

# THE CHALLENGE OF APPOINTING A NEW CNE



CNE

PODER ELECTORAL

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## Electoral Authority has had nine sets of directors in two decades

### The Challenge of Appointing Directors of the National Electoral Council

*The deterioration of electoral conditions and guarantees has been a gradual process, aggravated by each new leadership of the Electoral Authority*

Eugenio G. Martínez.

Rebuilding Venezuela’s capacity to organize, administer, and arbitrate political competition—under standards of trust, verifiability, and acceptance of results—is an indispensable task for a national transition, especially if elections are viewed as the mechanism for re-legitimizing public offices, restoring the independence of state institutions, and resolving disputes over power.

After the presidential election on July 28, 2024,<sup>1</sup> the municipal and regional elections, and the parliamentary elections of 2025, the credibility, autonomy, and neutrality of the National Electoral Council (CNE) leadership were severely eroded, preventing future elections from functioning as a legitimate mechanism for resolving power conflicts in the midst of a political transition process.

However, the deterioration of electoral guarantees and conditions cannot be attributed exclusively to the current leaders of the electoral council. The undermining of the conditions of Venezuelan elections has been a sustained, gradual process taking place over the last two decades.

The actions of the various boards that have headed the electoral council since 1999 have generally been swayed by the decisions and interference of other branches of government. This shows the need to reverse the politicization in selecting the Commissioners, and to establish verifiable conditions of autonomy for technical and legal decisions, reinforcing the independence of the Electoral Branch and avoiding institutional capture, discretionary appointments, and rotation based on political loyalties.

<sup>1</sup> The Carter Center, “Final Report: Observation of the 2024 Presidential Election in Venezuela” (17 Feb. 2025) (PDF). <https://cartercentee50c07c05.blob.core.windows.net/blobcartercentee50c07c05/wp-content/uploads/2025/02/venezuela-final-report-2025.pdf>

Real independence requires a redesign of internal governance: delimitation of the powers of subordinate bodies, protocols that restrict wrongful substitutions and overreach, and a technical career path that reduces political discretion in appointments in operational areas.

In constitutional terms, this effort is in line with the obligation to guarantee reliability, impartiality, transparency, and process efficiency and to fulfill the mandate of de-politicization and decentralization of electoral administration.<sup>2</sup> Central to this effort is the drafting of a Special Electoral Statute to govern the operation of an *ad hoc* CNE for a period of political transition.

In accordance with international best practices, a reformed CNE must go beyond a mere partisan balance within its leadership. True independence requires verifiable safeguards over critical decisions, including voter roll maintenance, the enfranchisement of Venezuelans abroad, and the transparency of announced results. Furthermore, the Council must ensure the technological integrity of vote counting, transmission, and tabulation, while remaining fully open to national and international election observation and technical cooperation.

The appointment of the CNE Board and its actions must be evaluated not only for formal compliance with the selection procedure, but also for its ability to produce an electoral authority with demonstrable independence, verifiable professionalism, and a transparent discharge of its duties.

<sup>2</sup> Organization of American States (OAS), "Constitution of the Bolivarian Republic of Venezuela" (PDF). Articles 293-296. [https://www.oas.org/dil/esp/constitucion\\_venezuela.pdf](https://www.oas.org/dil/esp/constitucion_venezuela.pdf)

## Nine governing boards in two decades

The 1999 Constitution of the Bolivarian Republic of Venezuela formally established the Electoral Branch as an autonomous arm of government, moving beyond the traditional tripartite model to create a five-branch state structure (comprising the Executive, Legislative, Judicial, Citizen, and Electoral branches).

By granting the electoral authority co-equal status, the constitutional framework sought to safeguard popular sovereignty and insulate the administration of elections from the direct influence of the Executive or Legislative powers.

In its design, the new Constitution established the CNE as the governing body of the Electoral Branch, defining principles of independence, impartiality, transparency, and non-partisanship for its operation.

In functional terms, the CNE was organized into two levels:

### GOVERNING LEVEL (CNE IN PLENARY SESSION):



Composed of five principal commissioners, from whom the Council President and Vice President are elected.

### SUBORDINATE LEVEL (SUBORDINATE BODIES OF THE CNE):



National Electoral  
Board (JNE)



Civil and Electoral  
Registry Commission



Political Participation  
and Financing  
Commission

The Constitution also stipulates that each of these three subordinate bodies shall be chaired by a member nominated by civil society.

The Organic Law of the Electoral Power defines the National Electoral Board (JNE) as the subordinate body responsible for the management, supervision, and oversight of “all acts related to the administration of electoral processes and referendums” provided for in the Constitution. Due to an unwritten rule that has been in place for two decades, the JNE has never been chaired by a commissioner who is not affiliated with the ruling party.

In addition, this law entrusts the Civil and Electoral Registry Commission with the centralization of information on the civil status of individuals and, also, the formation, organization, supervision, and updating of the Civil and Electoral Registry. As part of an unwritten rule that has been in place for two decades, the Civil and Electoral Registry Commission has never been chaired by a commissioner who is not affiliated with the ruling party.

Finally, the law establishes the Political Participation and Financing Commission as the body in charge of promoting citizen participation, organizing and updating the registry of political organizations (with an emphasis on principles of democratization), and controlling, regulating, and investigating funds and financing for electoral campaigns. Based on an unwritten rule that has been in place for two decades, the Political Participation Commission has always been headed by a commissioner who is not affiliated with the ruling party.

## An appointment hijacked by partisan interests

In theory, the selection of the Electoral Branch leadership was designed as an institutional process rooted in citizen participation, decentralization, and transparency. The nomination procedure was intended to prioritize merit and independence, drawing candidates from diverse sectors—civil society, academia, and the Citizen Branch—to ensure a pluralistic composition. By requiring a supermajority in the National Assembly, the standard sought to compel broad political consensus and prevent the partisan capture that characterized the former Supreme Electoral Council (CSE).

This model sought to prevent the electoral authority from becoming an appendage of political competition. In practice, institutional developments in the selection of CNE leaders show that the Electoral Branch has operated under two constraints: the balance of power in the National Assembly to appoint commissioners and the role of the justices of the Constitutional Chamber of the Supreme Court of Justice as the body capable of appointing and removing members of the electoral body.

Between 1999 and 2026, Venezuela has had nine different CNE leaderships. The current commissioners, who have been accused of tampering with the results of the July 28, 2024, presidential election and of wrongdoings reported in the municipal and regional elections and in the 2025 parliamentary elections, are expected to complete their seven-year term in 2030.

However, although the term of office of the commissioners is established in the constitution, the history of the various CNE leaderships shows that—in the vast majority of cases—their terms have ended early due to collective resignations, political realignments, legislative blockages, and decisions by the Constitutional Chamber of the Supreme Court of Justice. In essence, in two decades, only a few commissioners from the leadership appointed in 2006 have completed their constitutional term.

## A committee dominated by parliamentarians

The method for selecting CNE commissioners is set out in Article 296 of the Constitution. The rule establishes that the body is composed of five principal members:

Three nominated by civil society



One by the law and political science faculties of national universities



One by the Citizen Branch.



In addition, each principal commissioner must have two alternates. Some of these alternates may be actively involved in one of the subordinate bodies (JNE, Registry, or Political Participation).

The law devotes a section of regulations to the Electoral Nominations Committee as a mechanism for selecting candidates for commissioners. The purpose of this committee is to “request, receive, evaluate, select, and present” lists to the plenary session of the National Assembly, and its functions include receiving nominations, verifying requirements, and drawing up lists of eligible candidates. It also emphasizes that the Committee is composed of 21 members: 11 parliamentarians appointed by the plenary session and 10 nominated by other sectors of society.

Although in theory the legal appointment procedure is established by the Nominations Committee, in practice the implementation of this mandate has severe structural flaws: as it is composed mainly of parliamentarians, the effectiveness of civil society’s actions is reduced and, often, its presence is literally rendered null and void; furthermore, this majority of deputies to the National Assembly provides a strong partisan bias and concentrates administrative control over the functioning of the Committee.

Furthermore, the committee’s internal operating rules, based on “majority” decisions, tend to replace the consensus required to propose authorities who generate cross-party confidence.

In addition, it has become common practice for the National Assembly itself to declare “parliamentary omission” after the work of the nomination committees and transfer the decision to the Supreme Court of Justice, even though the judges of the highest court did not participate in the evaluation process. This constant practice erodes the logic of merit and independence that should prevail in the selection of the governing body.

In practice, the main obstacle to the appointment of the CNE lies in the gap between the regulatory purpose (selection based on evaluation, requirements, and social participation) and the procedures that encourage partisan control, limited public deliberation, and operational opacity.

In terms of legitimacy of origin, the partisan bias in the composition and functioning of the Nominations Committee affects the minimum standard of perceived independence of the Electoral Council. This is exacerbated with the normalization of the institutional neglect of the parliamentary commission in leaving the appointments to the Supreme Court, bypassing deliberations and weakening political accountability to general public.

Under this pattern, even a formally compliant procedure is set to issue a result perceived as biased, with a direct impact on electoral confidence.

## Leadership appointed on legislative omission

In theory, the legal architecture of the procedure for appointing commissioners seeks to force broad agreements in Parliament. In practice, the mechanism has been repeatedly displaced by appointments made by the Supreme Court of Justice based on declarations of legislative omission by Parliament.<sup>3</sup>

Legislative omission occurs when a legislative (national, state, or municipal) authority refrains from enacting a law or exercising a power that it is required to.

In this case, when the National Assembly fails to appoint the commissioners of the CNE, it is considered to have engaged in legislative omission. In this regard, Article 336 of the Constitution establishes that the Constitutional Chamber may declare the unconstitutionality of legislative omissions (due to total failure or “incomplete” fulfillment) and “establish the deadline and, if necessary, the guidelines for their correction.”

However, the jurisprudence of the Supreme Court of Justice has, in most instances, been an exercise in judicial overreach. The doctrine of “legislative omission” does not empower the Constitutional Bench to unilaterally select or appoint electoral authorities in the legislature’s stead. The proper judicial remedy—upon finding that a failure to act has occurred—is for the Court to mandate a deadline for the National Assembly to fulfill its duty. While the Court may provide guidelines to rectify such an omission, it cannot supplant legislative authority without committing a usurpation of powers that undermines the separation of branches.

Nonetheless, the pattern of declaring legislative omission has been used in leadership appointments in 2003, 2005, 2014, 2016, and 2020. In some of these cases, the Constitutional Chamber not only appointed the commissioners, but also decided on the internal composition of the CNE and—on occasions—adopted decisions with institutional effects on the electoral system.

The institutional impact of this practice has been significant as it reduced incentives for parliamentary negotiation, normalizing expired terms and facilitating selective replacements. Furthermore, it places the electoral body in a relationship of

<sup>3</sup> Acceso a la Justicia, “Omisión legislativa de la AN en la designación de los integrantes del CNE” (5 June 2020). <https://accesoalajusticia.org/omision-legislativa-de-la-an-en-la-designacion-de-los-integrantes-del-cne/>

dependence on the appointing body, which runs counter the constitutional principle of autonomy of the Electoral Branch.

The appointment of the CNE leadership and its performance should be evaluated not only for formal compliance with procedure, but also for its ability to produce an electoral authority with demonstrable independence, verifiable professionalism, and active transparency.

Regardless of how the CNE leadership was appointed, a pattern of four recurring failures can be identified over the last two decades, but with particular emphasis since 2012.

1

### **JUDICIALIZATION OF THE APPOINTMENTS**

Since 2003, a practice has been normalized which hinders the independence of the electoral body: the Constitutional Chamber of the Supreme Court of Justice take over the appointments by declaring legislative omission of Parliament. On several occasions, the intervention of justices of the Constitutional Chamber was not limited to appointing the commissioners, but also included the composition of subordinate bodies of the CNE, significantly conditioning the functioning of the electoral authority.

2

### **DISCONTINUITY AND INFORMAL RULES OF INTERNAL POWER SHARING.**

The unplanned rotation of commissioners, expired terms, and the normalization of selective replacements led to governance based on unwritten rules (e.g., distribution of committee chairmanships, leaving the opposition limited to chairing the political participation committee but unable to participate directly in the National Electoral Board or the Civil and Electoral Registry Commission).

3

### **OPACITY OF DECISIONS, RESULTS, AND AUDITS**

Although transparency appears as a normative principle, discretionary operational practices have been reported in the last two decades: late or incomplete publication of resolutions, schedules, and manuals; and a lack of verifiable information on contracts with electoral technology providers, audits, and disaggregated and verifiable electoral results. As CNE directives changed, these omissions worsened, aided by the high turnover of commissioners.

4

### **REGULATORY AND ELECTORAL SYSTEM CHANGES**

The intervention of the justices of the Constitutional Chamber of the Supreme Court of Justice has also led to substantive changes to the electoral system linked to the appointment of new leaderships. Furthermore, the judges have been responsible for the construction of a new ecosystem of political organizations based on judicial intervention decisions.

## Leaderships for all tastes

1999

### The first failure

The first CNE governing board under the 1999 Constitution was assembled within the transitional regime administered by the National Constituent Assembly (ANC). In that context, the ANC took on the appointment of the new Electoral Branch before the ordinary procedure provided for in the Constitution could be implemented (through the Nominations Committee and the election of commissioners by a qualified parliamentary majority).



The political consequence was immediate: the electoral authority was tethered to a constituent act, with its legitimacy derived from a transitional period, rather than from the regular institutional structure that later became the parameter for debate on independence and plurality.

The first leadership included **Omar Rodríguez, Juan Vicente Vadell Graterol, Argenis Riera, Estanislao González, and Eduardo Semtei** as principal members. The same decision included alternates with technical roles, including **Ramón Guillermo Santeliz, Esther Gauthier, Omar Reyes, Humberto Castillo, and Tibisay Lucena**.

The very imposition of alternates is a detail that is often omitted in analyses of the composition of the CNE, but it is a key issue because it anticipates the administrative continuity of certain figures who later held top positions in subsequent leaderships.

The immediate challenge for these directors was twofold: to establish institutional capacity (basic regulations, structure, logistics, territorial organization, etc.) and, simultaneously, to prepare for the so-called “2000 mega-elections.” This event concentrated—in a single day—multiple levels of elections and involved a massive electoral organization operation in a state that was reconfiguring its institutional architecture.

These challenges culminated traumatically with the Supreme Court of Justice’s decision to suspend and reschedule the mega-elections.

The technical reasons for the suspension were very clear: the system collapsed because the electoral databases were never synchronized and because the integration between the components provided by ES&S (machines, ballots, flash cards) and Indra (tallying and logistics of results) was built on an architecture that was poorly designed and poorly managed by the CNE. The technical crisis was triggered because the different layers of data (candidates, ballots, memory cards, and tabulation parameters) did not match each other.

On suspending the mega-elections in its ruling of May 25, 2000, the Supreme Court of Justice argued that “there are no technical conditions that guarantee in absolute terms the reliability and transparency of the electoral process” and that the computer system used to run and oversee the process lacked “adequacy and reliability to guarantee the integrity” of the election.

2000

## “Congresillo” Leadership

Following the suspension of the “mega-elections,” the electoral authority fell into a state of paralysis, necessitating the first major overhaul of its leadership. To prevent an institutional vacuum and ensure the completion of the pending re-legitimization cycle, the National Legislative Commission—the transitional body colloquially known as the *Congresillo*—assumed the power to appoint new commissioners.

This leadership, therefore, was a typical product of the transitional period: it was formed outside the regular mechanism and in response to an institutional emergency resulting from the judicial suspension of the process of re-legitimization of all elected officials.

The board was composed of **César Peña Vigas, Alfredo Avella, Vicente González, Imelda Rincón**, and Rómulo Rangel. This selection of commissioners came from lists agreed upon in an emergency setting, seeking to restore electoral governance with a “functional” authority rather than a robust consensus.

The main goal was to restore administrative continuity and maintain the course toward general elections. But the political cost was persistent: the leadership operated under the perception of an institutional transition arrangement, with little room to build structural credibility.

Its dissolution can be explained more by the end of the transitional period than by a single act of removal: once the phase of re-legitimization was complete, the system entered a stage of confrontation that severely hampered parliamentary consensus to renew authorities, paving the way for the Supreme Court Justices to repeatedly use the concept of legislative omission and judicial intervention.

2003

## Recall referendum

The appointment of new electoral commissioners in 2003 marked a turning point. That year, arguments of exceptionality and legislative omission were used for the first time, which later became the pattern for appointing CNE leaders. In the absence of agreements in the legislative body, the justices of the Supreme Court of Justice took over the appointment task.

Rulings No. 2073 and No. 2341 of the Constitutional Chamber of the Supreme Court of Justice (TSJ) established in 2003 the temporary appointment of CNE authorities who were to be in charge of organizing the recall referendum against Hugo Chávez and the preliminary stages for convening the process.

In 2003, following a legal challenge filed against the National Assembly by attorney Hermann Escarrá, the Constitutional Chamber ruled that the appointment of commissioners—even on a provisional basis—“transcends the strictly legal sphere.” In its decision, the Court established its own set of consultation benchmarks for future appointments. The ruling stipulated that the presiding justices may, at their discretion, hear from the leadership of political parties represented in the Assembly, as well as “representatives of civil society” selected according to the Court’s own criteria. Additionally, the justices were empowered to consult the Citizen Branch and law and political science faculties to ostensibly satisfy the requirements of Article 296 of the Constitution.

In ruling No. 2341, the Chamber noted that it took into account “the diligent work of the Electoral Nominations Committee” of the National Assembly, which received 408 nominations. Based on that process, the following were appointed as principal commissioners:

**Óscar Battaglini**

Alternates:  
Germán Yépez  
Orieta Capone

**Jorge Rodríguez**

Alternates:  
Estefanía de Talavera  
Esther Gauthier

**Francisco Carrasquero**

Alternates:  
Tibisay Lucena  
Manuel Rachadell

**Sobella Mejías**

Alternates:  
Carlos Aguilar  
Carlos Castillo

**Ezequiel Zamora**

Alternate:  
Carolina Jaimes  
Branger

The justices also appointed the internal leadership of the electoral body: Francisco Carrasquero as president of the CNE; Ezequiel Zamora as vice president; and William Pacheco as secretary. At the same time, they announced the creation of a Political Participation Council as an advisory body to the Electoral Branch, composed of Carlos Delgado Chapellín, Teodoro Petkoff, Hernando Grisanti, and Guillermo García Ponce. Together, these decisions not only determined the leadership, but also the structure of the CNE's subordinate bodies, including the National Electoral Board, the Civil and Electoral Registry Commission, and the Political Participation and Financing Commission.

This leadership was marked by the task of organizing the recall referendum against Hugo Chávez, which included organizing the collection of signatures to trigger the vote and introducing a new system of voting, counting, transmission, and tallying of results.

### *From collecting signatures to the Tascón List*



The collection of signatures to activate the presidential recall referendum and the subsequent stage of verifying the signature pages and authenticating the signatures meant that the referendum depended exclusively on the validation of fingerprint collection procedures, audits, and document consistency standards, generally through the application of rules and criteria.

This process became the first major public trial of the credibility of the electoral system and the partisanship of most electoral officials. It became even more critical when the top officials handed over to then-Deputy Luis Tascón the database of people who had signed requesting the referendum. This database was later used as an instrument of retaliation and political persecution.

Although the institutional duties were fulfilled and the referendum took place, the process demonstrated the electoral authorities' capacity for obstruction through technicalities and control of procedures.

#### *From Indra to SBC*

This governing board was also key in replacing the nation's voting system. After the technical failure of the automated process that led to the suspension of the mega-elections in 2000, the commissioners appointed by the Supreme Court ushered in a new phase in the electronic voting process through a tender to replace the system that had been used for the 1998–2000 cycle.

Bidders in the tender included, among others, Spain's Indra and the SBC Consortium—made up at that time of Smartmatic, Bizta, and CANTV. In this consortium, Smartmatic provided the electoral hardware and software, Bizta provided the local development and logistics for the elections, and CANTV provided the telecommunications platform.

After approximately five months of evaluation, in February 2004, the CNE awarded the contract for the automation of the elections to the SBC Consortium.

The composition of the consortium raised frequent doubts in the media at the time due to the Venezuelan government's alleged links to the companies that were to provide the technology needed to organize the recall referendum against Hugo Chávez.

The SBC Consortium included the company Bizta, which in 2003 had received a loan of approximately \$150,000 from the Industrial Credit Fund (FONCREI), a state-owned organization that financed ventures in the productive sector.

When the SBC consortium's bid was formally accepted as winner, the electoral authority assured that Bizta had paid off this loan in full. This prior relationship, however, raised doubts about government financing of the companies that were part of the consortium.

The first major deployment of the system provided by SBC took place in the 2004 presidential recall referendum, when approximately 20,000 new voting machines were used. From that moment on, SBC ceased to exist, and all logistical responsibility as a supplier and integrator of electoral processes fell to Smartmatic.

This process shaped the electoral dynamic for more than a decade. Both the Carter Center and the OAS concluded that the official result of the August 15, 2004 recall referendum—where the new automated voting, counting, and tallying platform was first used—reflected the will of the voters, but both reported procedural and management problems on the part of the commissioners that undermined confidence (especially due to late decisions and lack of transparency).

2005

## Supreme Court restructures the CNE

Following the recall referendum and the regional elections scheduled for 2004—which were held immediately afterwards—CNE President Francisco Carrasquero and Vice President Ezequiel Zamora resigned. Their departure from the electoral body prompted the Constitutional Chamber to appoint Jorge Rodríguez as president, incorporating **Tibisay Lucena** and **Óscar León Uzcátegui** as principal commissioners. In addition, the justices restructured the National Electoral Board and all subordinate bodies.

Under the same restructuring, the National Electoral Board was composed then of Jorge Rodríguez, Tibisay Lucena, and Humberto Castillo.



The Electoral Registry Commission was composed of Óscar Battaglini (president), Carlos Aguilar, and Óscar León Uzcátegui. And the Political Participation and Financing Commission was chaired by Sobella Mejías and further composed of Óscar Battaglini and Germán Yépez.

In the wake of this judicial intervention, an informal precedent took hold: the opposition was effectively relegated to chairing the Political Participation and Financing Commission. Meanwhile, the head of the CNE also chaired the National Electoral Board, the council's most critical operational arm.

However, this corrective measure did not resolve the problem of the electoral body's political legitimacy. The new CNE failed to rally Venezuelans or the opposition parties, who decided to boycott the 2005 parliamentary event.

2006

### **The first leadership designated by the National Assembly**

After a marginal turnout in the 2005 parliamentary elections, Venezuela entered a new presidential term. For the first time since the approval of the 1999 Constitution, the National Assembly appointed all the members of the electoral body.

However, this appointment was shaped by a shifted legislative landscape—the result of the opposition’s boycott of the 2005 elections. The absence of lawmakers from outside the ruling party’s coalition undermined the perception of genuine plurality.

The absence of opposition deputies facilitated fulfillment of the constitutional requirement of a two-thirds vote (112 deputies at the time) to appoint the commissioners. For the first time, the Supreme Court—or any other entity other than the National Assembly—did not impose the CNE leadership, leaving the appointment of leaders of subordinate bodies to be discussed internally by the commissioners.

Against this backdrop, the National Assembly appointed the commissioners according to the terms provided for in the Constitution for the first governing board of the Electoral Branch: **Germán Yépez** as commissioner representing the Citizen Branch and **Janeth Hernández Márquez** as commissioner representing the Faculties of Legal and Political Sciences for a three-and-a-half-year term. For the seven-year term (nominated by civil society), **Tibisay Lucena, Sandra Oblitas, and Vicente Díaz** were appointed.



This leadership was responsible for restoring the value of the vote as an instrument of change, facilitating the opposition's return to electoral events, and consolidating the use of the nation's automated voting, counting, transmission, and results tallying system.

2009

## Two commissioners registered as PSUV militants

When Germán Yépez and Janeth Hernández's three-and-a-half-year term expired, Parliament appointed **Socorro Hernández** (university representative) and **Tania D'Amelio** (Citizen Branch representative) as new CNE commissioners.



These appointments were widely opposed because, at the time of running for commissioners, D'Amelio and Hernández were officially members of the ruling party. Both resigned from their party membership just 48 hours before being appointed by the plenary session of the National Assembly.

The appointment drew immediate scrutiny over whether it met the constitutional requirement of partisan neutrality, highlighting the growing divergence between the Council's formal institutional design and its actual political practice. Election monitors and civil

society groups argued publicly that a mere “resignation from party membership” failed to satisfy the spirit of the constitutional mandate. This controversy underscored a persistent structural flaw: even when appointments were handled by the National Assembly, the integrity and independence of the selection process remained under a cloud of suspicion.

The skewed composition of the new Council was further exacerbated by the repeal of the Law on Suffrage and Political Participation. In its place, a legislature dominated by the ruling party passed the Organic Law on Electoral Processes<sup>4</sup>—a legislative overhaul that fundamentally altered the landscape of electoral conditions and safeguards in Venezuela.

The new law gave the CNE commissioners absolute discretion to define not only the date of the elections, but also the time frames for the vast majority of activities related to the electoral cycle.

Article 152 of the previous Law on Suffrage and Political Participation mandated that the CNE announce election dates at least six months in advance, within a strictly defined window: “on a Sunday during the first half of December of the year preceding the end of the constitutional term.” However, the new law—passed with only nominal input from opposition voices following the 2005 boycott—granted the CNE the power to call elections without any such minimum notice. Furthermore, the legislation stripped away the previously rigid requirements for campaign duration and eliminated statutory deadlines for the closing, publication, and auditing of the voter rolls. By removing these mandates, the new framework replaced a system of strict legal regulations with one defined by institutional discretion, significantly weakening the predictability of the electoral cycle.

<sup>4</sup> National Assembly (Venezuela), Organic Law on Electoral Processes (legislation repository; PDF version). <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organi-20220131131037.pdf>

2014

## Supreme Court ratifies CNE

In 2010, the opposition participated again in parliamentary elections and regained an important presence in Parliament. The political diatribe of that constitutional cycle prevented Parliament from reaching agreements to secure the 112 votes necessary for the appointment of commissioners to replace those appointed in 2006.



The lack of political agreement made it easier for the then president of the National Assembly, Diosdado Cabello, to declare legislative omission and notify the Supreme Court of the “impossibility” of the legislature to appoint the new commissioners. At the time, the term of the commissioners nominated by civil society and elected in 2006 (Tibisay Lucena, Sandra Oblitas, and Vicente Díaz) had expired in 2012, while Socorro Hernández and Tania D’Amelio’s term was due to expire in 2016.

The Supreme Court responded with ruling No. 1865 (December 26, 2014), arguing that in order to avoid “an institutional crisis,” it would once again take over the appointment of electoral authorities.

Although the Supreme Court claimed that it relied on the work of the Electoral Nominations Committee, in practice it ratified Lucena and Oblitas even though they did not apply to be ratified as commissioners. The only new appointment was Commissioner Luis Emilio Rondón as Vicente Díaz’s replacement.

In a subsequent decision, the Court noted that—unlike in 2003 and 2005—its decisions should be interpreted as definitive and not temporary, which would imply that Lucena, Oblitas, and Rondón’s terms would be extended for seven years, ending in 2021.

2016

## The Supreme Court Strikes Again

Following the 2015 parliamentary elections, the opposition largely dominated the National Assembly. But then, the Supreme Court ruled to remove three opposition deputies, which prevented a 112-vote majority needed to appoint the commissioners who were to replace D’Amelio and Hernández.

In December 2016, after the Supreme Court declared the National Assembly in contempt, the Constitutional Chamber issued ruling No. 1086 (December 13, 2016) and ratified Socorro Hernández and Tania D’Amelio as principal commissioners of the CNE, along with their alternates. The Chamber justified the measure on the grounds of the expiration of their terms and lack of diligence in the appointment, in addition to declaring the National Assembly in contempt. At that time, the Supreme Court refused to evaluate the allegations of party militancy against both commissioners.

However, the ruling did set a specific term: the Chamber appointed Hernández and D’Amelio “for the period from December 4, 2016, to December 4, 2023,” and scheduled their swearing-in for December 14, 2016.

At the same time, the ruling reiterated that “all actions” of the National Assembly elected in 2015 related to the process of replacing commissioners were invalid, ineffective, and without legal existence as long as the contempt remained.

## Reports of rigged elections

This leadership not only legally annulled the possibility of calling a referendum on Nicolás Maduro's mandate in 2016 by using new rules to regulate the collection of signatures, different from those used in 2003, but it was also accused by Smartmatic of tampering with turnout data in the election for the appointment of a new National Constituent Assembly.

On July 30, 2017, the CNE announced a turnout of 8.09 million voters in the election of the members of the National Constituent Assembly. This process was condemned as illegal by the Venezuelan opposition, which attempted to boycott it by refusing to participate.



After the CNE's announcement, Smartmatic claimed that the system's records indicated actual turnout of one million fewer voters than announced by the electoral authority.

At an international press conference on August 2, the company took the extraordinary step of publicly denouncing the manipulation of official results, explicitly distancing itself from the CNE's figures.

According to Smartmatic, the disclosure triggered a campaign of retaliation by Venezuelan government and electoral officials. This included threats against the company's local staff, a deliberate default on outstanding contracts, and coercive pressure to transfer its assets and accounts receivable to the Argentine firm ExClé.

Smartmatic claimed in a subsequent lawsuit against the Venezuelan State before the International Centre for Settlement of Investment Disputes (ICSID), that its representatives signed eleven assignment and license agreements with ExClé related to the organization of the 2017 municipal and regional elections and the 2018 presidential election.

Furthermore, the company claims that it was forced to sign a temporary license agreement on behalf of ExClé for the use of its software in the 2018 presidential elections, with security certificates that expired in 2018 and express prohibitions on reverse engineering, sublicensing, or copying the software.

In March 2018, Smartmatic announced the closure of its operations in Venezuela, claiming that the presence of its staff in the country had become an instrument of coercion by the government. Since then, it has insisted that the CNE and ExClé are illegally using its software.

2020

## Supreme Court changes CNE and electoral system<sup>5</sup>

On June 12, 2020, in a context of institutional fracture and dispute over the legitimacy of the National Assembly, the Supreme Court once again took over the task of appointing leadership of the electoral authority to organize the parliamentary elections scheduled for that year.

This intervention was particularly far-reaching: it involved the dismissal of the entire governing board, including commissioners previously ratified, and the appointment of a justice (Indira Alfonzo) as president of the CNE. Furthermore, the Supreme Court did not stop at appointing commissioners: it also named members of subordinate bodies such as the National Electoral Board, the Civil and Electoral Registry Commission, and the Political Participation and Financing Commission, despite the fact that the Law on Political Participation establishes that this is an internal task of the electoral authority. This was clearly an overreach with respect to Articles 36 and 37 of said law.<sup>6</sup>

5 Supreme Court of Justice (Venezuela), Constitutional Chamber, Ruling No. 0068 (5 June 2020), File No. 20-0215 (HTML). <https://historico.tsj.gob.ve/decisiones/scon/junio/309870-0068-5620-2020-20-0215.HTML>

6 Acceso a la Justicia. Judgment of the Constitutional Chamber of the TSJ 0070. <https://accesoalajusticia.org/desicion-inconstitucional-de-los-rectores-del-cne-por-el-tsj/> 12 de junio de 2020

The tenure of this leadership was defined by a sweeping overhaul of the electoral architecture in the lead-up to the vote. With the judicial imprimatur of the Supreme Tribunal, the CNE introduced structural changes that fundamentally altered the electoral system. These included the introduction of a national proportional list, a shift in the ratio between constituency-based and party-list seats, and a modification of the population benchmarks used to expand the National Assembly from 167 to 277 seats.

The combination of judicial appointments and changes to the electoral system led to a significant deterioration in electoral integrity assurances by undermining the independence of the electoral authority and legal guarantees, especially due to the substantive changes in proportionality and rules for the allocation of deputies to the National Assembly.

### New voting machines



This leadership also confirmed the promotion of the company ExClé to provider of the biometric identification and voting, counting, transmission, and tabulation platform.

A fire of undisclosed causes in Fila de Mariche, in the Sucre municipality of Miranda state, destroyed 49,408 voting machines and more than 49,300 Integrated Authentication System devices.

The loss of all the electoral hardware and physical infrastructure of the automated system that had been used by the CNE since 2004 paved the way for the accelerated overhaul of the system (hardware) under a new technology architecture controlled by ExClé.

In order to organize the parliamentary elections scheduled for December 6, 2020, the CNE leadership presented a new voting machine (hardware) to replace the equipment previously purchased from Smartmatic in 2004, which had been destroyed in the blaze at the warehouses.

The new machine, called EC-21, was presented as equipment “designed in Venezuela,” although the hardware was assembled in China. The CNE never specified the cost of this operation, which involved the purchase of at least 20,000 voting machines.

However, although the voting and electoral administration software installed on this equipment ran under the ExClé Soluciones Biométricas brand, it was in fact an unauthorized use—according to the lawsuit filed with ICSID against the Venezuelan State—of Smartmatic’s intellectual property.

This equipment and software have been used in the elections organized by the CNE between 2020 and 2025, with ExClé retaining an essential role as a technology provider. ExClé’s role in the Venezuelan elections led OFAC to sanction the company and its owners in December 2020 for materially propping up the government of Nicolás Maduro by providing goods and services for elections.

2021

## National Assembly appoints a “negotiated” leadership

On May 5, 2021, the National Assembly appointed a CNE leadership that was publicly described as the result of negotiations between the government and some opposition political actors. The agreement set out that the National Assembly—elected under the new rules approved in 2020—would appoint **Alexis Corredor, Tania D’Amelio, Enrique Márquez, Pedro Calzadilla, and Roberto Picón** as principal commissioners.



The new internal balance was explained as a mixed formula—three commissioners associated with the ruling party and two linked to non-ruling sectors—within a context of controlled negotiation aimed at restoring minimum conditions of competition without altering the structural control of the system.

This appointment allowed for the deployment of a European Union Election Observation Mission<sup>7</sup> to Venezuela for the 2021 regional and municipal elections. In its assessment, the mission noted relative improvements compared to previous processes, including an electoral administration described as “more balanced” in certain aspects, which maintained essential audits of the automated system.

However, European observers also documented structural constraints and inequalities linked to the use of public funds, media inequality, decisions on party symbols, and general conditions of the competition. The EU also reported limitations on observing onsite audits, which hinders the independent validation of critical components of the process.

The phase of this “negotiated” CNE ended for an essentially political reason: in 2023, there was a mass resignation of commissioners to facilitate the total replacement of the steering committee in the run-up to the 2024 presidential cycle.

However, the future contribution of this negotiated board was significant. It was up to these commissioners, especially those not linked to the government (Picón and Márquez), to ensure the inclusion

<sup>7</sup> European Union Election Observation Mission to Venezuela, “Regional and municipal elections 21 November 2021 – Final Report” (2022) (PDF). [https://www.eeas.europa.eu/eom-venezuela-2021/final-report-moe-ue-venezuela-2021\\_en](https://www.eeas.europa.eu/eom-venezuela-2021/final-report-moe-ue-venezuela-2021_en)

of QR codes in the vote tally sheets. This technical concession by the government was one of the basic elements in the CNE's parallel vote counting and analysis of results, which made it possible to demonstrate the rigging of the results of the July 28, 2024, presidential election.

2023

## CNE marred by rigged elections

The board appointed on August 24, 2023, by the National Assembly was formed after the mass resignation of the previous leaders, with an explicit political mandate: to administer the 2024 presidential cycle and, potentially, subsequent processes.

Parliament swore in former Comptroller General **Elvis Amoroso** as principal commissioner for a seven-year term, along with **Rosalba Gil Pacheco**, **Acmé Nogal Méndez**, **Carlos Quintero Cuevas**, and **Juan Carlos Delpino**. On October 17, 2024, Delpino was dismissed after denouncing “lack of transparency and veracity” in the presidential election results; **Conrado Pérez** was sworn in to replace him.

The tenure of this leadership was marked by the announcement of unverifiable results for the 2024 presidential election.

Critically, these directors oversaw the unilateral suspension—for the first time in 20 years—of the mandatory post-election audits. This decision bypassed the essential verification protocols required to certify the integrity of the vote count used to proclaim Nicolás Maduro the winner.

The Electoral Council headed by Amoroso proclaimed Maduro the victor, with supposedly 51.2% of the vote, compared to 44.2% for Edmundo González Urrutia.

However, an independent scrutiny and counting of the official tally sheets issued by the CNE's automated voting system showed that González Urrutia had secured a decisive victory with 67% of the valid votes, as verified in 93% of the tally sheets and polling stations.

The questions raised by national and international observers regarding the actions of this leadership can be summarized in four areas (with a direct impact on the credibility and verifiability of the results):

### **Political bias**

The CNE's actions and statements were condemned as incompatible with a robust standard of neutrality.

### **Opacity of results**

The CNE refused to publish disaggregated and verifiable results and tally sheets, preventing citizen auditing and effective political oversights.

### **Restrictions on witnesses and the chain of verification**

The CNE leadership, together with members of Plan República (military election surveillance), put up operational obstacles for election witnesses and for obtaining key election documentation at polling stations.

### **Unverified technical allegations (“hacking/attacks”)**

The CNE leadership hid behind technical incidents but failed to disclose verifiable expert evidence to justify the failure to publish detailed and auditable results.

Although the Venezuelan government attempted to end this debate by institutionalizing a judicial “validation” through the Supreme Court, the lack of independence of the Court and the absence of concrete public data to technically verify the count did not dispel doubts about the results announced by the CNE.

International observers accredited by the CNE, such as the Carter Center, concluded that they could not “verify or corroborate” the results declared by the CNE, while denouncing a breach of electoral principles: the lack of published results broken down by polling station and polling center.

The OAS itself rejected the Supreme Court ruling certifying Maduro’s victory, arguing that the CNE had not published the breakdown of results required to dispel doubts.

The questionable decisions continued in 2025. The CNE announced unverifiable and unauditible results for the municipal, regional, and parliamentary elections held that year. The general conclusion for these processes focused on the normalization of opacity: schedules not formally published, indirect communication, incomplete or delayed critical audits, and the absence of an official repository accessible for public consultation.

In terms of electoral integrity standards, the Carter Center report summarizes the common denominator in the impact on fundamental rights and guarantees as follows<sup>8</sup>

- (i) Transparency (public vote count and key information about the process)
- (ii) Verifiability (records, disaggregated data, audits)
- (iii) Institutional neutrality (official communication and equitable treatment of political actors)
- (iv) Technical accountability (substantiated explanations for technological incidents)

<sup>8</sup> The Carter Center, “Carter Center Statement on Venezuela Election” (30 Jul. 2024). <https://www.cartercenter.org/news/venezuela-073024/>

## Commissioners for all tastes

Date of appointment	Appointment mechanism	Reference term	Principal commissioners	Electoral milestone associated with the leadership
Oct. 1999	Transition/ National Constituent Assembly	1 year	<ul style="list-style-type: none"> <li>• Omar Rodríguez</li> <li>• Juan Vicente Vadell Graterol</li> <li>• Argenis Riera</li> <li>• Estanislao González</li> <li>• Eduardo Semtei</li> </ul>	Suspension of mega-elections
Jun. 2000	Restructuring by the Constituent Power	3 years	<ul style="list-style-type: none"> <li>• César Peña Vigas</li> <li>• Alfredo Avella</li> <li>• Vicente González</li> <li>• Imelda Rincón</li> <li>• Rómulo Rangel</li> </ul>	Legitimation of public offices of the year 2000
Aug. 2003	Ruling of the Constitutional Chamber (omission) <sup>9</sup>	3 years	<ul style="list-style-type: none"> <li>• Jorge Rodríguez</li> <li>• Óscar Battaglini</li> <li>• Sobella Mejías</li> <li>• Ezequiel Zamora</li> <li>• Francisco Carrasquero</li> </ul>	Signature collection. 2004 recall referendum and 2004 regional elections
January	Ruling of the Constitutional Chamber <sup>10</sup>	1 year	<ul style="list-style-type: none"> <li>• Jorge Rodríguez</li> <li>• Óscar León Uzcátegui</li> <li>• Tibisay Lucena</li> <li>• Óscar Battaglini</li> <li>• Sobella Mejías</li> </ul>	2005 local and parliamentary elections

<sup>9</sup> Supreme Court (Constitutional Chamber), Ruling No. 2341 (25-08-2003) – “Electoral Branch”.  
<https://historico.tsj.gob.ve/decisiones/scon/agosto/PODER%20ELECTORAL.HTM>  
(alternative reference on Supreme Court website) <https://www.tsj.gob.ve/decisiones/scon/agosto/25082003-2341.htm>

<sup>10</sup> Supreme Court (Constitutional Chamber), Ruling dated 20-01-2005 (File No. 03-1254) – “Electoral Branch.”  
<https://historico.tsj.gob.ve/decisiones/scon/enero/01-200105-03-1254.HTM>

2005	Appointment mechanism	Reference term	Principal commissioners	Electoral milestone associated with the leadership
Apr. 2006	Appointment by the National Assembly	Term varies among commissioners: Between 11 and 17 years with partial re-elections for those appointed by civil society. Only 3.5 years for other nominees	<ul style="list-style-type: none"> <li>• Tibisay Lucena</li> <li>• Sandra Oblitas</li> <li>• Vicente Díaz</li> <li>• Germán Yépez</li> <li>• Janeth Hernández Márquez</li> </ul>	2006, 2012 and 2013 Presidential elections  2008 regional and municipal elections  2010 parliamentary elections  2007 and 2009 constitutional referendums
January 2014 and July 2016 <sup>11</sup>	Ruling of the Constitutional Chamber <sup>12</sup>	Variable term due to ratifications via the Supreme Court of Justice of four commissioners. One principal commissioner remained in office for five years.	<ul style="list-style-type: none"> <li>• Tibisay Lucena</li> <li>• Sandra Oblitas ratificadas en 2014.</li> <li>• Luis Emilio Rondón designado en 2014.</li> <li>• Tania D'Amelio, Socorro Hernández ratificadas en 2016</li> </ul>	2015 parliamentary elections Constituent Assembly, 2017  2017 regional elections  2018 presidential elections
Jun. 2020	Ruling of the Constitutional Chamber (omission due to "contempt") <sup>13</sup>	1 year	<ul style="list-style-type: none"> <li>• Indira Alfonzo Izaguirre</li> <li>• Tania D'Amelio Cardiet</li> <li>• Gladys Gutiérrez Alvarado</li> <li>• José Luis Gutiérrez</li> <li>• Leonardo Morales Poleo</li> </ul>	2020 parliamentary elections

<sup>11</sup> <https://accesoalajusticia.org/inconstitucionalidad-de-la-designacion-de-rectores-del-cne/>

<sup>12</sup> Supreme Court (Constitutional Chamber), Ruling No. 1865 (26-12-2014) (File No. 14-1343).  
<https://historico.tsj.gob.ve/decisiones/scon/diciembre/173497-1865-261214-2014-14-1343.HTML>

<sup>13</sup> Supreme Court (Constitutional Chamber), Ruling No. 0070 (12-06-2020) (File No. 20-0215).  
<https://historico.tsj.gob.ve/decisiones/scon/junio/309872-0070-12620-2020-20-0215.HTML>

Date of appointment	Appointment mechanism	Reference term	Principal commissioners	Electoral milestone associated with the leadership
May 2021	Political agreement / National Assembly	2 years	<ul style="list-style-type: none"> <li>• Alexis Corredor</li> <li>• Tania D'Amelio</li> <li>• Enrique Márquez</li> <li>• Pedro Calzadilla</li> <li>• Roberto Picón</li> </ul>	2021 regional and municipal elections
Aug. 2023	National Assembly (after mass resignations)	Incumbent	<ul style="list-style-type: none"> <li>• Elvis Hidrobo Amoroso</li> <li>• Rosalba Gil Pacheco</li> <li>• Acmé Nogal Méndez</li> <li>• Carlos Quintero Cuevas</li> <li>• Juan Carlos Delpino Boscán</li> </ul>	2024 presidential elections 2025 regional and parliamentary elections

## Main recommendations for a new CNE<sup>14</sup>

As CNE leaderships have come and gone, electoral conditions have deteriorated. With a few specific technical exceptions, such as the incorporation of QR codes in the 2021 vote tally sheets, each new set of directors has significantly affected some part of the electoral cycle.

Regardless of the method of appointment, for a new leadership to meet international standards, transparency must become an operational obligation with verifiable terms, rather than a discretionary practice. This entails: active publication of the leadership's agendas and decisions; immediate and traceable publication of resolutions (with a legacy repository); systematic dissemination of timetables and their changes; full publication of manuals and instructions; and public reporting of audits and audit results (methodology, minutes, incidents, and observations).

According to the 2021 European Union Election Observation Mission (EOM) report and the Organization of American States report on the 2024 presidential elections,<sup>15</sup> the tasks pending for a new CNE can be prioritized as follows:

**1) Clear rules, traceability of decisions, and “open government” in elections**

A new CNE must rebuild the chain of trust that runs from the approval of the leadership's decisions to the publicly verifiable evidence of the announced results. The EOM-EU's recommendation to publish all relevant electoral information in a clear and timely manner points to a minimum standard: reasoned decisions, complete timelines, instructions, resolutions, records, and accessible technical and statistical criteria:

<sup>14</sup> United Nations, Panel of Experts – Venezuelan presidential elections 28 July 2024, “Interim Report” (9 Aug. 2024) (PDF).

<sup>15</sup> Organization of American States, DECO/SFD, Report to the Secretary General on Venezuela 2024 Elections (July 30, 2024) (PDF). <https://www.oas.org/fpdb/press/Informe-al-SG-sobre-Elecciones-Venezuela-2024-30-de-julio-para-distribuir-%281%29.pdf>

- i) A single, searchable public repository
- ii) Publication protocols (what, when, and in what format)
- iii) Traceability of changes (versioning)
- iv) An open data policy for results, audits, voter registration, and polling stations

The same logic must be applied to the administration and tabulation of the vote. It is essential to bolster transparency through the implementation of robust traceability measures—specifically regarding the transmission, tallying, and public reporting of results. The framework must be redesigned to produce, by default, verifiable audit trails (including machine logs, tally sheets, and digitized bulletins). This will minimize the opportunity for the administrative discretion.

In addition, it is imperative to implement legal and technical solutions that mandate the real-time posting of disaggregated results, to ensure that as soon as a polling station closes and its count is finalized, the data is immediately accessible to the public. This would allow immediate verification by citizens, witnesses, and international observers alike.

## 2) Professionalization and functional autonomy of sub-national electoral administration

A new CNE must resume the effective selection of regional and municipal boards and polling station members. The tasks pending in this regard are aimed at:

- i) Standardizing procedures (manuals, training, criteria for selecting and replacing members, incident management).
- ii) Safeguarding local technical autonomy for the fulfilling the schedule of tasks and resolution of contingencies, without partisan interference. This also includes election day security and logistics, with protocols to ensure equitable access for witnesses, observers, and voters.

### 3) Audit and updating of the Voter Roll

Under the Organic Law on Electoral Processes, the Voter Roll is designated as public, permanent, and subject to continuous updates. The law mandates that the CNE issue specific regulations for registration and data maintenance, with provisions that explicitly include Venezuelans residing abroad. Similarly, the purging and challenge regime includes grounds for exclusion (e.g., deceased individuals, duplicate entries, disqualifications, and artificial voter migration).

Once the preliminary list has been updated and vetted, it is certified as the Definitive Voter Roll, which must, by law, be published in the Official Electoral Gazette and other accessible media.

In view of this legal standard, it is necessary to correct the relevant operational gaps:

- (i) The last comprehensive audit of the registry was in 2005.
- (ii) Although the law defines it as subject to continuous updating, in practice, changes outside of election periods is limited because updates “can only be made” at CNE offices in state capitals.
- (iii) Despite the ongoing migration crisis, with almost 8 million Venezuelans living outside the country, the overseas voter roll contains a mere 67,000 registered voters.

It is essential for a new CNE leadership to expand options so that voters—including those living abroad—can update their information outside of active election cycles, in order to improve the integrity of the voter roll and provide a more accurate metric for calculating turnout (without the need for legal reform).

Compliance with international standards requires treating the Voter Roll as critical infrastructure: its continuity must be verifiable, its purging auditable, and its overseas component fully operational. Given that the legal framework itself provides for continuity, publication, and challenge/purging, the main

challenge is implementation: expansion of permanent voter registration/update centers and mobile units, and information campaigns; interoperability with death records and identity data; regular, pluralistic audits; and timely publication of the roll under conditions that allow for scrutiny and effective remedies, as provided for in the Law on Electoral Procedures.

For the overseas component, the minimum starting point is to ensure compliance with the mandate to regulate procedures for Venezuelans abroad through clear, public, and enforceable regulations, and to ensure that registry updates are not open only on election windows or are not based on restrictive interpretation of the legal residence abroad that has prevailed since 2012.

#### 4) Fairness in campaigning: financing, public funds, media and new technologies

The Electoral Branch possesses explicit mandates to issue binding directives on campaign finance and political advertising, including the authority to impose deterrent actions for violations.

This includes

- i) Improving the supervision and sanctioning of the use of public funds, the application of propaganda and financing rules (not scattered in ad hoc resolutions).
- ii) A monitoring and accountability system (spending, guidelines, source of funds) with proportional sanctions.
- iii) Rules on media access and unbiased reporting.
- iv) Operational guidelines for digital environments (targeted advertising, bots, disinformation, transparency of advertisements).

**5) Effective political competition: nominations, substitutions, and guarantees for voters**

The procedure for replacing candidates needs to be reviewed, ensuring reasonable time frames and effective notification to voters. At the same time, although this is a structural recommendation, international observers have recommended “removing the Comptroller General’s prerogative to disqualify candidates without a court ruling.”

The CNE must institutionalize a standard of due process and predictability in the candidate admission stage: clear rules, public criteria, publication of decisions, and effective challenge mechanisms, preventing the electoral administration from becoming a source of non-transparent restrictions.

**6) System of guarantees: audits, observation, challenges, and dispute resolution**

The integrity of the automated system relies on audits and cross-checks. In this vein, a new CNE must expand and formalize access for political organizations and observers to audits, procedures, and technical evidence, subject to rules of confidentiality and security where applicable, but without restricting the verifiability of all the chain of voting, counting, transmission, and tallying. The goal is for the process to be audited by design.

**7) Electoral statute**

An ad hoc CNE must be shielded by a legal framework aimed at guaranteeing the fair competition and oversight. The legislation must reinforce the separation of powers and enabling regulations, and include measures on campaign conditions and transparency. It is imperative to have a legal structure that ensures accreditation and guarantees for national and international observation, clear rules for poll watchers, incident resolution protocols, and swift and effective mechanisms for addressing grievances and appeals with public administrative justification.



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