

Venezuelan National Electoral Council (CNE): Its Origins and Contemporary Importance

By [Arnold August](#)

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In a statement released on July 31, 2024, following the submission of an appeal to the Electoral Hall of the Supreme Court of Justice regarding the election result, President Maduro made the following remarks:

“To those who attack me here in the world, I remind them that this young man is a co-drafter of the Constitution of the Bolivarian Republic of Venezuela. I was a constituent [in the Constituent Assembly], I participated in the debate of all the articles of the Constitution, and I am aware of the scope that the Constitution has in legal opportunities, even though I did not study law at Cambridge or [Harvard or Yale...](#)”

(Nicolás Maduro on X, #EnVivo | Declaraciones luego de la Interposición de Recurso de Amparo ante la Sala Electoral del Tribunal Supremo de Justicia; my translation)

What was the Constituent Assembly and what are some of the key features of the new Constitution that emerged from it with respect to elections?



Candidate	Nicolás Maduro	Edmundo González
Party	PSUV	Independent

Source: Nicolas Maduro (CC BY 2.0) and Edmundo Gonzalez (Public Domain)

A Strange Dictatorship

In my second book (published in 2013), *Cuba and Its Neighbours: Democracy in Motion*, I analyzed the political system of one of Cuba’s neighbours, Venezuela. I wrote the following

about the proposal for a Constituent Assembly by the newly elected Chávez government in 1998:

“It triumphed in the April 1999 referendum, in which it asked the people if they agreed to the need for a new constituent assembly to draft a new constitution. The overwhelming popular approval was the key step in the evolution of the Bolivarian Revolution. It concretized the main promise that Chávez had made in the 1998 elections.

The exercise of drafting a new constitution was not merely in the hands of the Constituent Assembly [composed by people elected at the local level, such as Maduro], but also in those of the people themselves. Consequently, because they were involved, the grass roots felt that they were part of the new Bolivarian Revolution. According to an interview with an activist in the process [Henrys Lor Mogollon, who at the time of the interview in 2009 was a deputy in the state of Yaracuy and a participant in the 1999 process], the new government organized a vast campaign in neighbourhoods and workplaces. The people received assistance in procuring, reading, having read by others (illiteracy was still a problem) and making proposals for changes and modifications in the original draft. Containers with thousands of proposals were sifted through, with the result that 70 percent of the original draft was modified.” (Arnold August, *Cuba and Its Neighbours: Democracy in Motion*, Fernwood Publishing, 2013, p. 46)

The Fifth Power: The National Electoral Council (CNE)

One of the main features of Venezuela’s first Constitution that actually debated, drafted and then approved in a referendum (December 1999) by 72% was the creation of the five branches of power. In addition to the usual executive, legislative, judicial and other branches found in other countries, Venezuela innovated with the National Electoral Council (CNE) as the fifth branch.

Thus, by questioning the legitimacy of the CNE after the elections of July 28 of this year, the U.S. and its allies are also questioning the entire Bolivarian process, with its participatory and protagonist democracy that has developed since the historic election of 1998. Thus, it is no coincidence that paid and drugged rioters destroyed several statues of Chávez on July 29. It was clear that they wanted to return Venezuela to the pre-Chávez situation under the pretext of electoral “fraud.”

Is Fraud Possible?

But is fraud possible in the voting system? As one of the more than 700 international election observers, my experience has been that the system is designed to be fraud-free.

For example, a voter entering the booth must provide a biometric thumbprint to prevent double voting and to confirm voter registration, ensuring only qualified citizens can vote. These safeguards apply to both the opposition and the pro-Maduro camp.

Next, we see the voter enter a booth where we witness a modern, state-of-the-art electronic touchscreen voting machine. The voter touches their choice. Does the electronic ballot disappear into the mechanical system? No, on the contrary, it prints out a paper trail of the mechanical vote so that the citizen can verify that the printed ballot matches the

touchscreen vote. If it does not, the touchscreen option will reappear. According to our local election officials hosts, when questioned, it almost never happens that there is a discrepancy; however, if the voter believes they have made a mistake in the selection, another touchscreen vote is allowed, also subject to a paper trail certification. The electronic machines are not online during voting to prevent hacking and tampering.

The voter then goes to another booth to drop the ballot into a small ballot box. At the close of the voting, each political party has the right to send a witness to observe the counting of the paper tabs and the mechanical results to verify that they match.

To ensure quick election night results and avoid speculation and chaos, only a randomly selected 54% of polling stations undergo both mechanical and paper counts. The goal is to verify that they match. If there are no glitches or errors on that day, the system is considered trustworthy. Therefore, the remainder of the vote count is based on the mechanical system only.

Once the count is done, each of the political parties must sign off if there is no discrepancy, but if there is, it can be challenged and only when it is resolved do they sign off.

The Maduro Challenge

On July 31, Maduro made a surprise announcement. **He accepted the opposition's demand for a full paper count of all polling stations, turning the tables on the U.S.-led narrative.** However, he added an investigation into the sabotage of the online voting system results, all of which would be in the hands of the Electoral Branch of the Supreme Court. He said:

“I summon all the registered presidential candidates, the 38 parties, and fully compare what has been this attack to electoral centres, the CNE headquarters burnt and destroyed, the cybernetic attack, and compare all the elements of proof and certify, making expertise analysis at the highest technical level, the electoral results of the elections of July 28. As Head of State, I have requested in a document to activate an electoral litigation, and I have told the Electoral Chamber that I am willing to be summoned, interrogated, in all its parts, investigated by the Electoral Chamber, as presidential candidate, winner of Sunday's elections, and as Head of State ... the great patriotic pole [a united front of all political parties supporting the Maduro candidacy] and the PSUV [Maduro's Chavista party] is ready to present 100% of the electoral records that are in our hands, and I hope that the Electoral Chamber does the same with each candidate [and each party](#).” (Nicolás Maduro on X, #EnVivo | Declaraciones luego de la Interposición de Recurso de Amparo ante la Sala Electoral del Tribunal Supremo de Justicia; my translation)

The Opposition's Response to the Maduro Challenge

One might have presumed that the opposition and mainstream media would have seized on the opportunity to substantiate their claims. A search of the principal corporate media on Google, however, reveals that only a handful of outlets reported on the matter. However, in all cases, these stories questioned the neutrality of the Supreme Court. This raises the question of the strength of the opposition's claim that their candidate won, given their apparent reluctance to pursue the matter further through the Supreme Court.

Furthermore, the most illustrative response to the Maduro challenge of July 31 was the decision on the afternoon of August 1 by the United States and its allies to reinforce their stance on the increasingly probable recognition of the opposition candidate as Venezuela's "president-elect." Nevertheless, by the end of day on August 1, the U.S. official stance, as articulated by the U.S. Department of State - citing "fraud" - was unambiguous: "We congratulate Edmundo González Urrutia on his successful campaign. Now is the time for the Venezuelan parties to begin discussions on a [respectful, peaceful transition](#)." (U.S. Department of State, August 1, 2024)

Should one be surprised? No. On March 13, 2024, more than four months before the elections, the *Miami Herald* wrote about the "fraudulent presidential [election on July 28](#)." ("Don't call Venezuela's presidential vote an 'election.' It's a pseudo election | Opinion," *Miami Herald*, March 13, 2024)

Therefore, for those in opposition, the issue has never been about the electoral process or the accuracy of vote tallies. Both regarding the Presidential elections and the Maduro challenge for a Supreme Courts count, the opposition accusation is "fraud," followed by fitting their fraudulent invented figures or arguments to fit their fairy tales. Thus, their objective has been to effect regime change with the intention of destroying the Bolivarian Revolution and returning Venezuela to the status of a U.S. colony.

The fundamental issue at stake is the defense of the CNE as the sole entity with the constitutional authority to determine electoral outcomes.

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Arnold August is an award-winning journalist and author of three acclaimed books. His three books on Cuba-US-Latin America have been acclaimed by experts in the field. In 2013, he was awarded the Félix Elmuza Award by the Association of Cuban Journalists and contributes to outlets in English, Spanish and French in many parts of the world. He serves as a Contributing Editor for *The Canada Files*.

Featured image: CNE election notebook being filled with a "did not vote" stamp after an election. Photo: EFE/file photo.

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Articles by: **Arnold August**
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