: “Nuestro análisis indica que la muestra seleccionada para realizar la auditoría del 18 de agosto de 2004 no es aleatoria y representativa del centro del conjunto de centros de votación. En dicha muestra, la elasticidad de las firmas frente a los votos es 10 por ciento más alta ...”

2. A table in a relational database is a storage entity where all records have the same columns. A database can have multiple tables and allows operations between tables.

3. Foreigners are not allowed to vote for president in Venezuela, consequently they cannot recall him either.

4. The correlation coefficient is a number between -1 and 1 that measures the relationship between two data sets that are scaled to be independent of the unit of measurement. If the coefficient is near to 1 then there is a high correlation between the two variables, if it is near 0 there is a low correlation, and if it is near -1 there is an inverse correlation (as one variable increases the other decreases).

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