

**Prepared Testimony for the Hearing of the Senate Subcommittee on Western Hemisphere, Peace Corps, and Narcotics on “The State of Democracy in Venezuela”
June 24, 2004, 2:00 pm**

“The Venezuela Recall Referendum Process”

Dr. Jennifer McCoy
Director, Americas Program, The Carter Center
Associate Professor of Political Science, Georgia State University

Mr. Chairman, thank you for the invitation to testify before this subcommittee. I have studied Venezuela as a scholar for twenty years, and have been involved in Venezuela with The Carter Center since 1998, when we observed the 1998 and 2000 elections. Since June of 2002, I have been leading the Carter Center’s efforts to facilitate dialogue between the government and opposition, and to monitor the recall referendum effort begun in November 2003.

Overview

After the short-lived ouster of President Hugo Chávez in April 2002, the government of Venezuela invited former President Jimmy Carter to facilitate a dialogue between the

The signatures collected in those two weekends were presented to the CNE for verification (after being organized, photocopied, etc by the political parties) by December 19. The CNE took a break for Christmas and began signature verification January 13, 2004. The CNE announced preliminary results on March 2, with signatures in three categories: valid, "observed", and invalid. The announcement indicated the opposition had not yet gathered sufficient valid signatures to trigger a presidential recall, but that there would be a correction period (reparos) in which nearly 1.2 million signers could appear again to confirm their signatures. The reparo period occurred at the end of May, and on June 3, the CNE announced that there would be a recall vote on the president's mandate (subsequently scheduled for August 15, 2004), and nine opposition deputies.

The recall vote is scheduled four days before constitutional trigger date of August 19. If the recall occurs before August 19 and if sufficient votes in favor of recall are cast, then there should be an election to choose a person to fulfill the remainder of the President's term in office (which ends January 2007). The number of votes to recall an official must fulfill two conditions: a) be at least one more than the absolute number of votes by which the official was elected in the first place, in this case 3.7 million; and b) be more than the No votes cast in the recall. This election, if needed, is likely to occur about October 15, 2004. If the recall referendum occurs after August 19, and the president is recalled, then the Vice President fulfills the term.

Assessment of the Recall Process To Date

The process has taken much longer than expected and has had some controversies, due to a number of factors that are important to understand:

- a) ***Unprecedented nature of the process, novice CNE, lack of a law to regulate the process.*** This is the first country of which I am aware in which a recall of an elected president has been attempted (Iceland has the provision, but may have never implemented it). The presidential recall referendum was introduced into the 1999 constitution and had not yet been used in Venezuela. The CNE directors were new and had to first devise a regulation to govern the process, since the National Assembly had not yet drafted and approved a law to implement the constitutional provision. All of these factors led to a steep learning curve, some ad hoc adaptation along the way, and creation of new rules as the process developed and new wrinkles were discovered.
- b) ***Politically-polarized nature of the process.*** The stakes are extremely high for all sides. The President, of course, would prefer to stay in office. The opposition has been trying for at least two years to remove the President from office, through massive protest marches, calls for resignation, proposed constitutional amendments, a two-month national oil strike, and the April 2002 military removal from office. The deep polarization of the country meant that the normal compromise and give and take of democratic processes was not happening. Instead, the point of contact between the opposing sides was centered within the

Coordinadora Democratic to participate in the reparos at all, and in generating clearer rules than had been generated for the earlier phases of the process.

Conclusions about the Signature Collection, Verification and Correction Stages: The signature collections were 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. The verification process was complex, with multiple levels of review, unclear rules inconsistently applied, multiple delays, and with a concern for detecting fraud overriding a concern to recognize the good faith of the signers. The correction (reparo) period was conducted in an atmosphere mostly free of violence, with citizens who so wished having the opportunity, for the most part, to confirm their signatures or remove their names, and with mostly clear and transparent procedures.

Progress and Concerns about the Upcoming Recall Vote of August 15, 2004

Progress:

First, it is very significant and positive

- Audit of a sample of the paper receipts from the voting machines immediately after the close of the polls.
- Professional, neutral international observers with full access to the entire process – preparation, vote, tabulation, resolution of challenges.
- Election workers chosen by lottery and trained sufficiently well and early.
- Voter education on the process and the new machines.
- Clear rules on which national identity cards will be accepted (some confusion during the reparos resulted in some citizens being turned away.)
- Clear media regulations to ensure equal access by both sides for paid advertising, and equitable and balanced news coverage of both sides.
- Climate of respect and tolerance, particularly within the public and private news media and ay88718 608.03984(al80 1 T9Tm(dia regulati31tsto ensure equal)TTji007 0 12 108V 1 T