

PRELIMINARY REPORT

THE CARTER CENTER INTERNATIONAL ELECTORAL EXPERT MISSION

Regional and Local Elections, Venezuela 2021

December 3, 2021

1. INTRODUCTION

On July 27, The Carter Center was invited by the National Electoral Council (CNE) of the Bolivarian Republic of Venezuela to send an electoral mission to observe the regional and municipal elections scheduled for Nov. 21. This preliminary report summarizes the findings of the Carter Center's international electoral expert mission, which began its work remotely in October before continuing in person in Venezuela

disinformation on social media; and the CNE's transparency about the electronic voting system, including during vote tabulation.

Although the expert team was present in Venezuela on election day, the mission was not able to evaluate

executive committees of opposition parties and dissidents. There was also a general atmosphere of political repression, and more than 250 people are being held as political prisoners.

Election administration. In May 2021, the National Assembly

3. SOCIOPOLITICAL CONTEXT

A country in crisis

Venezuela's 2021 regional

municipalities (for mayors and councilors). In addition, local indigenous authorities were elected by indirect voting. Governors and mayors were elected by simple majority. Legislators and councilors were elected under a mixed-member proportional representation system: 60% based on party lists and 40% by simple majority in single-member districts.

More than 70,000 candidates ran for office, largely nominated by political parties that can be grouped into five main coalitions. The first is the governing party's coalition, the Great Patriotic Pole (—GPP), which includes the United Socialist Party of Venezuela (—PSUV) as its main party. The four opposition coalitions are: the Democratic Alliance (—AD); the Popular Revolutionary Alternative (—APR); the National Independent Coalition with Neighborhood Power (—CIVIC); and the G4, comprising Justice First (—JUST), A New Era (—NUEVA ERA), Popular Will (—VOLUNTAD), and Democratic Action (—ACTIÓN DEMOCRÁTICA).³ The G4 used the Democratic Unity Roundtable (—MUD) coalition ticket.

While the governing party nominated one candidate per office, multiple candidates from the various opposition groups competed for the same office. Some opposition sectors decided not to participate and called for abstention.

It was not until June 2021 that the CNE reinstated the MUD opposition coalition ticket, which had been declared illegal by the Supreme Tribunal of Justice (TSJ) in 2018.⁴ The short time between MUD's reinstatement and election day affected its organizational capacity, especially during initial phases of the process and in registering candidates. In addition, the elections were marked by the barring of many key opposition candidates, the TSJ's arbitrary replacement of the executive committees of opposition parties and Chavist dissidents, as well as the general context of political repression, with more than 250 political prisoners.

4. LEGAL FRAMEWORK

Venezuela has ratified international and regional treaties on human rights and election standards.⁵ The constitutional order of priority

I. ELECTIONS

Venezuela's system of laws on parliamentary elections includes the 1999 Constitution of the Bolivarian Republic of Venezuela and the 2009 Organic Law of Electoral Processes (

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The National Electoral Council (CNE)

The CNE has broad powers, from setting electoral district boundaries to defining the rights and obligations of national and international observers. The general regulations adopted by the CNE in 2013 were revised on May 20, 2021, six months before the elections, as stipulated by the constitution.

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II. MEDIA

The constitution recognizes freedom of expression and the right to diverse, truthful, and impartial information (articles 57 and 58). The 2010 Law on Social Responsibility in Radio, Television, and Electronic Media () sets out the rights and responsibilities of media and journalists and establishes the National Commission of Telecommunications (—CONATEL) as the principal regulatory authority. Electoral law governs campaigns, political advertising, and social media.¹²

However, in the last 20 years, the Venezuelan government has set up a legal framework comprising numerous laws, decrees, regulations, and court decisions that have severely restricted freedom of expression and the right to access to information. Based on former President Hugo Chávez's doctrine of "Communicational Hegemony,"¹³ laws have been passed that restrict the actions of private media on the grounds of protecting national security, combating terrorism, or protecting the truthfulness of information. This has led to the shutdown of media outlets, restricted access to resources monopolized by the government (foreign currencies, replacement parts, newsprint, etc.), and criminalized critical opinions, among other consequences.

Furthermore, the ambiguous wording of the laws and regulations allows for arbitrary interpretations and discretionary censorship of media and journalists, without the need for court orders. Moreover, CONATEL has issued directives to black out and censor dr -2 (T r672)-16e3 (ODff)-28 l672l t tOD co(t)4.4nfdrtyp o(t)4.4# L vE0.9

Despite these legal provisions, The Carter Center was informed that candidacies that did not meet the gender alternation requirement, e.g., where women were relegated to the end of lists in positions where they had little chance of being elected, were allowed to be registered. The change in conditions for registering lists was not

5. OBSTACLES TO PARTICIPATORY RIGHTS

International and regional treaties protect the ability of citizens to participate in the public affairs of their country.¹⁷

processes, the TSJ not only removed original leaders, but also tasked new leaders with selecting party candidates and granted them use of all elements identifying their party, such as logos, emblems, symbols, and colors. This diminished the genuine political options, gravely affecting pluralism and political competition.

a. Political prisoners

Political repression aims to stifle views contrary to those of the government. Political persecution is a serious problem in Venezuela. Political prisoners are people who have been arbitrarily imprisoned for political reasons, either in retaliation for antigovernment attitudes, opinions, or political positions—or to preempt such stances. According to the Venezuelan Criminal Forum (), as of Nov. 22, 2021, a total of 251 people were classified as political prisoners, and since 2014, there have been 15,749 political arrests. insists that there are an additional 9,000-plus people in Venezuela who remain "subject, arbitrarily, to measures restricting their freedom." In 2021, a total of 42 politically motivated arrests were made, and four of those arrested remain behind bars. On Nov. 3, 2021, the prosecutor of the International Criminal Court reported that the case known as "Venezuela I" had entered a phase of formal investigation of crimes against humanity allegedly committed since at least 2017.

b. Women

Women constitute 51.4% of registered voters, and 49.44% of the candidates running for assemblies and

Officials must be nonpartisan. Nominations of possible candidates are done by those three groups, but the appointment is made by the National Assembly (AN). The decision on who is appointed is political, and the council's makeup shows a clear disregard for the spirit of the constitution.

The institution has three primary bodies: the National Electoral Commission (), the Civil and Electoral Registry Commission (), and the Political Participation and Finance Commission (). The CNE has one regional electoral office (—ORE) in each state, run by a director.

The CNE has broad technical, operational, and logistical latitude to perform essential election work: recognizing parties (b)727

However, an understanding of the political advertising for this election cannot be limited to official campaign dates because the propaganda and activism of candidates and organizations by pro-government parties began earlier and had a significant impact.

Prior to the campaign period, the government was dominant. It controlled the editorial line of public media and created a restrictive environment for private media. It also used social programs to create ties between the government and the groups most vulnerable and dependent on government support. This dual system of control generally benefits all those running under the government banner.

During the campaign period, citizens showed only modest interest in the elections. Most public opinion polls indicated that a significant percentage of the population feels disillusioned and disenchanted with politics, institutions, and actors, so they give little attention to electoral affairs. Local governments have limited powers and, especially, resources, and this lowers the electorate's expectations. Moreover, the widespread scarcity of goods in the country limits the opposition's campaigning prospects. It was difficult for the opposition to obtain some products essential to mobilization, such as fuel and transportation.

The pandemic has made people wary of large events and physical proximity, but there were still gatherings and rallies with hundreds of people. Finally, political forces took different positions on the electoral process itself. While the governing party launched major campaign efforts, the stances of opposition leadership ranged from refusal to vote in the elections—which some felt lacked basic guarantees—to active campaigning to win as much support as possible at the ballot boxes.

b. Media during the campaign period

International and regional treaties protect freedom of opinion and expression.²⁶ Free communication of information and ideas by voters and candidates is essential to genuine elections. It includes the right for everyone—including political parties, candidates, and their supporters—to seek, receive, and impart ideas through any means of their choice, including, but not limited to

interactions, an anomalous proportion that fits into the coordinated operation of propaganda that local monitoring groups denounce and that would include both bots and real users.

On Dec. 2, just 11 days after the elections, Twitter announced that it had removed a network of 277 Venezuelan accounts that amplified accounts, hashtags and topics in support of the government and its official narratives. According the report published on the social network, some individuals of this network would have authorized an application called Twitter Patria to manage their accounts for this purpose. These facts, once again, support the complaints of local monitoring groups.

There was a conspicuous military presence at every polling center, as part of the . That presence has become a point of contention because it ultimately intimidates voters and prevents smooth decision-making by venue coordinators and polling station staff, who tend to request support for their decisions.

Official voting hours are 6 a.m. to 6 p.m. However, some polling stations opened late because polling station staff did not turn up and had to be replaced by witnesses or voters. The law states that voting shall remain open as long as voters are waiting to vote. The decision to extend voting hours, without justification, is considered unlawful and is perceived as a last-minute tactic to manipulate the vote, dubbed Operation Top It Off () On Nov. 21, the CNE reported that many voting centers remained open after 6 p.m., even though there were no voters present, and polling station staff did not want to risk closing for fear of being reprimanded. In a tweet at 6:20 p.m., President Maduro invited voters to go to their polling centers to vote and, in another tweet at 7:20 p.m., the CNE reminded voters that only polling stations that had voters waiting in line could remain open.

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In spite of the greater openness noted above, local citizen observers face a range of hurdles that are inconsistent with their right of participation and that should be addressed before future elections. First,

