

# OCCASIONAL REPORT ON VENEZUELA'S POLITICAL ELECTORAL CONTEXT

THE  
CARTER CENTER



CARTER CENTER VENEZUELA

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## **RENEWAL OF THE ELECTORAL AUTHORITY EVALUATION AND SELECTION OF CNE RECTOR CANDIDATES. APPOINTMENT OF NATIONAL ELECTORAL COUNCIL RECTORS**

### *Executive Summary*

The Supreme Court's Constitutional Chamber swore in new National Electoral Council (CNE) authorities on December 29, 2014 in compliance with the ruling handed down by this institution on December 26. Appointment of the new rectors by the Supreme Court (TSJ), rather than by the National Assembly (NA) as stipulated in the Constitution (Article 296) and Ley Orgánica de Procesos Electorales (LOPE) (Article 30), was made by means of the remedy known as "legislative omission," as announced by the NA on December 22. The Supreme Court chose to designate nominees submitted by the ruling party bloc in the NA on December 22 as authorities with only one modification (switching the positions of a principal and an alternate rector, see Tables 1 and 2). Among these candidates were two outgoing principal rectors seeking re-election (Tibisay Lucena and Sandra Oblitas).

The final phase of electoral official renewal was conducted concurrently with the official renewal process in two other branches of government, i.e., the Judiciary and the Citizen Power (which consists of the offices of Comptroller General, Attorney General and Public Ombudsman). Unlike the appointment of CNE members, Citizen Power new representatives were appointed by simple majority vote in the NA,<sup>1</sup> though the procedures followed in this process were strongly challenged by a broad spectrum of civil society. So, on December 22, former PSUV Anzoátegui state governor Tarek William Saab was chosen to preside over the office of Public Ombudsman, Manuel Galindo (then Public Prosecutor General) was selected to run the office of Comptroller General, and Luisa Ortega Díaz was selected to serve again as Attorney General. Meanwhile, the new magistrates of the Judiciary were appointed by simple majority vote in the NA on December 28 after three failed attempts to muster a qualified majority.<sup>2</sup>

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<sup>1</sup> A simple majority means at least 50% plus one of all the votes of the deputies in the National Assembly.

<sup>2</sup> A qualified majority vote is 2/3 of all the deputies. For the Venezuelan NA this means 110 of the 165 deputies.

The first part of this report describes the steps taken by the Electoral Nominations Committee (CPE) to evaluate 245 candidates nominated for positions as principal rector, including candidate background verification, personal interviews and submission of the list of 124 candidates to the NA, arrived at through this process. The issue was subsequently debated at a plenary session of the NA, sparking controversy, and then the new officials were finally appointed by the TSJ.

### ***The nomination evaluation process***

Following the procedure established in Article 26 of the Electoral Power Organic Law (LOPE), 245 candidates for the position of CNE principal rectors were evaluated between November 20 and December 9, 2014. This process was conducted by the CPE, yielding a preliminary list of 124 candidates.

This evaluation period included verification of the candidates' criminal records and personal interviews of each candidate. According to the administrative report submitted at the NA extraordinary session held on December 22 by CPE President and ruling party Deputy Blanca Eekhout, following consultations with the Attorney General and the Comptroller General of Venezuela on the feasibility of candidate profiles, the latter found seven of the 245 candidates to be implicated in acts considered legal grounds for dismissal, whereby their names had to be removed from the list.<sup>3</sup> The Attorney General's Office issued no comment whatsoever.<sup>4</sup>

The committee split into six groups to interview the remaining 238 candidates, conducting approximately 40 interviews each over a nine-day period<sup>5</sup> (flowchart Step 7). The list of nominees included two outgoing rectors who decided to accept consideration for reappointment (Tibisay Lucena and Sandra Oblitas), although they were not required to undergo these procedures.<sup>6</sup> While the list of 124 nominees was published in two national newspapers (*El Universal* and *Últimas Noticias*) on December 10, in keeping with

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<sup>3</sup> The methodology stipulated in Article 1d for evaluating nominees for director states that these individuals must not have committed any acts considered grounds for dismissal as specified in Article 32 of the Electoral Power Organic Law (LOPE). Article 32 stipulates that one of the grounds for dismissal is having been convicted of or sentenced as a criminal with final binding judgment for committing willful offences or having been declared legally liable by final decision of the Comptroller General of Venezuela.

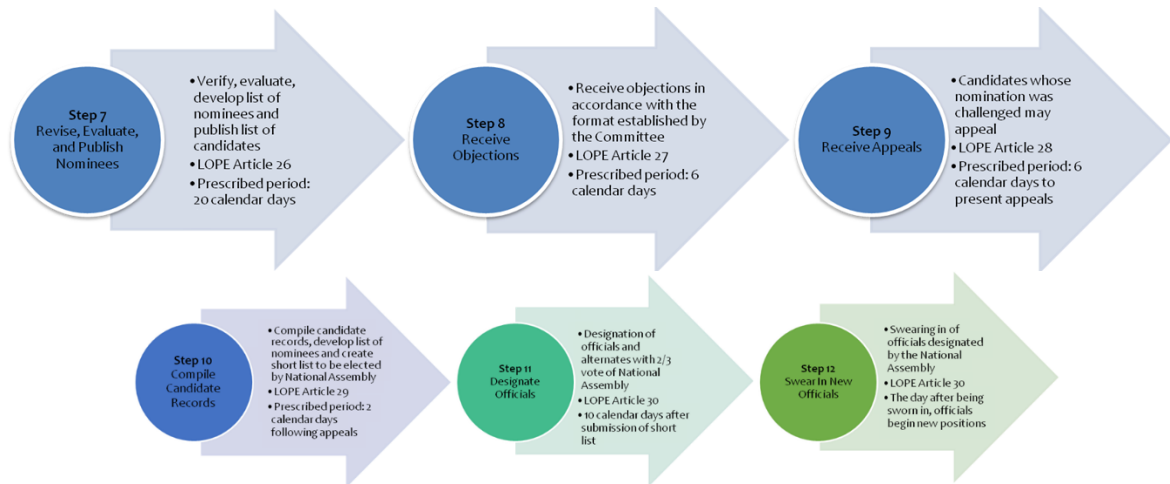
<sup>4</sup> Deputy Blanca Eekhout. Presentation of the Electoral Nomination Committee's Final Report to the plenary session of the NA. National Assembly Television, December 22, 2014.

<sup>5</sup> 235 interviews altogether were conducted between November 26 and December 4, 2014. Deputy Blanca Eekhout. Presentation of the Electoral Nomination Committee's Final Report to the plenary session of the NA. National Assembly Television, December 22, 2014.

<sup>6</sup> As indicated by Committee member PSUV Deputy Hugbel Roa, the CPE cannot evaluate the two rectors because that's the NA's responsibility. The deputy did stress, however, that NA approval of the CNE Annual report is tantamount to a positive appraisal of currently serving rectors. The Carter Center is unacquainted with this management report and the date it was submitted to the NA.

<http://www.noticias24.com/venezuela/noticia/267272/en-breve-hugbel-roa-hablara-del-inicio-de-objeciones-para-impugnar-a-los-rectores-del-cne/>

LOPE Article 26,<sup>7</sup> it was not posted on the NA website until three days later (December 13), contrary to what is established in Article 3, paragraph 7 of CPE Rules of Procedure.<sup>8</sup>



### ***Period for objections to and defense of nominations***

Once the list of candidates was published, the committee secretariat opened the period to accept objections for six consecutive days, beginning on December 10, according to LOPE Article 27 (flowchart Step 8).

Requirements for filing objections included a personal visit to Committee headquarters at the Bolivarian Museum and completion of a form specifically designed for this purpose.<sup>9</sup> In order to facilitate this process, two NGOs, the *Casa Arturo Uslar Pietri* Foundation and the *Súmate*, created links to this form on their websites, providing citizens a guide to filing objections.<sup>10</sup>

*Súmate* went to CPE headquarters on December 16 to file 66 objections. The objections weren't accepted, however, due to a controversial interpretation of the submission deadline date. According to LOPE Article 27, the period for accepting objections should have lasted six days from the candidate list publication date. Although this list was published in the national press on December 10, and the Committee noted in the publication itself that the objection acceptance period was to begin that very day, Article 42 of the Organic Law on Administrative Procedures stipulates that public administration time periods must be counted starting on the following day of notification

<sup>7</sup> The list of candidates selected by the CPE was also posted on the NA website: [http://www.asambleanacional.gob.ve/uploads/documentos/doc\\_f9a1d3a3dc160bb3f73343b5d1264a287ce89bbf.pdf](http://www.asambleanacional.gob.ve/uploads/documentos/doc_f9a1d3a3dc160bb3f73343b5d1264a287ce89bbf.pdf)

<sup>8</sup> This matter was criticized by CPE member Francisco Bello, who asked the NA IT team to resolve it.

<sup>9</sup> Although opposition bloc deputies on the committee announced posting the official form to file objections to candidates on the NA website at a press conference on November 23, 2004, the post failed to materialize.

<sup>10</sup> Francisco Bello said that the official *Casa Arturo Uslar Pietri* website was under cyber-attacks between December 10th and 12th, preventing access the list of candidates, <http://www.casauslarpietri.org/?id=871&ids=5&mod=conte&accion=deta>

or publication. According to this provision, the objection period should have begun on the 11th and ended on the 16th. The CPE secretariat, however, adopted the list publication day as the first day of the objection period, thereby ordering its closure on the 15th. *Súmame* contended that by refusing to accept their objections, the CPE violated the six calendar day period stipulated in the aforementioned laws provided for the objection process ([see note](#)).

In a statement released December 15, non-ruling party civil society CPE members argued that abbreviating the objection period limited the right of citizens to challenge candidates since they ultimately ended up with only five days instead of the six stipulated in LOPE Article 27 as well as in the timetable prepared by the CPE itself ([see note](#)). The organizations known as *Compromiso Ciudadano* (Citizen Commitment), *Comunidadanas* and the “*La Colina*” Group joined in with this complaint ([see note](#)). The Center for Political Studies at the Andrés Bello Catholic University (UCAB), meanwhile, complained that this CPE conduct, in practice, constituted “a blow to democratic institutions,” which severely impaired “any future opportunity to undertake the urgent national reconciliation process” ([see note](#)).

As a result, the final CPE report submitted by Deputy Eekhout only included 67 objections, of which 64 were filed by the political group *Vente Venezuela*.<sup>11</sup> The main leader of this group, María Corina Machado, said that their objections were based on Article 296 of the Constitution, which stipulates that the CNE must be comprised of rectors with no ties to political parties ([see note](#)). According to objections raised by this group, 62 of the candidates were members of the United Socialist Party of Venezuela (PSUV). The reason behind their objections to the two candidates up for reelection (Tibisay Lucena and Sandra Oblitas) was their having been openly backed the ruling party in several electoral processes ([see note](#)).

According to Deputy Eekhout’s final report, 64 of the 67 objections were rejected unanimously as lacking merit and evidence.<sup>12</sup> The remaining three objections were reported first to the contested candidates so that they could prepare their appeals, and were subsequently rejected after the rebuttals they presented were accepted as valid defense.

Regarding the designated time period for rebuttals, Deputy Eekhout stated in the presentation of her final report that objections and rebuttals were processed and resolved during the period designated for the first procedure, so the Committee members agreed on not opening the rebuttal period, which is required to go on for six consecutive days following the conclusion of objections, scheduled for December 15 (see flowchart step 9).<sup>13</sup>

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<sup>11</sup> Since the names of the rejected individuals published by the CPE, they remain unknown.

<sup>12</sup> Deputy Blanca Eekhout. Presentation of the Electoral Nomination Committee’s Final Report to the plenary session of the NA. National Assembly Television, December 22, 2014.

<sup>13</sup> This decision was not put to a vote; instead, a “type of consensus” was reached among CPE members (interview with CPE members). Regarding the objection and appeal period, LOPE Article 28 stipulates that upon the expiration of the objection period, candidates whose nominations are in dispute “shall receive a copy of the objections raised against them, and be granted six (6) consecutive days to draft written rebuttals to or arguments against the objections.”

NGOs criticized this decision, arguing that the intention was to “save time” in order to stick to the government imposed timetable ([see note](#)).

Having omitted this step, the CPE proceeded to put together each candidate's files which, according to LOPE Article 29, must meet the application requirements, including “profile and criteria followed for selection, along with objections and appeals, if any,” in order to send the final list of selected individuals and their records to the NA so it can appoint the new rectors (flowchart Step 10).

The National Assembly called for a December 19 extraordinary session<sup>14</sup> to put the list to vote. Though the number and names of the selected candidates were not disclosed, the national press leaked this information out beforehand, so it was known that there were 33 candidates on the list.<sup>15</sup> According to journalist Eugenio Martínez, a specialist in electoral issues, only 11 of the nominees were not directly associated with the National Government.<sup>16</sup>

At the December 19 session of the NA, a decision was made to postpone debate over appointment of new CNE authorities until Saturday December 20. National Assembly President Deputy Diosdado Cabello contended that deeply rooted differences and disagreements in the opposition precluded the appointment of new rectors that day, warning that if a two-thirds vote was not reached, the decision would be passed on “immediately” to the Supreme Court, as stipulated in Article 296 of the Constitution<sup>17</sup> ([see note](#)). Opposition Deputy Stalin González (*Un Nuevo Tiempo* party) rejected these arguments, however, pointing out that the opposition bloc had not asked for the session to be postponed. So this decision was made unilaterally by the ruling party because it lacked consensus within its own party bloc ([see note](#)).

That very day, one of the civil society representatives in the CPE, Francisco Bello, stated that he would not be endorsing the candidate list or the CPE's final report because there were candidates on it who had clear associations to political parties. Bello also expressed his disagreement to including two current principal rectors on the list because these nominations “spawned mistrust among Venezuelan citizens.”<sup>18</sup>

That very evening, the NA website also announced postponement of the plenary session until Monday December 22 ([see note](#)), indicating that new Citizen Power representatives and as Supreme Court judges would also be appointed during that session ([see note](#)).

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<sup>14</sup> Between December 15, 2014 and January 5, 2015, the NA will be in recess for Christmas vacation. Therefore any meeting held at this time of year is termed “extraordinary.”

<sup>15</sup> The list was unofficially posted on electoral journalist Eugenio Martínez's website: <http://puzkas.com/de-esta-lista-saldran-los-proximos-rectores-del-cne/>

<sup>16</sup> <https://twitter.com/puzkas/status/545918466205954048>

<sup>17</sup> Neither of the two political blocs in the NA has two thirds of the vote in a plenary session, which is 110 votes.

<sup>18</sup> <http://www.eluniversal.com/nacional-y-politica/141219/bello-no-suscribiremos-lista-integrada-por-gente-con-vinculacion-polit>

### ***Voting for rector candidates in the National Assembly***

As announced, renewal of Citizen Power (General Comptroller, Attorney General and Public Ombudsman) and the Electoral Authority, along with the appointment of judges to the Judiciary were all placed on the agenda for the extraordinary session of the NA to be held on Monday, December 22.

***Designation of the Moral Branch.*** First of all, following a controversial interpretation of Article 279 of the Constitution, NA deputies appointed new representatives to the Citizen Branch by a simple majority (99 deputies), sworn in at session's end that day.<sup>19</sup> Thus Luisa Ortega Díaz was reappointed for a seven-year term as Attorney General; former PSUV Anzoátegui state governor Tarek William Saab was appointed to the office of Public Ombudsman and Manuel Galindo (who until then held the office of Public Prosecutor General ) became the new Comptroller General.

***Designation of the Judiciary.*** During the December 22 session, the first of the votes to pick new Supreme Court judges was also held.<sup>20</sup> This time, three judges were appointed to the Political-Administrative Chamber, three to the Criminal Appeals Chamber, three to the Social Appeals Chamber, two to the Civil Appeals Chamber and one to the Electoral Chamber.<sup>21</sup> The Supreme Court Organic Law stipulates that nominations for judge require a two-thirds vote (qualified majority) in the NA and if these votes are not obtained in the first round (110 in this case), as many as two additional sessions would have to be called. However, if consensus is not reached by then, judges would be appointed by a simple majority at a fourth plenary session, which is what eventually happened at the December 28 session.<sup>22</sup>

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<sup>19</sup> Also on December 22, at the request of NA President and Deputy Diosdado Cabello, the Supreme Court posted on its website a ruling handed down by the Supreme Court's Constitutional Chamber interpreting Article 279. The ruling, read by the NA President, stipulated that because the Republican Moral Council failed to convene a Nominee Evaluation Committee, the qualified majority principle didn't apply (or a referendum in lieu of this) to appoint individuals to the Citizen Branch. In this case, stated the Constitutional Chamber, the Assembly should proceed to appoint individuals to Citizen Power offices. See ruling at: <http://www.tsj.gov.ve/decisiones/scon/diciembre/173494-1864-221214-2014-14-1341.HTML>

<sup>20</sup> The first vote to appoint judges took place on December 22, the second on December 26 and the third on the 27th.

<sup>21</sup> At the December 22 NA session, Deputy Elvis Amoroso nominated Delcy Rodríguez to the Electoral Power, a former Minister of Communications and sister of Libertador Mayor Jorge Rodríguez. At the December 26 session, Rodríguez let it be known that she declined this nomination upon her appointment as Foreign Affairs Minister.

<sup>22</sup> Following the December 22 session, the NA held all three votes as stipulated by law. The judges were eventually selected by simple majority, with the dissenting vote of the opposition bloc. The judges sworn in were, for the Constitutional Chamber: Francisco Velázquez (alternate); for the Political-Administrative Chamber: María Carolina Ameliach (principal), Bárbara Gabriela César (principal) and Inocencio Figueroa (principal); for the Electoral Chamber: Indira Alfonzo Izaguirre; for the Civil Appeals Chamber: Guillermo Vázquez Blanco (principal), Marisela Godoy (principal), Vilma Fernández González (alternate) and Juan Pablo Torres Delgado (alternate); for Criminal Appeals Chamber: Elsa Gómez, Maikel Moreno and Francia Cuello González; for the Social Appeals Chamber: Edgar Ramírez Gaviria (principal), Mónica Gioconda Misticchio (principal), Danilo Mujica and Marjorie Calderón Guerrero (principal).

**Designation of the Electoral Authority.** With respect to the appointment of three members to the electoral authority, after reading the CPE report, PSUV Deputy Eekhout announced the names of the 33 candidates selected by the Committee. While NA spokespersons had formally announced that the new CNE rectors would be appointed from a list of 33 individuals ([see note](#)), the definitive list of names was not officially published on the NA website or any media outlet. As of the date this report was published, no official information was available as to the criteria used and methodology followed by CPE members to pare down the list of 124 names to 33 individuals.

Deputy Eekhout immediately put the slate of nine names proposed by the ruling party to vote (see Table 1).

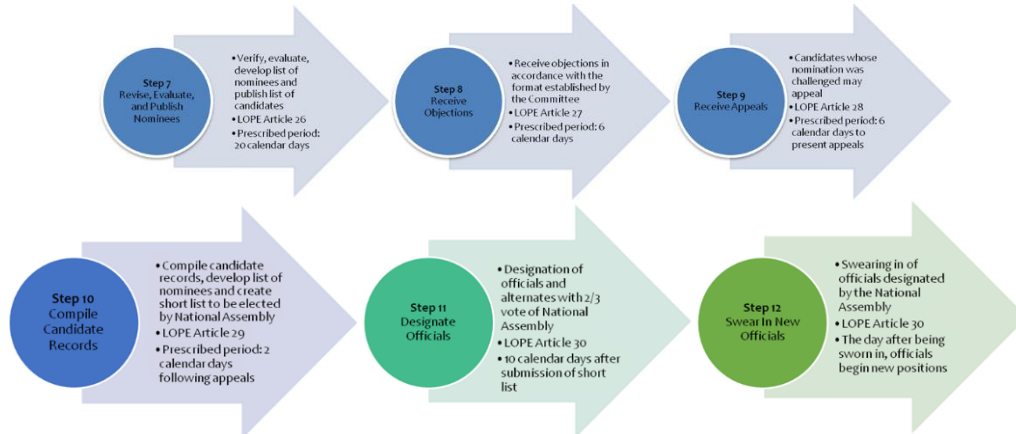
**Table 1: The ruling party's proposal for rectors and alternates**

|   |   |   |
|---|---|---|
| <b><u>PRINCIPAL RECTOR:</u></b><br>Tibisay Lucena   | <b><u>PRINCIPAL RECTOR:</u></b><br>Sandra Oblitas   | <b><u>PRINCIPAL RECTOR:</u></b><br>Marco Octavio Méndez |
| <b><u>ALTERNATE:</u></b><br>Abdón Rodolfo Hernández | <b><u>ALTERNATE:</u></b><br>Carlos Enrique Quintero | <b><u>ALTERNATE:</u></b><br>Luis Emilio Rondón          |
| <b><u>ALTERNATE:</u></b><br>Alí Padrón              | <b><u>ALTERNATE:</u></b><br>Pablo José Durán        | <b><u>ALTERNATE:</u></b><br>Andrés Eloy Brito           |



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The ruling party's proposal failed, however, to get the 110 votes required (qualified majority) to appoint the new rectors ([see video](#)).<sup>23</sup> Then, National Assembly President



Deputy Diosdado Cabello announced that the decision to appoint the new rectors would be passed directly on to the TSJ due to “legislative omission.”<sup>24</sup> Even though LOPE Article 30 stipulates that once the Assembly receives candidate lists it must appoint the electoral rectors within ten calendar days, Cabello decided not to wait till the end of this time period (deadline of December 28). So, after that one single vote, he declared the aforementioned “legislative omission,” asking the NA secretariat to immediately refer the matter to the Supreme Court’s Constitutional Chamber in order to assume the responsibility of appointing the new rectors, as stipulated in Article 336, paragraph 7 of the Constitution<sup>25</sup> (Step 11 in the illustration above).

During the debate, CPE member COPEI Deputy Morel Rodríguez argued that the slate submitted by the ruling party wouldn’t get the opposition bloc’s endorsement because it didn’t represent plurality in Venezuela.<sup>26</sup> Rodríguez also noted that, according to LOPE Article 8, in order to reappoint rectors Lucena and Oblitas, the NA first had to evaluate their administration of the electoral authority: a step that, in his opinion, had been omitted. Rodríguez ultimately regretted that the government had resorted to the “the Supreme Court maneuver to violate the will of the majority” ([listen to the audio](#)).

<sup>23</sup> Except for Deputy Ricardo Sánchez with the *Alianza para el Cambio* party (Alliance for Change), the opposition bloc voted against the proposal in the plenary.

<sup>24</sup> This would be the third time in the last 11 years that the Supreme Court took on the responsibility of choosing new rectors (prior such occasions took place in 2003 and 2005).

<http://www.avn.info.ve/contenido/tsj-asume-tercera-vez-responsabilidad-designar-autoridades-del-poder-electoral>

<sup>25</sup> According to this article, it is within the powers of the Supreme Court’s Constitutional Chamber to “...declare omissions of municipal, state and national legislatures as unconstitutional when they fail to promulgate rules or measures essential to ensuring compliance with this Constitution, or when they promulgate in an incomplete fashion, and set deadlines and, if necessary, guidelines to rectify them.”

<sup>26</sup> On December 21, 2014, top MUD leadership announced it would not endorse the ruling party’s proposal to appoint the new officials, specifically in the case of submission of candidates to repeat their terms of office (as in the case of rectors Lucena and Oblitas). <http://globovision.com/mud-no-votara-por-reencauchado-en-la-an-para-los-poderes-publicos/>



Outgoing rector Vicente Diaz argued that any decision made by the TSJ should be considered “temporary” because permanent appointment of the new rectors was the duty of the National Assembly, which should try to reach consensus again in 2015 to appoint these officials definitively. Only by appointment through this institution could CNE officials be considered permanent, said Rector Diaz ([see note](#)).

In a public statement, the *Mesa de la Unidad Democrática* (Democratic Unity Table-MUD) coalition enumerated what it considered violations of the rules committed while selecting the new electoral officials, including the CPE’s decision-making process (by absolute majority, not a qualified majority), the selection of candidates and the break with legal time periods. The statement also challenged the nomination for re-election of two currently-serving rectors. Meanwhile, Ramón Guillermo Avelo, in his capacity as MUD International Policy Committee Coordinator, stated in a public letter that serious violations to the spirit and letter of the Constitution had been committed in the process, which could make a “serious impact on the credibility of institutions.” What happened, he said, sent out “a very negative message regarding the government’s intentions” ([see note](#)).

### ***TSJ appoints CNE rectors***

On Friday December 26, without prior notice the judges of the Supreme Court’s Constitutional Chamber accepted the NA’s declaration of legislative omission and unanimously appointed the candidates submitted by the ruling party bloc on December 22 ([see note](#)), with the sole exception of Marcos Octavio Méndez, who it decided to replace with CNE Political Participation Office Director Luis Emilio Rondón (nominated as alternate in the ruling party proposal). Consequently, Méndez ended up as Rondón’s alternate ([see ruling](#)). The political balance of the new CNE is interpreted as a reissue of the previous pattern centered on the two principal rectors Lucena and Oblitas, repeating their terms of office and replacing rector candidate Vicente Diaz (considered as independent from the government) with Rondón and his alternate, Mendez, both also considered to be independent of the government or associated with the opposition.

The final set of new officials appointed to the CNE appears in the table below.

**Table 2: Final list of TSJ-appointed CNE rectors**

|   |   |   |
|---|---|---|
| <b><u>PRINCIPAL RECTOR:</u></b><br>Tibisay Lucena   | <b><u>PRINCIPAL RECTOR:</u></b><br>Sandra Oblitas   | <b><u>PRINCIPAL RECTOR:</u></b><br>Luis Emilio Rondón |
| <b><u>ALTERNATE:</u></b><br>Abdón Rodolfo Hernández | <b><u>ALTERNATE:</u></b><br>Carlos Enrique Quintero | <b><u>ALTERNATE:</u></b><br>Marco Octavio Méndez      |
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Appointment of the new rectors triggered widespread rejection among government sector opponents. In the words of executive secretary Jesús Torrealba, the MUD denounced the appointment of the new CNE rectors as the result of a scenario featuring “absolute government control” and suggested that a new NA review all of these unconstitutional appointments ([see note](#)). NA Second Vice-President Blanca Eekhout said she considers the Supreme Court ruling a landmark decision safeguarding peace and democracy, allowing the Venezuelan Electoral Authority to endure as “an example of transparency and effectiveness and a yardstick for a true, strong, ironclad democracy” ([see note](#)).

### ***Final Note***

Concerning the TSJ's appointment of CNE rectors, it should be highlighted that this is the third time in the last 11 years that the Supreme Court's Constitutional Chamber has taken on the responsibility of appointing CNE officials. On both prior occasions (2003 and 2005), the Supreme Court not only ruled on appointment of members to the electoral body's directorate but also defined the hierarchical structure of its governing body. In 2003, following several months without electoral authorities in office, the Supreme Court established a 10 calendar day period for the NA to make appointments from among the candidates for electoral director and respective alternates nominated by the Electoral Nominations Committee, as set forth in LOPE ([see ruling](#)). On that occasion the Assembly failed to meet its goal, so the Court made the final decision to appoint principal rectors and their alternates, and designate the positions they were to assume within the institution as well ([see ruling](#)).

In 2005, the TSJ Constitutional Chamber appointed CNE rectors due to exceptional circumstances when two principal rector positions at the CNE were found to be absolutely absent. The first rector had been appointed as judge in the TSJ's Constitutional Chamber and the second had resigned from his position.<sup>27</sup> Taking into consideration that appointment of the new rectors was not made because their terms of office had run out, but due instead to extraordinary reasons, the Supreme Court's Constitutional Chamber also decided to completely restructure the National Electoral Council ([see ruling](#)).

With respect to the rector appointments made this year, unlike what took place in previous years, the ruling of the TSJ's Constitutional Chamber did not specify the positions that these new rectors will occupy within the CNE, a decision which, according to Article 296 of the Constitution of the Bolivarian Republic of Venezuela, is to be made by CNE members, who are to pick their own President. Furthermore, the ruling leaves in doubt the appointment of two of the alternate rectors (Abdón Hernández and Andrés Brito) who currently serve as alternates for principal rectors Tania D'Amelio and Socorro Hernández, respectively. It is unclear whether these currently serving rectors can legitimately serve as

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<sup>27</sup> In 2005, Rector Francisco Carrasquero was appointed Supreme Court Judge and Rector Ezequiel Zamora resigned from his position.

alternates for rectors Tibusay Lucena and Sandra Oblitas, as stipulated in the Supreme Court ruling.<sup>28</sup>

Another void left in the wake of the TSJ ruling and the swearing in of the new rectors was Pablo Durán's public announcement turning down his appointment as second alternate rector for Oblitas ([see note](#)). Duran's decision was in response to the MUD's demands for all TSJ-appointed rectors to step down from their positions at the CNE ([see note](#)).

On December 29, 2014, the swearing in of the three principal rectors and only five of the six CNE alternates was performed at Supreme Court's Constitutional Chamber<sup>29</sup> (Step 12 of the illustration above). TSJ President Gladys Gutiérrez stated that legal procedures leading up to these appointments had been followed upon notification by the National Assembly that it was unable to reach an agreement on the appointment of new rectors to the Electoral Power.

Following the swearing in of the new CNE authorities, *Un Nuevo Tiempo* party Deputy Stalin González asked the TSJ Constitutional Chamber to spell out whether the recent appointment of the CNE rectors due to legislative omission was provisional in nature. Meanwhile, COPEI party president Roberto Enriquez insisted that the highest court in the land "explain what criteria were followed in the appointment of members to the Electoral Authority" ([see note](#)).

National Electoral Council rectors took office the day they were sworn in, established in LOPE Article 30.

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<sup>28</sup> Eugenio Martínez. *Todo lo que debe saber sobre la designación y ratificación de los rectores del CNE* (All you need to know about the appointment and confirmation of the CNE rectors). Prodavinci. <http://prodavinci.com/2014/12/27/actualidad/todo-lo-que-debe-saber-sobre-la-designacion-y-ratificacion-de-rectores-%20del-cne-por-eugenio-martinez/>

<sup>29</sup> The vacancy left by the resignation of Alternate Rector Pablo Durán has yet to be filled at the time this report was published.