

Democratization



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The process of the devaluation
of the vote in Venezuela

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Our language of suffering

Paola Bautista de Alemán

Fernando Albán is a martyr
for democracy

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Suffrage is one of the most representative mechanisms when studying the development of the various political systems in different historical moments of humanity. The possibility of being part of decisions of communities, of having power over the future of societies, or of expressing oneself individually in the face of collective facts, has found voting or suffrage to be an instrument of civilization and a way to remove force and war mechanisms as a method of imposing ideas.

The development of voting as an effective mechanism of public decision has been determined by various economic, political and social events throughout several centuries. From the representativeness and the budding idea of Greek democracy to the various senates of the Roman Empire, men endowed with a power of representation, who used the vote as a scheme of action in the political field, are present. The same happens during the 19th and 20th centuries, when the desire and need of man turned the vote into a necessary aspiration in the search for justice and equality.

The conquering of the vote as a right has been one of the most important achievements in the construction of contemporary democratic systems and, today, it involves a vast discussion of

how its revaluation within the framework of citizen development proposes the configuration not only of the right itself but also of an entire institutional and cultural ecosystem that allows the full validity of the universal and often constitutional guarantees that define the democratic system.

Voting as an integral part of a democratic system is clearly presented in the report on the “**The Global State of Democracy**” published by the *International Institute for Democracy and Electoral Assistance* (IDEA, 2019), which analyzes the state of democracy in 158 nations of the world, using five attributes as a measurement tool that are in turn broken down into sub-attributes. In this case, we must name three of them: the first, *Representative Government*, refers to the extent to which access to political power is free and equitable, expressed, among others, through free elections, inclusive suffrage and free political parties; a second attribute is *Fundamental Rights*, which includes the degree to which the freedoms and resources that citizens possess in order to participate actively in the political process are respected –and here we must point out freedom of expression and association as some of them; the last attribute that reflects the importance of voting for the construction of a democratic system is *Participatory Engagement*, which measures the formal and informal involvement of citizens in political decisions, including, for the purposes of this study, what refers to electoral participation such as local and direct democracy.

The subsequent development of voting or suffrage as a right has also made it possible to build national legal frameworks and declarations of multilateral organizations that reinforce its space and its necessary exercise within the framework of any democracy. The third article of the **Inter-American Democratic Charter** can be pointed out as an example:

*Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, **the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people**, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government (OAS, 2001).*

It is therefore convenient to understand that voting is a necessary and in turn complementary condition when measuring the democratic strength of a nation, the development of political organizations, and the active and effective participation of citizens in public affairs.

On the constitutional development of suffrage in Venezuela

Before considering the current situation of the electoral system and the power of vote or suffrage as a conflict resolution mechanism, it is necessary to review the evolution of the constitutional norm regarding the vital instrument that is democracy.

The initial approach would be the views of the different political actors at each moment of the country's political transition, regarding the possibility of enabling the vote as an instrument of real expression of the Venezuelan people. When analyzing the constitutional precepts of 1945, 1947, 1961 and 1999, it becomes evident that views and the agreement on freedom, equality and respect for fundamental rights, in each case, are determined by the political model that governed in each occasion and by its spirit in the search for citizen development. The political control of institutions, the fierce struggle between political actors, in some

cases the armed struggle, or the authoritarian mood of the ruling group, marks the level of development of the vote or suffrage in the country and is evident in the constitutional intention.

The precepts determined by the different constitutions regarding suffrage or voting are hereby presented:

- **1945 Constitution**

In the partial reform of the Constitution of Venezuela, then Congress of the United States of Venezuela, which had an enormous influence of the Andean power that had governed the country since the time of General Cipriano Castro, passing through the life of Juan Vicente Gómez, Eleazar López Contreras and Isaías Medina Angarita, maintained a restricted concept of suffrage and control of political power. Numeral 14 of Title II. Of Venezuelans and their duties and rights, specifically in Article 32, which states the guarantees, establishes the following (own translation):

14. *The right to vote in the terms expressed below:*

- a) *Male Venezuelans, over 21 years of age who know how to read and write and who are not subject to interdiction or criminal conviction involving political disqualification, are eligible to elect and be elected, with no restrictions other than those established in this Constitution and those that derive from the special conditions of competence or capacity required by law to exercise certain positions.*
- b) *Venezuelan women who meet the conditions required to exercise suffrage, according to the preceding section, have the right to vote, actively and passively, for the formation of Municipal Councils (Venezuela, 1945).*

The clear restriction on the universal exercise of the vote evidently responds to a resistance to change and democratic openness on the part of the ruling political class, as stated by Carlos Alarico Gómez in his book *The Origin of the Democratic State in Venezuela*, where he collects how there was a refusal to universal vote making reference to a statement by Arturo Uslar Pietri in which he express that popular election was not reached for reasons of political prudence (Gómez, 2004, p. 38).

- **Electoral Statute of the Revolutionary Government Board**

With the overthrow of Isaías Medina Angarita and the development of what became known as the October Revolution, the Revolutionary Government (Junta Revolucionaria de Gobierno) headed by Rómulo Betancourt dictated the Electoral Statute that regulated the October 1946 elections and that expressly allowed the installation of the National Constituent Assembly on December 17 of that year, the promulgation of a new constitution equipped with democratic institutions (Gómez, 2004), allowing the development and subsequent consolidation of the representative democracy model.

- **Constitution of the United States of Venezuela of 1947**

It was this constitution that provided the framework for the first democratic government the country ever experienced. After the constituent, an electoral process followed, which resulted in the election of the renowned writer and politician Rómulo Gallegos. This constitution crystallized the need to open up and resize the State towards a democratic model that had been pressing hard on the institutions. In Title IV. On Sovereignty and Public

Power, Chapter I. On Suffrage, this right is developed in the following articles:

Article 79. Sovereignty resides in the people, who exercise it by means of suffrage and by means of the Public Powers.

Article 80. Suffrage is a private right and public function of Venezuelans, but it may be extended for municipal elections and in accordance with the Law to foreigners who have had more than ten years of uninterrupted residence in the country.

Article 81. All Venezuelan men and women, over the age of eighteen, and who are not subject to a definitive sentence to civil interdiction or to a criminal sentence that carries political disqualification, are voters.

Article 82. Voters who know how to read and write, over twenty-one years of age, are eligible and suitable for the performance of any public office, without restrictions other than those established in this Constitution and those derived from the conditions of aptitude that, for the exercise of certain positions, are required by law.

Article 83. The Law shall regulate the principle of proportional representation of minorities and shall ensure that no party or political group predominates in electoral bodies. (Constituent, 1947).

- **1953 Constitution of the United States of Venezuela**

This Constitution is framed in a new period of military dictatorship headed by Marcos Pérez Jiménez. In it, suffrage becomes merely illustrative and all the considerations and scope that were detailed in the 1947 Constitution are

eliminated. Title IV. On Sovereignty and Public Power, Chapter I. On Suffrage, is developed with two articles:

Article 38. Sovereignty resides in the people, who exercise it by means of suffrage and by means of the Public Power.

Article 39. Suffrage is the exclusive public function of Venezuelans. However, it may be extended to foreigners. The law will determine the conditions and other modalities related to the exercise of suffrage in both cases. (Venezuela, 1953).

- **1961 Constitution of the Republic of Venezuela**

The Constitution of the Punto Fijo Pact allowed a long political period dominated by civility. It is the constitution of what the political scientist Juan Carlo Rey called the populist system of conciliation of elites that began a gradual process of a political model that privileged agreement. In this framework, this constitution went on to reestablish the concept of limited suffrage during the dictatorship and developed a whole chapter in which the role of political parties as an articulating element of the system is preponderant. Chapter VI. On political rights reads:

Article 110. Voting is a right and a public function. Its exercise will be mandatory, within the limits and conditions established by law.

Article 111. All Venezuelans who have reached the age of eighteen and are not subject to civil interdiction or political disqualification are voters. Voting for municipal elections may be extended to foreigners, under the conditions of residence and others established by law.

Article 112. Electors who know how to read and write, over twenty-one years of age, are eligible and suitable for the performance of public functions, without any restrictions other than those established in this Constitution and those derived from the aptitude conditions that, for the exercise of certain positions, are required by law.

Article 113. The electoral legislation will ensure the freedom and secrecy of the vote, and will establish the right of proportional representation of minorities. The electoral bodies will be integrated in such a way that no party or political group predominates, and their components will enjoy the privileges established by law to ensure their independence in the exercise of their functions. The concurrent political parties will have the right to monitor the electoral process.

Article 114. All Venezuelans eligible to vote have the right to associate in political parties to participate, through democratic methods, in the orientation of national politics. The legislator shall regulate the constitution and activity of political parties in order to ensure their democratic character and guarantee their equality before the law. (Venezuela, 1961).

- **1999 Constitution of the Bolivarian Republic of Venezuela**

The last of the country's constitutions marks the process of bankruptcy and transformation of the political model and seals the transition towards an authoritarian court system with hegemonic pretensions, in which the electoral element is presented as a resource for the consolidation of the elite that remains in power –but we'll mention that later. This constitution is characterized by a detailed development of rights and the incorporation of the Electoral Power as

a new branch of power proposed by a governing body of electoral processes such as the National Electoral Council (CNE), which becomes a national public power. Then it develops Chapter IV. *On Political Rights and the Popular Referendum* in its first section relative to Political Rights:

Article 62. All citizens have the right to participate freely in public affairs, directly or through their elected representatives.

Article 63. Suffrage is a right. It is exercised through free, universal, direct and secret ballots. The law will guarantee the principle of personalization of suffrage and proportional representation.

Article 64. Voters are all Venezuelans who have reached eighteen years of age and who are not subject to civil interdiction or political disqualification.

Article 65. Those who have been convicted of crimes committed during the exercise of their functions and others that affect the public patrimony, within the time established by law, as of the completion of the sentence and in accordance with the seriousness of the crime will not be able to opt for any position of popular election.

Article 66. Voters have the right to have their representatives render public, transparent and periodic accounts of their management, in accordance with the program presented. (Venezuela, 1999).

The development of suffrage from the constitutional perspective sheds light on the scope of the vote as a mechanism for consolidating either democratic or authoritarian systems. It also allows to recognize, within its precepts, the spirit of the political elite ruling at the moment in the face of the intention of developing

an electoral system that allows guarantees and conditions of the free, transparent and verifiable exercise of the vote. However, the constitutional norm can be a mere object of development of concepts accepted by society and the international environment, which in many cases did not correspond to the state of necessary conditions in the electoral system and in the elections held in recent decades.

Blows to the value of the vote in Venezuela

Elections are the mechanism used by democratic systems to settle the differences that exist between citizens. It is the way by which different views on society are confronted and opposed by means of an openness to the massive participation of all citizens or members of a determined social organization, who in this process become the protagonists and decision-makers on which ideas or proposals turn out to obtain the greatest support. An election is itself the denial of force and the use of violence as a political expression. It is the channel through which political parties, social organizations and pressure groups in society find themselves as actors in conflict and competition, seeking to win the largest number of votes to validate their political option and legitimize their model of public action.

Every election seeks to legitimize, through the massive use of the vote, a condition of support or rejection of those who for a certain moment hold political representation in the structures of state power or social organizations. It then implies an assessment of the moment and individual and collective conditions that are expressed in each citizen through their vote, selecting the offer or program as a commitment for the immediate future.

In the Venezuelan case, the electoral processes have been marked by a highly polarized dynamic in which the voting mechanism has been used as an instrument for the consolidation of power of the political model headed by Hugo Chávez and later by Nicolás Maduro, due to the fact that each election is more than a mechanism to resolve conflicts, it is a way of legitimizing the strengthening of a power scheme with a deep totalitarian vocation.

This is how the victory in a certain electoral process does not translate into a mechanism for the consolidation of representative institutions provided for in the constitution, but rather as a legitimate power to allow the destruction of the democratic system and the political disappearance of the political "enemy" that is given in a framework of the relationship of political parties, as determined by the author Juan Carlos Rey, of *"pure conflict in which the satisfaction of the wishes or interests of one unit can only be achieved by denying the satisfaction of the wishes and interests of the other unit"* (UCV, 1999).

In this tense environment, in which each electoral process manages to deepen the differences and reinforce the enemy's vision of the ideal of adversary, the figure of the vote has been affected in its value as an instrument for citizen empowerment. Gradually throughout the last 20 years, the electoral scheme has been proposed as a space for struggle and confrontation to deepen differences. Each event ends up leaving more social confrontation, fewer spaces for agreements, and an idea that the winner (by far or little margin) has a kind of order to annihilate the other and erase the idea of alternation in power. The idea is strengthened that the transmission belt of this will to confront and impose is the electoral system and especially in voting as a citizen's right.

In this evolution, the vote has been devalued as a tool and right that allows deciding the fate of the public and of social action. On the one hand, the indefinite suspension of elections in unions and universities has achieved a permanence and wear in these social institutions and has allowed minimizing the decision-making power of their members, the power to decide. Thus, this has allowed the weakening of the idea of social organization and the power of each of the members that make it up, the value of representation, creating a vacuum of legitimacy that ends up diluting the strength and position of leading social actors of the public.

On the other hand, there is the attack on the confidence of the Venezuelan electoral system, the idea of partisanship of the electoral body has placed doubts in society about the impartiality of the referee, affecting the levels of participation and the capacities to settle conflicts. Therefore, we want to indicate the different events of the last decades that have allowed a process of devaluation of the VOTE as a formal and citizen mechanism of decision:

- **Parliamentary elections of the year 2005:** The existing doubts about the automation of the electoral system, the secrecy of the vote and the dynamics of the electoral referee, perceived as highly questionable by an important group of the political opposition, ended in an electoral process of parliamentary elections held on December 4 of that year in which the main opposition political parties decided not to participate and call for abstention. The result of this election was an important abstention and a political discussion that began to question the elections as a mechanism for resolving conflicts.

- **Presidential Elections of the year 2013:** After the death of Hugo Chávez, the electoral power, under its constitutional precept, organized new presidential elections on April 13 of that year. The final results granted the victory to Nicolás Maduro by less than a percentage point of advantage over Henrique Capriles. Participation was of 79.68% (CNE, 2013). Faced with this narrow margin, the opposition candidate denounced irregularities throughout the process and requested an extensive audit of the records and the opening of a significant number of boxes containing the votes in order to perform manual counting, which was denied by part of the electoral body.
- **The creation of the Protectors of the States:** From the national Executive, prior to the 2013 presidential elections, the figures of "Protectors" were created for those states governed by members of opposing parties. In this way, state corporations that were transformed into unelected parallel structures with a large number of resources directly assigned by the central power were created to compete in management with the elected governors and members of the national political opposition. These entities still remain and have greater powers and resources, being in many cases entities with greater power and capacity than those affiliated to the ruling party.
- **Election of the National Constituent Assembly 2017:** On July 30, the election for a Constituent Assembly was held, this process was promoted without the participation of the National Assembly and unilaterally by the national government. It is important to note that, in it, the principle of one vote for one voter was significantly modified and an electoral system was outlined that allowed elections other

than direct or first-degree elections. Through resolution N # 1706-7-118 the CNE issued the controversial *Electoral Base for the National Constituent Assembly* (*Base Comiciales para la Asamblea Nacional Constituyente*) (CNE, 2017) that determines the modification of the electoral system.

- **Regional elections of the year 2017:** These elections were held on October 15, after a political discussion due to the fact that the conclusion of the mandate of the governors who were in office was to end at the end of 2016. In this election, a large part of the polls gave an advantage in most of the cases to sectors of the opposition, but the CNE ended up giving victory to the ruling party in 18 of the 23 state governorates. In the midst of a large number of allegations of fraud, requests for a recount and audits, these elections marked a turning point on the idea of the electoral route as a mechanism for fighting opposition factors. It is important to highlight the case of the election in the State of Bolívar in which the candidate Andrés Velásquez was able to demonstrate the manipulation of the results, this being one of the few times that fraud could be demonstrated.
- **Election fraud of May 20, 2018:** On this date, and by decision of the National Constituent Assembly in conjunction with Nicolás Maduro, a presidential electoral process was imposed. With the main opposition political parties outlawed, the CNE launched this process, the results of which were unknown by the National Assembly, by the country's political opposition and social sectors, such as the European Union, the United States, and the member countries of the Lima Group.

Each event mentioned here diminished the ability to vote as a necessary instrument in promoting political change and as a way

to resolve conflicts and social, political, and economic tensions in the country. There was a devaluation of this vital right for every democracy and it is an important part of the causes that have allowed the nation to suffer a humanitarian emergency today. Each event is the basis for the political process that was generated within the framework of the National Assembly during the end of 2019 and until June 2020 within the framework of the preliminary commission and the Electoral Nominations Committee.

About the Preliminary Commission and the Electoral Nominations Committee of the National Assembly

On October 29, 2019, through a proposal to modify the agenda in the ordinary session of the National Assembly, the point to initiate all actions that would allow the election of new rectors to the CNE within the framework of the procedures established in the Organic Law of the Electoral Power (LOPE) was included. In the debate, the approach to this path was carried out as part of a route for the recovery of democracy, and in this sense, the plenary approved beginning to work on the appointment of the Preliminary Commission and declared itself in permanent session to allow this initiative to move forward.

The relevance of these events is manifested in the clear need that the nation was experiencing to advance on a constitutional and democratic path that would allow political solutions to be initiated. Building a great national agreement to select new electoral arbitrators would allow the renewal of electoral power and, with it, to attack the root of the process of devaluation of the vote, the partisanship of the electoral body and the distrust that a good part of the citizens maintains about the system in general. Having a new CNE, agreed and elected in the constitutional and legal framework through the National Assembly, was planned as

a step to break the reigning polarization scheme and give each elector input and power to decide the immediate future, under transparent and verifiable elections.

In this intention, the Mesa de la Unidad¹ presented the country with what they called a *Route for Free Elections* that would allow the creation of the necessary spaces and agreements to advance in the rescue of the vote as a fundamental instrument of democracy. This route posed the following conditions:

En esta intención, desde los factores de UNIDAD presentamos al país lo que denominamos una *Ruta para Elecciones Libres* que permitiría crear los espacios y acuerdos necesarios para avanzar en el rescate del Voto como instrumento fundamental de la democracia. Esta ruta planteaba las siguientes condiciones:

APPOINTMENT OF A NEW CNE BY THE NATIONAL ASSEMBLY, in accordance with the provisions of the National Constitution and the Organic Law of the Electoral Power.

FULL EXERCISE OF POLITICAL RIGHTS, which was understood as calling and attending elections without political prisoners, without political disqualifications, without exiles, without political violence and with current political parties and in the hands of their legitimate representatives.

HAVING INTERNATIONAL OBSERVATION IN THE ELECTORAL PROCESSES, breaking the refusal to summon international organizations to be the guarantor of any electoral event, advancing in a state superior to the simple electoral accompaniment that is the figure used in recent years.

¹ Coalition of political parties opposing the current government.

CLEAR ELECTORAL RULES AND WITH THE DUE VERIFICATION PROCESSES, which would allow a transparent and verifiable electoral process, where the rules of the game prevent mechanisms of over-representation of minorities or majorities.

OVERCOMING THE TERRIBLE STRUCTURAL AND PUBLIC SERVICES CONDITIONS PRESENTED BY THE COUNTRY, the structural crisis of public services, communications, as well as failures in the supply of fuel forced to discuss conjunctural mechanisms to face these limitations in the electoral framework, promoting actions to reduce the impact of this situation on the possibility of citizens freely exercising their right to vote.

Understanding the political dynamics that the nation is experiencing, this process that began in the National Assembly is of enormous relevance due to several elements to consider. The first is that a political agreement was materialized between the banks that make up the legislative power, which could mean one of the few agreements reached in the entire parliamentary period between the ruling party and the Mesa de la Unidad, many agree to highlight this as the last great agreement reached in politics. The second element is the framework in which this integration takes place: it is not born from the idea of a dialogue or a negotiation table, but rather with an institution and, in this case, a national public power, as the basis of materialization of the express will of the parties and that this will is in accordance with the previously written norm, with which the mechanism and its development are not the product of political dialogue but of the strength of institutionality and the norm that establishes it.

Thirdly, the large support of social organizations, economic sectors, the media, relevant figures and political actors stands

out for the initiative of building a path that would allow the construction of a concerted solution within the electoral framework. Last but not least, it is important to point out that this agreement, in addition to having support, was permanently under threat, under the idea of abandoning the space or disabling it so that it could produce positive results. “El Desacato”, which has been a legal figure created by means of a judgment by the Supreme Court magistrates to weaken the legislative power by limiting its constitutional powers, was exposed as a reason to destroy this agreement and the possibility of appointing rectors to the CNE by legislative means, as later the Ignorance Manifest of the Board of Directors of the National Assembly by the ruling party that prevented a session from being held with the effective presence of the 2/3 parts of the composition of the chamber necessary for the voting and election of electoral rectors.

To recount the activities carried out within the framework of the National Assembly:

- On November 5 and after a week of starting the path, the parliamentary fraction of the United Socialist Party of Venezuela (PSUV) decided to join the procedure, and thus nine of the eleven deputies that were to make up this preliminary commission, namely:
 - Deputy Ángel Medina (Primero Justicia)
 - Deputy Stalin González (Un Nuevo Tiempo)
 - Deputy Olivia Lozano (Voluntad Popular)
 - Deputy Piero Maroun (Acción Democrática)
 - Deputy Luis A. Moreno (Acción Democrática)
 - Deputy Franklin Duarte (Concertación)
 - Deputy William Gil (PSUV)
 - Deputy Noslium Rodríguez (PSUV)

- Deputy Jesús Montilla (PSUV)

In a later session, the list was completed by incorporating Deputies José Gregorio Graterol (Primero Justicia) and Julio Chávez (PSUV).

- On November 13, the Preliminary Electoral Nominations Commission was formally installed as established in Article 20 of the LOPE, where it was agreed to: Designate the Francisco de Miranda Room (which since 2018 has been guarded by the National Guard and prohibited the access and use by the National Assembly) of the federal legislative palace as an administrative seat; create a joint subcommittee in charge of preparing a work schedule; the Deputy Stalin González was appointed debate coordinator and the date for the next meeting was set.
- During the month of November and December, a meeting of the commission was held where proposals for the schedule were presented and exchanged by La Unidad and the PSUV, as well as at least 3 meetings of the subcommission created to agree upon a work schedule.
- On January 5, 2020, the date on which the new period of the National Assembly was to be constitutionally installed and its board of directors chosen, the country saw a **military takeover of the Federal Legislative Palace** by the National Guard. An exaggerated military presence on the area prevented the entry of many parliamentarians to the legislative headquarters, to later see how fraudulently it was installed without use of the requirements and norms provided in the internal regulations and debates of the National Assembly, a board of directors, through the force

of a minority, thus executing an **assault on Parliament**. It is important to note that after these aberrant events we have been prevented from carrying out our parliamentary activities both at the administrative headquarters and from meeting in the federal legislative palace.

- Given the impossibility of returning to the natural space of sessions, on January 14, the forces of La Unidad presented to the country at a press conference what had been the work of the commission during the last months of 2019, as well as the proposals that we had managed according to the schedule and that were known by the official sector.
- On January 21, in a session held in the Plaza de Cumbres de Curumo of the Baruta Municipality in Caracas, the preliminary commission presented to the plenary a report on the work carried out and the chamber was asked to approve a timetable to advance in the convocation of members of civil society, to be a definitive member of the Electoral Nominations Committee, complying with Article 21 of the LOPE.
- Thus, from January 27 to February 7, in the spaces of the Federation of University Centers of the Central University of Venezuela, the call and reception of collections of all candidates from civil society organizations to form the Electoral Nominations Committee was held. It is important to note that this activity was carried out unilaterally by the forces of La Unidad, seeking not to stop the process despite all the limitations, because it was understood that a way should continue to be explored to pave a solution to the conflict and the humanitarian emergency.

- On February 20, the joint sessions of the preliminary commission to analyze the process of convening civil society were resumed in the Francisco de Miranda room, informing the country that 73 citizens applied to this process through 68 social organizations, at least 4 times the amount needed to make up the committee.
- On February 26, the Preliminary Commission presents to the country the names of the ten (10) citizens selected to form, together with the Deputies, the Electoral Nominations Committee, namely:
 - Jesús Eduardo Castañeda - Alexis Corredor
 - Bussy Galeano - Mercedes Gutiérrez
 - Guillermo Miguelena - Orlando Pérez
 - Luis Alberto Rodríguez - Diana Carolina Rodríguez
 - Luis Serrano - Petra Tovar
- On March 3, in an ordinary session of the National Assembly, the names proposed by the preliminary commission for the formation of the Electoral Nominations Committee are approved by a clear majority of the deputies present.
- On March 8, the Electoral Nominations Committee was installed on the 8th floor of the administrative headquarters of the National Assembly. In compliance with Article 23 of the LOPE, a president, a vice president, and outside of its members a Secretary of the Committee were elected:
 - **President:** Deputy Ángel Medina
 - **Vice-president:** Deputy Julio Chávez
 - **Secretary:** José Luis Cartaya

This was the last formal meeting that was held between the parties to advance in the process of selecting rectors for the CNE.

- On March 10, in a street session held by the National Assembly in the Plaza Alfredo Sadel of the Baruta Municipality in Caracas, the AGREEMENT THAT CONTAINS THE NATIONAL CONFLICT LIST THAT UNIFIES THE STRUGGLE FOR THE RESTORATION OF DEMOCRACY AND THE RESCUE OF ALL THE HUMAN, CIVIL, POLITICAL AND ECONOMIC RIGHTS OF THE VENEZUELAN PEOPLE was approved, indicating in one of the agreements:

Third: The non-negotiable conditions for the holding of the presidential electoral process in a free, fair and verifiable manner are the existence of a new impartial National Electoral Council that is designated by this legitimate National Assembly as ordered by the National Constitution, the rehabilitation of all political organizations unconstitutionally canceled by the regime, the empowerment and return of all political rights of all citizens in accordance with the law for the exercise of passive and active suffrage, the cessation of prosecutions and the judicialization of politics, as well as unconstitutional disqualifications, the guarantee of the right to vote for all Venezuelans who have had to emigrate from our homeland due to the immense humanitarian crisis caused by the tyrannical regime, the presence of credible international observers at all stages of the electoral process to guarantee compliance with all the rules that allow still an electoral competition under equal circumstances, without

underestimating the rest of the conditions necessary for the transparency of the process. (*National Assembly, 2020*).

- On March 16, through a public statement, the Electoral Nominations Committee suspends activities due to the COVID19 Pandemic and the cases confirmed for the moment:

“From the Electoral Nominations Committee we want to inform the country that due to the declaration of a COVID-19 Pandemic made by the World Health Organization and the confirmation of positive cases in our nation, we have decided to **suspend the activities of this Committee until the necessary security conditions are achieved to resume this path that will allow us to renew the National Electoral Council.**” (*National Assembly, 2020*)

- Between March 12 and 20, 2020, the chair of the committee presents a draft regulation to the committee's political actors and observations are made by members of the civil society.

Las sentencias que rompen con el camino del Comité de Postulaciones Electorales y con la ruta hacia elecciones libres.

The sentences that break the route of the Electoral Nominations Committee and the path to free elections

In the midst of the entire legal and constitutional process carried out by the National Assembly, the magistrates of the Constitutional Chamber of the Supreme Court of Justice, outside

the framework of their powers and acting as political actors, issued a series of measures that took away the legislative powers to the appointment of Rectors of the CNE to the National Assembly and provoked an "Express" mechanism to make these appointments.

Date	06/05/2020	Issued sentence	0068 20-0215
Decision			
<p>It is declared to be COMPETENT to hear and resolve the demand for Legislative Omission of the <i>National Assembly in contempt.</i></p> <p><u>ADMITS BY MERE RIGHT and DECLARES UNCONSTITUTIONAL OMISSION</u> in the appointment of the members of the CNE.</p> <p>DOES NOT APPLY ARTICLES of the Organic Law of Electoral Processes and GIVES THE ORDER to assume the normative development of the CNE.</p> <p>ORDERS the CNE to adapt the electoral regulations for the election of Indigenous Deputies respecting their traditions and customs.</p>		<p>The magistrates ratify the condition of the National Assembly in "Contempt", whose figure does not exist in the legal system.</p> <p>On other occasions, Legislative Omission occurs when 2/3 of the vote in the chamber to appoint rectors repeatedly fails to be obtained. For this case, <i>the procedure was underway and had not been completed to get to the vote.</i></p> <p>Legislative powers are granted in an unprecedented way to the electoral power, when this is a matter of exclusive reserve of the National Assembly.</p> <p>To date, the universal, direct and secret vote of the indigenous population has been repealed, having a mechanism not yet clarified.</p>	

The process of the devaluation of the vote in Venezuela

Date	06/10/2020	Issued sentence	0069 20-0215
Decision			
<p>The Electoral Nominations Committee is CALLED to WITHIN SEVENTY-TWO (72) HOURS, counted as of the publication of this order, submit to this Chamber the list of pre-selected citizens to integrate the CNE.</p>		<p>The magistrates ask the National Assembly to violate the <u>Organic Law of the Electoral Power</u> in its articles 24, 27 and 28 by imposing a non-existent and impossible term in the framework of the procedures.</p>	

Date	06/12/2020	Issued sentence	0070 20-0215
Decision			
<p>It is declared: That the contempt of the National Assembly continues without interruption.</p> <p>The Rectors of the CNE are appointed.</p> <p>The citizen INDIRA MAIRA ALFONZOIZAGUIRRE is appointed President and the citizen RAFAEL SIMÓN JIMÉNEZ MELEÁN is appointed Vice President. Members of the subordinate bodies are appointed.</p> <p>CALL to the Rectors designated for their swearing-in on Friday, June 12, 2020 at the Supreme Court of Justice.</p>		<p>In this event it is decided to appoint all the Rectors of the CNE, <u>without the prior existence of a public and verifiable application and selection process as determined by law.</u></p> <p>Two magistrates are also appointed as rectors of the CNE, namely: Indira Alfonso and Gladys Gutiérrez. <u>The same organism chooses new rectors from among its members.</u></p>	

Subsequently, this same Constitutional Chamber issued a series of judgments **in which it dismissed directives from a series of political parties representing the opposition and others that were part of the official support bloc called Polo Patriótico**, creating the figures of ADHOC boards that are not the product of the decision of his militancy. Creating the worst conditions for the full validity of the political party system in Venezuela.

Date	06/15/2020	Issued sentence	0071 18-0458
Decision		Affected Political Party	
DECREES a precautionary measure for constitutional protection consisting of suspending the current National Directorate of the Political Organization Acción Democrática. An ad hoc Board of Directors is appointed to carry out the necessary restructuring process.		ACCIÓN DEMOCRÁTICA Historical social democratic party of the country, belonging to the Socialist International and one of the main political parties of the national opposition with an important parliamentary fraction in the National Assembly.	

Date	06/16/2020	Issued sentence	0072 20-0026
Decision		Affected Political Party	
DECREES precautionary measure of constitutional protection consisting of suspending the current Board of Directors of the Organization for political purposes "Movimiento Primero Justicia". An ad hoc Board of Directors is appointed to carry out the restructuring process.		PRIMERO JUSTICIA Center party that has the first fraction of opposition deputies in the National Assembly. On September 4, this sentence was annulled. It remains a banned party.	

The process of the devaluation of the vote in Venezuela

Date	07/07/2020	Issued sentence	0077 20-0053
Decision	Affected Political Party		
<p>DECREES a precautionary measure for constitutional protection consisting of suspending the current National Directorate of the Voluntad Popular Organization for political purposes. An ad hoc Board of Directors is appointed to carry out the restructuring process.</p>	<p>VOLUNTAD POPULAR</p> <p>Social Democratic Party and member of the Socialist International, in which the President of the National Assembly, Deputy Juan Guaidó, is a member.</p>		

Date	08/18/2020	Issued sentence	0119 20-0127
Decision	Affected Political Party		
<p>DECREES a precautionary measure for constitutional protection consisting of suspending the current National Directorate of the Organization for political purposes Unified Tendencies Party to Reach the Movement of Organized Revolutionary Action (TUPAMARO - Partido Tendencias Unificadas Para Alcanzar Movimiento de Acción Revolucionaria Organizada). An ad hoc Board of Directors is appointed to carry out the restructuring process.</p>	<p>TUPAMARO</p> <p>Revolutionary left party, which was a member of the Polo Patriótico and an active part of the defense of the political process led by Nicolás Maduro.</p>		

Date	08/21/2020	Issued sentence	0122 20-0278
Decision	Affected Political Party		
<p>DECREES a precautionary measure for constitutional protection consisting of suspending the current National Directorate of the Organization for Political Purposes PATRIA PARA TODOS (PPT). An Ad Hoc Board of Directors is appointed to carry out the restructuring process.</p>	<p>PATRIA PARA TODOS</p> <p>Left party member of Polo Patriótico that had formed a new alliance called Alternativa Popular Revolucionaria.</p>		

Date	08/25/2020	Issued sentence	0124 20-0282
Decision	Affected Political Party		
<p>APPOINTS citizen PEDRO CELESTINO VELIZ in his capacity as President of the Organization for Political Purposes "Bandera Roja", to make nominations before the CNE for the upcoming electoral process.</p>	<p>BANDERA ROJA</p> <p>Communist Party which criticizes Nicolas Maduro and an active part of the Venezuelan opposition.</p>		

The process of the devaluation of the vote in Venezuela

Date	08/25/2020	Issued sentence	0125 20-0284
Decision		Affected Political Party	
APPOINTS citizen Olga Alejandra Morey in her capacity as National Coordinator of the Organization for Political Purposes with the name "COMPROMISO PAÍS (COMPA)", to make nominations before the CNE for the upcoming electoral process.		COMPROMISO PAÍS Left party that was a member of the Polo Patriótico and that had formed a new alliance called Alternativa Popular Revolucionaria.	

Date	08/26/2020	Issued sentence	0126 20-0288
Decision		Affected Political Party	
APPOINTS citizen ALFREDO ALEXANDER BOSCAN as a member of the Organization for Political Purposes "MOVIMIENTO DE INTEGRIDAD NACIONAL-UNIDAD (MIN-UNIDAD)", to make nominations before the CNE for the upcoming electoral process.		MIN-UNIDAD Independent party that had run outside the two major political blocs in the last parliamentary elections	

Fecha	09/02/2020	Sentencia Exped	0127 20-0302
Decisión		Partido político afectado	
APPOINTS the organization for political purposes called ACCIÓN CIUDADANA EN POSITIVO (ACEP) to apply to the CNE for the upcoming electoral process		ACEP Independent party.	

These decisions show the clear interference of the court in the composition and political decisions of the political parties, modifying the relations and positions in the political process, conditioning electoral participation, and putting an end to the freedom of political affiliation, social organization and expression foreseen in our constitution.

Final Considerations

- The United Nations Development Program generated an Electoral Democracy Index in 2004 that seeks to be a measure that *"presents an aggregation of four components considered essential in a democratic regime"* (UNDP, 2004) and are identified as:
 - Right to vote: all adults in a country have this right.
 - Clean elections: the electoral process proceeds smoothly, the reliable count of the votes cast is not altered.
 - Free elections: the electorate is offered a range of alternatives that are not constrained by legal or de facto restrictions.
 - Open Public Offices: elections are the means for access to the main public offices and they remain in their positions for the period of law.

The UNDP establishes that "violations, even partial, of any of these political citizen rights, point to very important restrictions of the democratic regime" (PNUD, 2004).

- The Declaration on the Criteria for Free and Fair Elections adopted by the Inter-Parliamentary Union at its 154th meeting held in Paris in 1994 establishes *"In any State the*

authority of the government can only derive from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage” (Goodwin-Gill, 2005).

- In the last decade, in Venezuela, a process of authoritarian construction has been deliberately provoked. It has weakened institutions, but very especially, over time, a space has been consolidated for the destruction of trust in the electoral system and the institution that represents it. Despite the constitutional design that builds a new electoral power, the partisanship, the control of the appointment of its rectors by the Supreme Court of Justice and the decisions of these arbitrators regarding the dates, terms and process of totalization and scrutiny of the different elections have placed serious observations on the part of citizens on the impartiality of the system and its public assessment as not very transparent and reliable.
- Today, the vote has lost value as a right and as a real instrument of decision of the citizens, a statement that is demonstrated in the levels of participation of the last two electoral processes called by the CNE. It must be added that the impediment of voting for many years to members and associates of different social organizations has allowed blurring the role of citizen participation in the strengthening of democracy and social development of the country.
- In Venezuela, a struggle has been constituted by the different public powers that in collaboration have sought to weaken the framework of constitutional powers and attributions of the national legislative power. The persecution, disqualification and waiver of immunity of

parliamentarians, the suppression of competencies such as legislation and parliamentary control, the suppression of all resources that were assigned by budget for the operation of this public power, the permissive action of the bodies of security regarding the security and order of the surroundings of the legislative power, the creation by means of a sentence of the figure of contempt, are substantial elements when affirming that an institutional coup has been attempted against the parliament and with it, against the expression of the will of the Venezuelan people.

- The military takeover and the assault on Parliament, together with the declaration of 'legislative omission' in the face of the process of appointing rectors of the CNE that was being carried out in the National Assembly, plus the decisions that affect the free right to political association, show that an autocratic scheme has been consolidated in our country that prevents the free exercise of the vote of citizens and leaves in serious doubt the possibility of carrying out a free, transparent and verifiable electoral process, as different international organizations and actors have claimed since 2017.
- We support the position that indicates that today in Venezuela *“the consolidation of a non-competitive electoral scenario with the appearance of competitiveness”* is being sought (Bautista, 2020).

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Conclusions

The purpose of this ninth edition is to provide the reader with tools to help them understand the political, electoral and Human Rights circumstances in Venezuela. Paola Bautista de Alemán, Juan Miguel Matheus and Ángel Medina Deivis offer three perspectives regarding the concepts of freedom of conscience, anthropological damage and suffrage in Venezuela.

As a conclusion, and as a way to entice political debate, we will highlight a single idea from each article:

1. Torture, kidnapping and murder are a clear demonstration of totalitarianism and have the intention of manipulating the conscience of the human being and degrading him until his soul is broken. The soul is the most important part of the being. They failed to break Fernando Albán and, in the process, ended his life. They ended his earthly life, but his soul was left intact. Fernando Albán held on to his freedom of conscience until the last minute. This makes him eternally and forever free.
2. The language of Venezuelan suffering: Paola Bautista de Alemán delves into this term found in a testimony of the post-totalitarian reality of the Soviet Union, and relates it to the report on Venezuela of the United Nations' Independent International Fact-finding Mission. The author, rather than theoretically explaining this term, refers to it in an elaboration of the consequences and damage that Venezuelan society is experiencing as a result of the actions of totalitarianism. Along these lines, the author also refers to three realities that worsen the consequences and

that could increase the damage: first, that the perpetrators of torture, forced disappearances and repression are themselves Venezuelans; secondly, that dissident military personnel and their families are the most affected by cruel treatment and violence by their peers; and thirdly, that the most humble sectors suffer this barbarism much more without being able to raise their voices. The article, rather than posing a theoretical dissertation, poses a question: What is the extent of the anthropological damage that Venezuelans are suffering? And with this, she recalls and debates the term developed by the Cuban author Dagoberto Valdés in order to be able to delve into how the dignity of Venezuelan society is, feels and acts.

3. Suffrage in Venezuela has lost value as a citizen's instrument to decide and provoke political change. Voting is an essential characteristic of democracy. However, this is not a *carte blanche* that means that every country where elections are held is democratic. On the contrary, for voting to really be a democratic tool, it must take place in a context of transparency, with impartial arbitrators and with clear rules respected by political actors. This is not the current case in the country. In Venezuela, conditions for a transparent electoral process must be demanded and built, where the results are truly respected and representative of the clamor of the citizens. Without these conditions, the electoral processes will simply be a tool for the totalitarian regime to establish itself and stay in power.

This edition concludes with these three ideas. We hope that these articles contribute to the political understanding of Venezuela and stimulate the debates of the current crossroad in the country.