

## **Examining the 8 million – an Analysis of Venezuela’s Constituent Assembly Vote**

***By Jack Pannell,  
Research Associate at the Council on Hemispheric Affairs***

On Sunday July 30, Venezuela held the vote for its Constituent Assembly. The National Electoral Council (CNE) has claimed a turnout of just over 8 million people.<sup>i</sup> This is over 40 percent of the electorate and, considering the main opposition Democratic Unity Roundtable (MUD) boycotted the elections, would represent a strong turnout in favour of Chavismo. The opposition MUD has attempted to undermine this vote, as it has done repeatedly in the last two decades, questioning CNE figures that historically have been consistently accurate.<sup>ii</sup> Media has also been quick to accept allegations of fraud against the CNE, while failing to call into question the opposition’s dubious count of 7.5 million votes in the unofficial referendum they held on July 16.

The CNE figure of 8,089,320 would be a remarkable indication of a political swing back in favour of Chavismo. Indeed, given the MUD boycott, the count would represent the highest number of pro-Chavista votes since Chavez’s re-election in 2012, and the second highest in Venezuela’s history.<sup>iii</sup> Indeed the turnout of 41.5 percent would be a greater proportion of the electorate than that which voted in the 1999 election for Chavez’s own constituent assembly.<sup>iv</sup> Although the CNE has a solid track record in managing elections, these numbers have now been called into question by the software company that designed Venezuela’s voting technology, as well as by a Reuters analysis reportedly based on CNE data. A full audit however, has not yet been conducted by the CNE, nor have they released their full report on the vote. The President of the CNE, Tibisay Lucena, has rejected the allegations by the software company.

### **The Argument against the Figure**

The MUD-led opposition has disputed the figure of 8 million, citing empty voting centers as well as polling data that makes the turnout seem improbable. A poll carried out in May and June suggested that 85 percent of Venezuelans were opposed to the forming of a constituent assembly.<sup>v</sup> These statistics make it hard to believe that more people would vote in the constituent assembly than voted for either Capriles or Maduro in the 2013 presidential election.<sup>vi</sup> However polls should not be taken to be a definitive indication of public support for or against the constituent assembly.<sup>vii</sup> Photographs of empty voting booths do not constitute a fair assessment of the vote as a CNE report on

the election reveals that 45 municipal centers and 76 parish centers were disrupted by the violence and roadblocks of the opposition on the day of the vote.<sup>viii</sup> Although there were accredited international observers from a number of countries, including the United States, another criticism that has been levelled is that there was no oversight by institutions such as the Organisation of American States. Of course from the perspective of the government this is completely understandable. When the Secretary General of that organization has declared the vote to be illegal there is little incentive for Venezuela to authorize OAS observation. A nation refusing access to international monitoring does not necessarily delegitimize the vote. Several other OAS members have also chosen not to allow OAS participation including Canada, Argentina, Brazil, Chile and Uruguay, and those countries have not received the same scrutiny for that decision.<sup>ix</sup> Similarly the 2015 parliamentary elections did not have independent monitoring by such OAS or other such organizations.<sup>x</sup> The government certainly did not rig that election, and the opposition did not complain when they won 109 of the 167 seats in the National Assembly.<sup>xi</sup>

Another major criticism was that the government did not, as it usually does, provide indelible ink to all voting centers to ensure voters cannot vote twice.<sup>xii</sup> CNE documents indicate that an alternate procedure was established to contribute to a clear system of verification if a voter did show up at a center they were not registered at.<sup>xiii</sup> Although they did have a system of authentication in place, not distributing the ink in such a polemic election is somewhat confusing. It gives the opposition and the media a clear line of attack against the vote, for what would have been a relatively cheap and easy measure to enforce.

Some of the most damaging evidence impugning the reliability of the number so far is a report by Reuters from Wednesday morning that only 3.7 million people had voted by 17:30 on Sunday, meaning the vote would have had to have over doubled in just an hour and a half to reach the final 8 million.<sup>xiv</sup> The CNE has, at the time of writing, not commented on these allegations. Also concerning is the fact that Antonio Mugica, the head of voting firm Smartmatic, has claimed that there was a discrepancy of at least one million votes between the actual turnout and the announced figure.<sup>xv</sup> Smartmatic has been used in Venezuela’s elections since 2004, and has never disputed the final tallies of any election or referendum.<sup>xvi</sup> Tibusay Lucena, The President of the CNE stated today that “this is an unprecedented opinion on the part of a company whose only role is to provide certain services and technical support and not to determine its results”.<sup>xvii</sup> She also noted that the system in place allowed each individual elector to validate their own participation.<sup>xviii</sup> Additionally Lucena attacked the opposition for violently disrupting over 100 voting centers, and the United States for initiating a state of “permanent aggression” against Venezuela for conduction elections, which were permitted by the country’s constitution.<sup>xix</sup>

The opposition have a vested interest in undermining the government, and have in the past attempted to question fair election results.<sup>xx</sup> The MUD chose not to send any auditors to observe the election. Smartmatic itself has noted that this contested discrepancy would not have been possible if “auditors of all political parties had been

present” for the election, as had been the case for all elections since 2004.<sup>xxi</sup> Contributing to the confusion is the fact that The CNE has, in the past, always released the detailed results of their elections, and as of publication has not yet done so for Sunday’s election. That said, Smartmatic has not released any data to verify its own claims either, and has stated it is waiting for a full audit to be completed first.<sup>xxii</sup> There are certainly indications that there may have been some manipulation of the final vote tally, but an observed audit must be carried out to ensure that the truth is established.

## Conclusion

There are strong allegations that suggest that manipulation of votes may have been committed during the vote for the Constituent Assembly. It should also be noted that some opposition figures allege turnout was around 2.5 million, a claim which is likely to be proven false.<sup>xxiii</sup> Both sides are politically interested in the turnout of the vote, and both have cause to try and manipulate people’s opinions of the turnout for their own gain. Moving forward a full audit and the publication of all electoral data are essential to try to determine the fidelity of the results of the vote. Addressing charges of electoral manipulation with further charges and counter-charges is not the path to be taken. Fraud by the government, or allegations by forces attempting to delegitimize the vote, would undermine democratic processes, and legitimize, in the eyes of the opposition and foreign powers, their fears that the Constituent Assembly is a tool to maintain power, and not an attempt to solve the ongoing crisis.

**By Jack Pannell,**

**Research Associate at the Council on Hemispheric Affairs**

**Additional editorial support provided by Madeline Asta, Research Associate at the Council on Hemispheric Affairs**

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<sup>i</sup> “8.089.320 venezolanos votaron para elegir a constityentes” *Consejo National Electoral*, June 31 2017, [http://www.cne.gov.ve/web/sala\\_prensa/noticia\\_detallada.php?id=3551](http://www.cne.gov.ve/web/sala_prensa/noticia_detallada.php?id=3551)

<sup>ii</sup> “Venezuela’s Maduro Claims Poll Victory as Opposition Cries Foul”, *BBC News*, July 31 2017, <http://www.bbc.com/news/world-latin-america-40772531>

<sup>iii</sup> “Divulgacion Presidenciales 2012” *Consejo National Electoral*, October 7 2012, [http://www.cne.gov.ve/resultado\\_presidencial\\_2012/r/1/reg\\_000000.html](http://www.cne.gov.ve/resultado_presidencial_2012/r/1/reg_000000.html)

<sup>iv</sup> Lucas Koerner, “Venezuela sees ‘historic’ turnout in national constituent assembly elections”, *Venezuela Analysis*, July 31 2017, <https://venezuelanalysis.com/news/13275>

<sup>v</sup> Diego Ore and Eyanir China, “Poll finds 85 percent of Venezuelans oppose constitution revision” *Reuters*, June 10 2017, <http://www.reuters.com/article/us-venezuela-politics-idUSKBN1910SY>

vi “Divulgacion Presidenciales 2013” *Consejo Nacional Electoral*, April 14 2013, [http://www.cne.gov.ve/resultado\\_presidencial\\_2013/r/1/reg\\_000000.html?](http://www.cne.gov.ve/resultado_presidencial_2013/r/1/reg_000000.html?)

vii That said, the polling organisation that collected this information, *Datanalisis*, is led by Luis Vincente Leon, a man who has openly opposed the Maduro government. That is not to say that the figures are false, but that the data is not definitive. For example another polling organization, *Hinterlaces*, put support for the assembly at 54 percent. In this case Oscar Schemel, the President of the firm, was himself a candidate for the constituent assembly, though this too, does not mean the figures are suspect.

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xvi Ibid.

xvii “El Consejo Nacional Electoral de Venezuela rechaza acusación de “manipulación” en elección de la Constituyente y la vincula a un contexto de “agresión”” *BBC Mundo*, August 2 2017,

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xix Ibid.

xx Gregory Wilpert, “Election Observation and Legitimacy of Venezuela’s Parliamentary Elections” *Venezuela Analysis*, December 19 2005, <https://venezuelanalysis.com/analysis/1533?page=1>

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August 3, 2017 · [coha@coha.org](mailto:coha@coha.org)·



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