

CONSEJO DE EXPERTOS ELECTORALES DE LATINOAMERICA

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ELECTORAL ACCOMPANIMENT MISSION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA

LATIN AMERICAN COUNCIL OF ELECTORAL EXPERTS

REPORT ON THE PRESIDENTIAL AND STATE LEGISLATIVE COUNCIL ELECTIONS 2018

Caracas, May 20, 2018

1. OBJECTIVES OF THE INTERNATIONAL ELECTORAL ACCOMPANIMENT MISSION

The International Electoral Accompaniment Mission of CEELA (Latin America's Council of Electoral Experts) has been carrying out its tasks within the parameters of the Agreement entered into with the President of the National Electoral Council of Venezuela, which **general objective** is:

“Contribute to the promotion and consolidation of democratic systems, citizen participation and peace.”

The **Specific Objectives of the Accompaniment Mission of CEELA** were defined as follows:

“1. Accompany the process from its pre-electoral phase in order to verify that it adheres to the rules in force and the legal system of the la Bolivarian Republic of Venezuela; 2. Make available the wealth of experiences and knowledge of CEELA members to provide advising to resolve electoral problems; 3. Make suggestions and prepare recommendations to contribute to the development of the Venezuelan electoral system.”



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This Accompaniment Mission has been moving forward with its activities based on the Declaration of Principles for International Election Missions approved by the United Nations in 2005, an instrument accepted by Latin American electoral bodies, and in strict compliance with the Electoral Accompaniment Regulations approved by the National Electoral Council (CNE) of the Bolivarian Republic of Venezuela, taking into account the internationally accepted principles of impartiality, neutrality and non-interference in internal affairs.

The following **principles of the Mission** are highlighted, *“Members of the Mission will act guided by the principles of objectivity, impartiality, independence, legality, non-interference and transparency of their actions throughout the electoral process.”*

Accordingly, the tasks of the members of the Latin American Council of Electoral Experts were developed within the framework of the Agreement entered into between CEELA and the CNE, as well as based on the internationally acknowledged rules of conduct that regulate the activities, rights, duties and limitations of international electoral observation, and that impose ethical and professional observation, respect for the constitutional and legal rules of the host country, the rules approved by the electoral body and the principle of non-interference in the internal and political affairs of the States.

We reaffirm that, in our role as international observers, we are governed by the obligation to be objective and non-partisan and to provide, as we do it now, balanced reports with regard to the objectivity of our task. In this manner, we can guarantee the credibility of CEELA Mission and continue to maintain the integrity of the electoral process, as well as reassert that we are not interfering with the internal affairs of the country and that we do not carry out tasks of supervision or correction of potential errors. We only observe, assess and inform.

We reaffirm that our role of electoral observers cannot substitute the electoral process supervision to be carried out by political organizations, electoral groups and citizen

initiative groups. Because of its methods and scope, international observation cannot replace the scope of the control to be regularly exercised in each voting station during an electoral process.

We emphasize that the permanent incorporation of technology to the different stages of the electoral process, as it is the case in Venezuela, forces electoral missions like CEELA Mission to be specialized in that field. Within the universal practice of electoral observation, the makeup of the mission, that is, the characteristics of its individual members, normally determines the emphasis of the observation: the more political the mission is, more political will the emphasis probably be; the more accumulated experience its members have, like in our case, a more extensive assessment will be made and more recommendations for the future will be provided.

We then have that observation it not only or mainly an assessment mechanism of the elections, but an input for determination of the technical areas, and the strengthening and sharing application of the essential philosophy for the ongoing development of electoral processes, which can be done assigning an special value to horizontal cooperation in electoral matters, nourished to a great extent by the technical specialty developed in the region. Consequently, some of the distinctive characteristics of this international electoral observation are:

- (i) Emphasis on the technical nature of the report issued by CEELA Mission and the fact that the host electoral entity, i.e., the CNE, is the first recipient of the observation, and
- (ii) Technical, regulatory and institutional recommendations specially aimed at the organization of future electoral processes in the country.

2. ACCOMPANIMENT FOR THE AUDIT PROCESS OF THE VENEZUELAN ELECTORAL SYSTEM

The following audits of the electoral process were scheduled and carried out for the presidential and state legislators elections that will be held tomorrow, May 20, in the order indicated below:

- I. AUDIT OF THE ELECTORAL REGISTRY**
- II. AUDIT OF DATABASE DELIVERY AND PRESENTATION OF THE SOFTWARE FOR SELECTION OF THE VOTERS THAT WILL PROVIDE THE ELECTORAL SERVICE 2018**
- III. AUDIT OF VOTING NOTEBOOKS FOR EMBASSIES**
- IV. AUDIT OF PRINTED VOTING NOTEBOOKS**
- V. AUDIT OF SOFTWARE CERTIFICATION OF VOTING MACHINES**
- VI. AUDIT OF VOTING MACHINE CONFIGURATION FILE VERIFICATION**
- VII. AUDIT OF VOTING MACHINE ELECTORAL DATA**
- VIII. AUDIT OF VOTING MACHINE SAMPLE SELECTION FOR THE AUDIT OF VOTING MACHINE PRE-DISPATCH AND PRODUCTION**
- IX. AUDIT OF THE COUNTING SOFTWARE CERTIFICATION**
- X. AUDIT OF THE TECHNOLOGICAL ELECTORAL PLATFORM**
- XI. AUDIT OF PRE-DISPATCH**
- XII. AUDIT OF RESETTING TO ZERO**
- XIII. AUDIT OF TELECOMMUNICATIONS**

Venezuelan citizens followed up the audits through the CNE's web page. Engineers, technicians and delegates of the political organizations legally recognized by the CNE, who decided to register candidates to the Presidency of the Republic and State Legislative Assemblies, were also physically present where the audits took place, i.e.,

- PARTIDO SOCIALISTA UNIDO DE VENEZUELA (PSUV)
- AVANZADA PROGRESISTA (AP)
- COMITÉ DE ORGANIZACIÓN POLITICA ELECTORAL INDEPENDIENTE (COPEI)
- MOVIMIENTO SOMOS VENEZUELA (SOMOS VENEZUELA)



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- MOVIMIENTO AL SOCIALISMO (MAS)
- MOVIMIENTO PATRIA PARA TODOS (PPT)
- MOVIMIENTO ELECTORAL DEL PUEBLO (MEP)
- MOVIMIENTO POLÍTICO ALIANZA PARA EL CAMBIO (MPAPC)
- MOVIMIENTO ECOLÓGICO DE VENEZUELA (MOVEV)
- PARTIDO COMUNISTA DE VENEZUELA (PCV)
- ORGANIZACIÓN RENOVADORA AUTÉNTICA, ORA
- POR LA DEMOCRACIA SOCIAL, PODEMOS
- TENDENCIAS UNIFICADAS PARA ALCANZAR EL MOVIMIENTO DE ACCIÓN REVOLUCIONARIA ORGANIZADA (TUPAMARO)
- UNIDAD POPULAR VENEZOLANA (UPV)
- UNIDAD POLÍTICA POPULAR 89 (UPP89)

Also present were delegates of the group of voters ESPERANZA POR EL CAMBIO, ELCAMBIO, and the self-interest candidacy represented by candidate Henry Falcón. Delegates of the Red de Observación de Asambleas de Educación, the Proyecto Social and the Fundación por un Pueblo Digno were also part of the audits.

The following are the more relevant aspects of the audits:

- A very active, permanent and fluid participation of political organizations, as well as the presence of several groups of voters.
- Audits of the different phases of the Venezuelan electoral process make such process more comprehensive and reliable.
- Live transmission of the audits makes the electoral process more transparent and secure, as it permits any individual interested in following the incidences of any audit to do it easily. It also clears any doubt that communication media may spread against the electoral authority and the electronic voting and ballot counting system.

- **Regarding the automated system, the following should be highlighted:**
 - (i) The vote is not vulnerable. The system generates at random algorithms that do not allow seeing traces of the electoral data kept in the electronic ballot box.
 - (ii) Versatility of the system.
 - (iii) Contingency system of voting machines and the electronic ballot box (removable memory).
 - (iv) Ballot counting results: Each voting machine generates a ballot counting report at the end of the election day; after that report is printed, it is connected to the transmission media available for that purpose, and that data is transmitted to the National Ballot Counting Center.
 - (v) Transmission of results through an encrypted network, secure and reliable, that counts with several transmission media to take into account transmission contingencies.
 - (vi) Reliable mechanisms: The system is definitely auditable in each phase (pre event and post event) of the process.
 - (vii) Software: An electronic signature endorsed and certified by the political organizations and the groups of voters is generated for each type of event in the following audits, **(a)** data and software; **(b)** Production (during configuration of the principal voting machines); **(c)** Pre-dispatch (where operation of the system is verified).

The following progress made should be highlighted:



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- (i) In 2004, 80% of the polling stations were automated versus 20% manual. In 2009, 100% of the polling stations were automated.
- (ii) Incorporation to the National Electoral Council of various external players that provide their contribution in electoral events: Ministry of Education (infrastructure); CORPOELECT (power supply network); CANTV (Communication and transmission media), and CEOFANB (Custody and Safekeeping).
- **Regarding the technological infrastructure**, we noticed a consolidation of the platform and its operation, which in the opinion of the specialists of the CEELA Mission makes possible that any individual interested in following up the incidences of any audit can do it easily, which translates in a high level of security and efficiency of the protocols and processes involved in the electoral activity.

It should be mentioned that all remarks, requests and requirements made throughout the audits by the technicians and delegates of the various political organizations and groups of voters were taken care of, clarified and answered by the technical staff of the National Electoral Council and the external auditors. In all cases, the remarks and concerns had a strictly technical nature in general, since most technicians are experts in computer technology and have great experience in that matter. All incidences in the reviewing protocols were included in the respective reports issued at the end of each journey and in the closure report of each audit.

It should further be mentioned that in all audits in which we, members of the International Observation Mission of CEELA, were present during the preparation of these elections, the planning structured by the CNE was strictly complied with and the objectives anticipated for such audits were attained.

Signing of the results by all technicians and representatives of the political organizations and groups of voters, as well as by the various national observation missions, as evidenced in the Reports, undoubtedly shows such positive achievements.

- **Challenges in Audit Development**

- (1) Fight against technological obsolescence
- (2) Maintenance of the operability of the technology park
- (3) Availability of the technological inventory necessary for any electoral event in accordance with the increase of the electoral roll.
- (4) Quality control: 100% of the technological electoral equipment and its components were submitted to total operational review, as well as each of the components of each voting machine suitcase necessary for operability at each polling station.

4. VOTING DAY DEVELOPMENTS

Regarding the activities developed during the voting day, the following comments and remarks are pertinent:

a. Opening of polling stations

According to the samples obtained by the members of CEELA Mission at the visited polling stations, electoral activities in general developed within the established timetable.

b. Members of the polling stations

CEELA Mission verified that the makeup of polling stations was correct. Polling station members confirmed to have received training and showed their adequacy to

fulfill their functions, as well as their knowledge of the electoral rules, the rights of the voters and the operation of the integrated system and the integrated authentication device, that is, the voting machine. We verified that many polling station members had already performed the same function, which proved their experience in the handling of electoral documents, the development of the voting process and the ballot counting process.

We should mention that some members of the polling stations did not show up in some cases, but they were replaced by other members and witnesses, all of them fully trained.

c. Location of polling stations

CEELA Mission noticed that polling stations were adequately distributed and presented the best conditions, both for their members and the Venezuelan citizens coming to exercise the right to vote.

It is important to point out that polling stations counted with the conditions necessary to protect the secrecy of the vote, Venezuelan citizens could move easily inside them and voters could wait comfortably when they had to wait for their turn to vote in the case of high concentrations of voters.

CEELA Mission noticed that in certain premises, particularly at schools in general and high schools, higher floors instead of the ground floor were used to install the voting machines, despite having free space on the ground floor, which made access by old people and handicapped people difficult.

d. Electoral material

In the sample checked by CEELA Mission, we verified that the electoral material was adequate and timely distributed, as well as completely delivered, and that there were

no issues or complaints about it by the delegates of political organizations and groups of voters. This fact permitted polling stations to start at the scheduled time.

Regarding the integral authentication device, it should be highlighted that it operated adequately in all cases and that voter information appeared without difficulty or delay.

Regarding electoral machines, we, members of the Mission, verified that even though a large percentage of voters knew how to use them, others had difficulties at the time of selecting the candidate, particularly in the case of candidates for the State Legislative Councils.

e. Security and freedom to vote

The members of CEELA Mission verified that the places assigned for citizens to vote sufficiently guaranteed the secrecy of the vote, which was particularly evident in this opportunity thanks to the location and size of the booth covering the voter and the machine.

f. Behavior of the political organizations and groups of voters, and presence of their delegates.

CEELA Mission noticed in all polling stations the active presence of the various candidates and the political organizations and groups of voters, which guaranteed that all of them observed the development with full guarantees of the electoral day, as well as of ballot counting and citizen verification of the audit.

CEELA Mission also noticed the correct behavior of the mentioned political players, who did not hinder the development of the electoral process. To the contrary, they showed respect among them and great coordination and support.

g. *Puntos rojos* (red points) and publicity at polling stations and in areas adjacent to polling stations

In this election, location of the *puntos rojos* is noteworthy. They are not new to this electoral process; they go back further in time. As members of the CEELA Mission we noticed in the polling stations visited yesterday that the *puntos rojos* were located within the established distance, i.e., at distances greater than those we had seen in previous processes. However, we have to point out that some candidates claimed that certain *puntos rojos* were located at less distance than that authorized by the electoral authority. We repeat that in the case of the polling stations visited by CEELA Mission, we could not verify such allegations. They could be specific situations that needed to be notified to the members of the *Plan República* or the electoral authority in order to be removed to the distance provided for in the legislation in force.

** Places where the “carnet de la Patria” is scanned after casting the vote. This card is given by the Government to people who enjoy or request entry to a social program. Red is the Chavismo color.

Furthermore, we have to point out that CEELA Mission members saw no election advertising in the areas adjacent to polling stations.

h. Closing of polling stations

CEELA Mission verified that closing of the polling stations took place normally and within the timetable established by the National Electoral Council. When voters were still in the premises after 6:00 p.m., they were guaranteed the right to vote. However, we have to point out that certain candidates made complaints alleging that many polling stations remained open after the legal time, despite no voters being present. It will be the responsibility of political campaigns and their candidates to make the electoral authority aware of this fact and submit the pertinent evidence related thereto for the relevant purposes.

i. Ballot counting

Adequate compliance with the scrutiny system was observed at polling stations, which confirmed the impartial work and training received by members of the polling stations and the perfect operation, in particular with regard to speed and transparency, of the voting machines and the integral authentication device.

We also have to highlight the importance throughout ballot counting of the citizen verification audit that permitted delegates of the political organizations, groups of voters and members of national and international observation missions to verify that the counting shown in the voting machines matched the hard-copy votes deposited in the ballot box.

j. *Plan República*

We should mention that the *Plan República* provided security, order and integrity to the electoral process, and that its members performed their work outstandingly and guaranteed the election process and its integrity.

k. Public Defender's Office

Finally, CEELA Mission has to highlight the participation of the members of the Public Defender's Office, who helped voters in case of doubts or concerns when casting their votes and protected the exercise of their rights.

CONCLUSIONS

- a.** The electoral process for the Presidential and State Legislative Council Elections 2018 complied with all international standards and national legislation, particularly in the fields of audit and electoral administration. The responsibility and respect of the political players, electoral authorities and basically the



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Venezuelan people who decided to participate in this electoral process contributed to development of the election in an orderly manner and an environment of tranquility, peace and respect within polling stations.

- b.** CEELA Mission is of the opinion that the process was successfully carried out and that the will of the citizens, freely expressed in ballot boxes, was respected.
- c.** The results communicated yesterday night by the National Electoral Council reflect the will of the voters who decided to participate in the electoral process. Such results are duly certified through the citizen verification audit.
- d.** We have to acknowledge the order, respect and civic-mindedness encompassing participation in the electoral process of the people of the Bolivarian Republic of Venezuela. We also have to acknowledge the respect and tolerance of the citizens who decided not to participate in this election day, and who by not participating reflected their intent of not exercising their right to vote due to various circumstances alien to the purpose and objective of CEELA Mission.
- e.** The CEELA Electoral Accompaniment Mission upholds that the electoral process has consolidated and reaffirmed strengthening of the electoral institutionalism that supports the democratic system.
- f.** From the technical – electoral point of view, which characterizes the nature and experience of CEELA members, we have to highlight that in this process, the electoral authority lead by the CNE offered again all guarantees to the political organizations, groups of voters and citizens in general, through the development of the different audit activities that provided elements of reliability and security. However, in order to fulfill all commitments set forth in the Agreement between CEELA and the CNE, CEELA Mission will make the following recommendations aimed at improving and strengthening the Venezuelan electoral system in the

future through implementation of some of such recommendations during the time until new elections are convened.

R E C O M M E N D A T I O N S

One. We recommend for the next elections, particularly in the case of electing public corporations members, that an *in situ* training system be implemented for voters to have adequate knowledge of the handling and operation of voting machines.

Two. We emphasize that the president of the polling station should release voting at the machine after verifying that the individual is capable to cast the vote, particularly in multiple person elections.

Three. Expedite contingency protocols to replace voting machines that are not working properly or are damaged, for such machines to be replaced as soon as possible.

Four. Take the steps necessary to face technological obsolescence, as well as to maintain the operability of the technological park.

Five. Have available the technological inventory necessary for any electoral event in accordance with the increase of the electoral roll, and also reach a quality control of 100% of the technological electoral equipment and its components, which should be submitted to total operational review, as well as each component of each voting machine suitcase necessary for operability at each polling station.

Six. That high schools and schools in general where polling stations are to be installed use, to the extent possible, the ground floor.



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Seven. That delegates acting as witnesses of the political organizations and groups of voters can be clearly identified by voters as process witnesses on behalf of the organization or group they represent.

Eight. That the feasibility of promoting the legislative reforms necessary for the State to contribute to the political and electoral funding of political organizations be considered. And also, that electoral campaigns carried out by candidates endorsed by political organizations are funded, fully or partially, with State resources.

Caracas, May 21, 2018

NICANOR MOSCOSO PEZO
HEAD OF CEELA MISSION

Former President of the Electoral Supreme Court
of the Republic of Ecuador

Guillermo Reyes

Former President of the Electoral Supreme Court
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Augusto Aguilar

Former President of the Electoral Supreme Court
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Former Presiding Magistrate of the Electoral Supreme Court
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