



**International Seminar**

**Electoral Campaigns:  
A Comparative Look at the Hemisphere**

**Caracas, November 15, 2012**

## CONTENTS

## I. INTRODUCTION

The Carter Center has been monitoring the electoral process in Venezuela since February 2012, when it sent a Study Mission there to witness the opposition parties' primary elections, held on the 12<sup>th</sup> of that month. It then sent a similar mission later on that same year to observe the presidential election, held on October 7. The latter evaluated the perceptions of social and political actors engaged in the Venezuelan electoral process and their reactions to the results, focusing on issues such as governance and electoral legitimacy, the quality of the voting system and campaign conditions.

Concerning this last point, the Final Report of the Study Mission confirmed the impressions outlined in advance by the Pre-Election Report (published on October 5, 2012), which called attention to the use of state resources for campaign purposes, the unequal conditions contended with by all candidates attempting to convey their message to voters over the mass media, scant regulation and the absence of legislation governing the origin of resources allocated to funding campaigns.

Aiming to contribute to the discussion over conditions that, ideally, should govern how electoral campaigns are run, the Carter Center held an international seminar on the topic. The seminar, entitled "Electoral Campaigns: A Comparative Look at the Hemisphere" provided an overview on regulation of conditions for the electoral campaigns in a selected group of countries in the hemisphere.

## II. PROGRAM AND PARTICIPANTS

Participating at the Seminar were leading national and international experts who gave their presentations on and discussed the conditions under which electoral campaigns are run in their respective countries. Among the international presenters were **Torquato Jardim** (Brazil), **Juan Fernando Londoño** (Colombia), **Héctor Díaz Santana** (Mexico), **Marcia Rivera** and **José Ariel Nazario** (Puerto Rico), delivering his presentation via Skype, and **Richard Bainter** (United States), delivered by the Carter Center's Americas Program Director, **Jennifer McCoy**.

The situation in Venezuela was discussed by a panel comprised of **José Virtuoso** (Rector of the Andrés Bello Catholic University-UCAB), **Maryclen Stelling** (Executive Director, Venezuelan Chapter of the Global Media Observatory), **Luis Salamanca** (Associate Professor, Central University of Venezuela-UCV) and **Carlos Medina** (Coordinator General, Venezuelan Electoral Observatory-OEV).

The event was sponsored by the German Embassy and was opened by the German Ambassador to Venezuela, **Walter Linder**. The Carter Center's representative in Venezuela, **Hector Vanolli**, organized the event and moderated the discussions. The seminar also served to officially present the Executive Summary of the Final Report of the Carter Center's Study Mission sent to Venezuela to study the presidential elections held on October 7. This was delivered by **Jennifer McCoy**.

### III. PRESENTATION SUMMARIES

#### a) Presentations on situations abroad

##### *The situation in Mexico, by Héctor Díaz Santana*

Scholar Héctor Díaz Santana began his presentation by describing the evolution of Mexico's electoral system, beginning with the crisis in the hegemonic system established by the PRI in 1977 which acknowledged opposition parties by granting them small participation shares, moving on to the introduction of public funding under the "great electoral reform" of the 1990s, to the constitutional reform of 2007, which established the regulation of conditions under which electoral campaigns are run.

Among the changes articulated in the 2007 constitution, Díaz pointed the rules stipulated in Article 41 prohibiting political parties from broadcasting in the mass media, restricting airspace granting power to the state. The 2007 reform also prohibited incumbents from using the mass media to publicize their administration's governance and limited public officials from issuing statements in support of candidates during election campaigns.

Thus, the new provisions expressly established nonintervention by the government in electoral matters, in an attempt to ensure fairness in political competition, but a new provision was also included to prevent public officials from using the electoral publicity to enhance their image. Moreover, Article 134 provided for a ban on use of State resources for campaign purposes. The reform also instituted greater capacity for regulation by the Federal Electoral Institute (IFE) to deal with rule breakers, including among its powers preventing the registration of candidates or revoking their candidacy, suspending elections and fining media outlets. According to Díaz, such measures have leveled the conditions under which candidates compete in elections in Mexico, reducing conflict and making Mexico's one of the world's most sophisticated electoral systems.

series of limits. Nonetheless, Brazilian law allows candidates to use their own resources to finance their campaigns, within limits established by their respective parties.

Additionally, while reelection to executive positions at all three levels of government was forbidden in 1991, a constitutional amendment restored this possibility in 1995. Jardim added that the law provides a number of regulations to prevent abuse by candidates for reelection. The law forbids, for example: a) involvement of public servants in campaigns during working hours; b) donation of charitable assets by the State to electoral campaigns, c) nationwide simulcasting by sitting leaders and incumbents up for reelection during electoral campaigns outside scheduled free electoral airtime (unless, in the opinion of the Electoral Court, urgent, matters relevant to government functions are involved). It also prohibits candidates from buying promotional airspace in the media for campaign purposes, allowing only the print media to express a preference for one candidate or another.

Jardim concluded by pointing out three challenges facing Brazil in establishing a level playing field for political campaigns. The first is diversification of economic activity in the country, roughly two-thirds of which directly or indirectly depends on benefits provided and opportunities created by the central government. This exerts pressure on private companies, tempting them to support specific candidates in exchange for various benefits. The second is that of devolving central power, since its existence alone limits the opposition's activity in the country. Public servants in the executive branch (the president, governors and mayors) concentrate vast legal authority to discretionally decide over appropriateness and timeliness in public spending. The third and last involves initiating debate over mandatory voting and

regulations. According to Londoño, this shortcoming, which fosters the impression of impunity, essentially serves as an incentive to act outside the rules.

reject state funding in the aim of raising more in private funds (George W. Bush was the first to do so in the 2000 primaries and Barack Obama was the first candidate to do so in a presidential election in 2008). This trend led to a significant upturn in campaign spending. In the most recent presidential campaign (2012), both major candidates turned down public funding, spending two billion dollars altogether. Adding up the total cost of all campaigns, i.e., both congressional and presidential, the sum total comes to six billion dollars.

Regarding use of public funds by the State, the presenter noted the enormous efforts made in the United States to create a legal barrier separating the incumbent's official duties from those involved in carrying out campaign-related activities and thus minimize the advantage afforded by access to these funds. Most observers in the United States believe that the work of the Federal Election Commission-FEC (the body with exclusive jurisdiction over civil enforcement of laws governing federal campaign financing) is ineffective due to the impasse owing to the individuals who serve on it (three members each from the two major parties). Finally, the presenter noted other important control mechanisms, such as safeguards to prevent use of state resources to "buy" votes and financial checks on expenses established by governmental agencies.

## **b) Presentations on the situation in Venezuela**

### *José Virtuoso's Presentation*

José Virtuoso, Rector of the Andrés Bello Catholic University (UCAB), delivered the presentation prepared by the Presidential Election Monitor, a projec







#### **IV. PRESENTATION OF THE CARTER CENTER'S STUDY MISSION**

Speaking on the Carter Center mission sent to Venezuela during the October 7 presidential election, Jennifer McCoy presented the executive summary of its final report. Since the nature of this mission was that of a "Study Mission," McCoy stated that the report

**APPENDIX I**  
**Photos from the event**



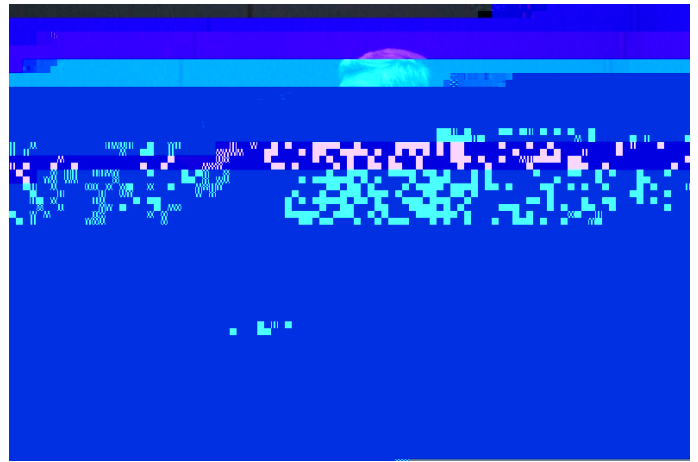
*Walter Linder, German Ambassador to Venezuela*



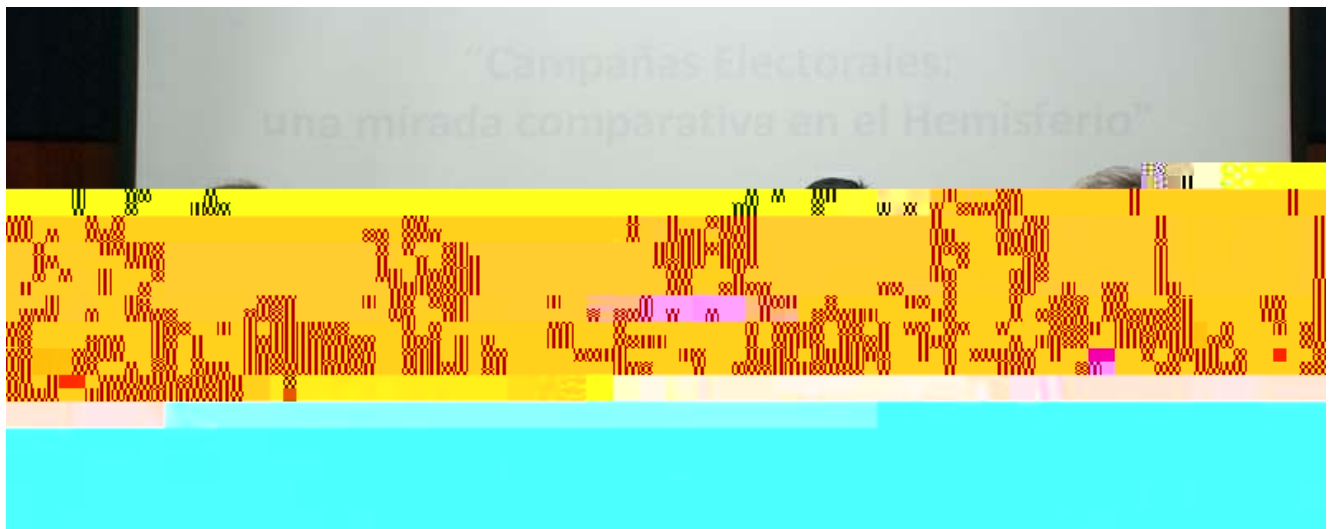
*Torquato Jardim, Former Justice of the Superior Electoral Tribunal of Brazil*



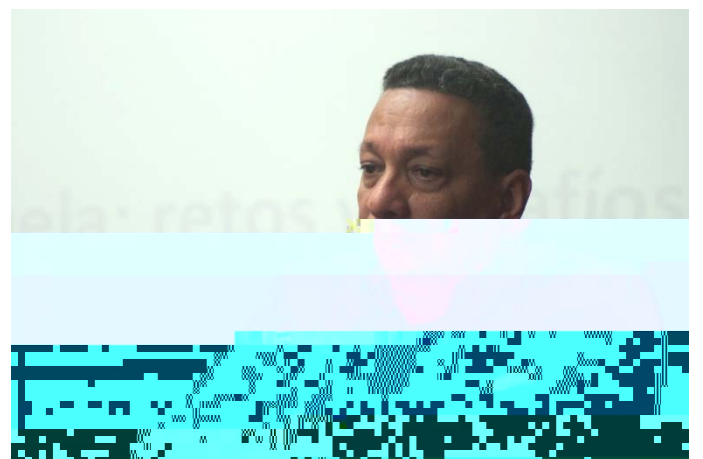
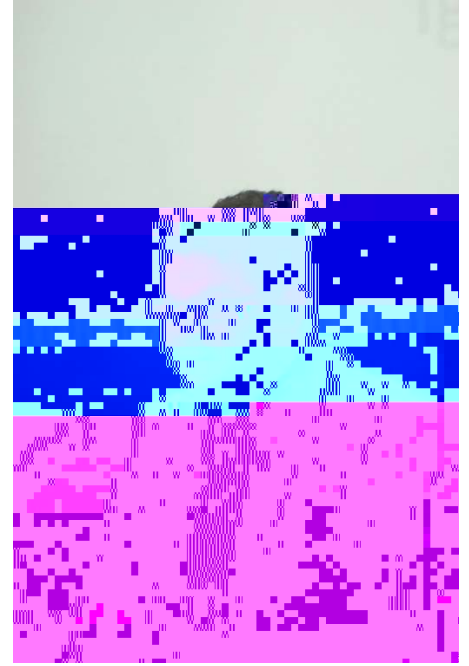
*Héctor Vanolli, representative of the Carter Center in Venezuela*



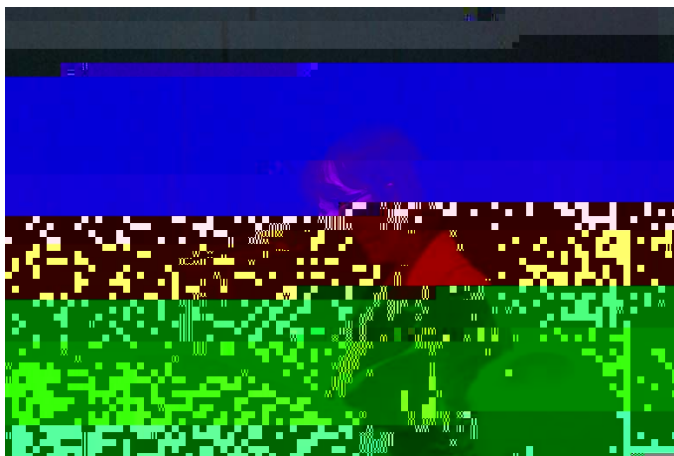
*Juan Fernando Londoño, former Vice Minister of Political Affairs, Colombia*

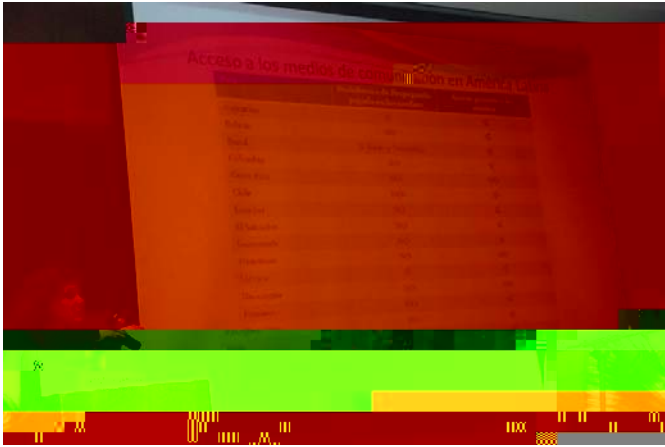


*Jennifer McCoy, together with Torquato Jardim, Héctor Díaz Santana and Fernando Londoño*



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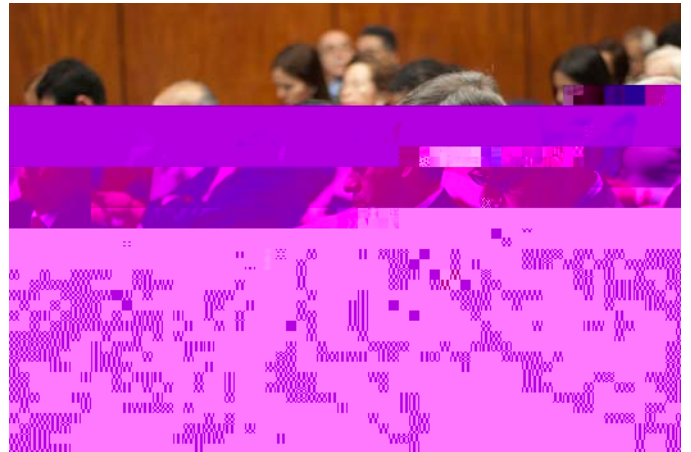
*Jennifer McCoy, Director of the Carter Center's Americas Program*



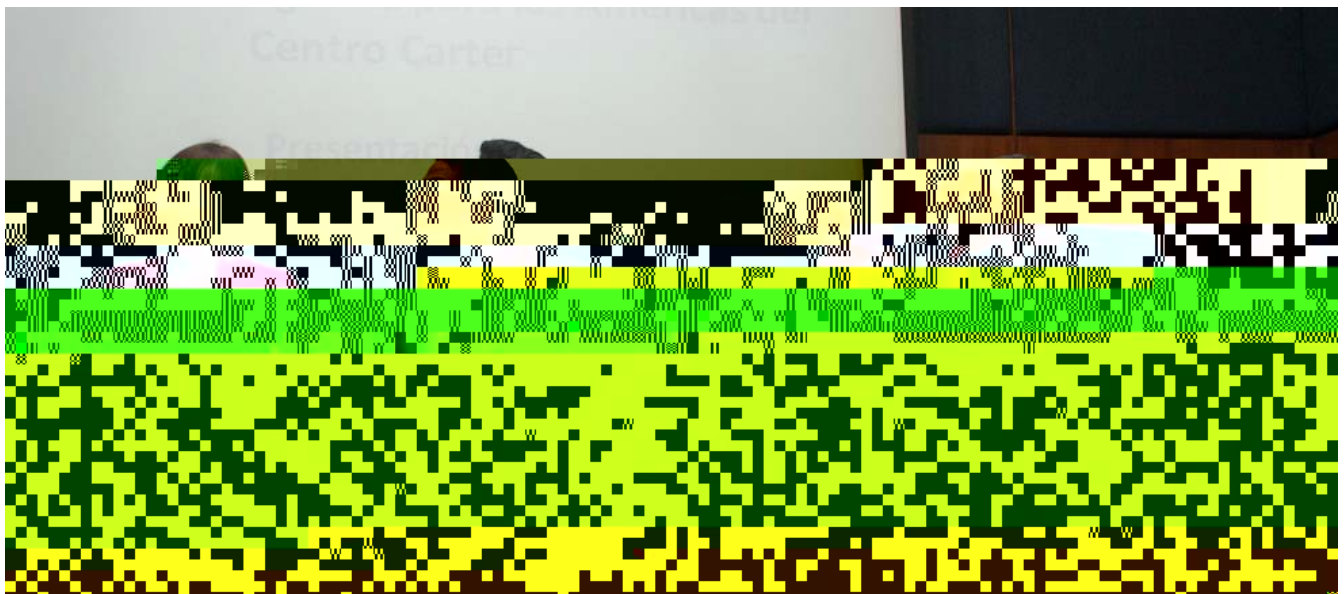
*Walter Linder, German Ambassador to Venezuela*



*View of seminar participants*



*View of seminar participants*



*Maryclen Stelling, Carlos Medina, Jose Virtuoso and Luis Salamanca*

## **APPENDIX II**

### **Brief bio statements of national and international guests**

**Jennifer McCoy** holds a Ph.D. in Political Science from the University of Minnesota. She currently serves as Director of the Carter Center's Americas Program and Associate Professor of Political Science at the Georgia State University in Atlanta.

**Héctor Vanolli** holds a Licentiate in Social Communication, and a Master's in International Relations and Communication from Boston University. He currently serves as representative of the Carter Center in Venezuela and Coordinator General of the Media Program.

**Héctor Díaz Santana** is a lawyer who graduated from the University of Guadalajara and holds a Ph.D. in Law from the Complutensian University of Madrid, Spain. He served as Director General of the Office for Special Prosecution for Electoral Crimes (2005-2009) and consultant to the Federal Electoral Institute (IFE).

**Torquato Jardim** is a lawyer who served as a judge on the Superior Electoral Court of Brazil. Currently he is Director of International Cooperation at the Brazilian Institute of Electoral Law and a member of the Friends of the Inter-American Democratic Charter.

**Juan Fernando Londoño** is a specialist in Constitutional and Parliamentary Law. He served as Colombian Vice-Minister of the Interior between 2011 and 2012, as well as Vice-Minister of Participation and Equal Rights (2011) and Vice-Minister of Political Affairs (2012).

**José Ariel Nazario** is a lawyer and holds a Licentiate in Political and Social Sciences from the University of Puerto Rico (UPR), specializing in Public Law. He is President of the MG Strategies Corporation and private consultant to the Puerto Rican Senate.

**Marcia Rivera Hernández** is an economist and a sociologist. She serves as Executive Secretary of CLACSO, headquartered in Buenos Aires. Currently she is coordinator of the Area of Social Policy of the Latin American Center for Human Economics of Uruguay.

**Richard Bainter** is a lawyer and member of the Board of Directors of Common Cause, an organization that promotes best practices in government in the United States, and of the San Diego Diplomacy Council. He is also a member of the Country Bar Association (International Law).

**José Virtuoso** holds a Licentiate in Political Sciences and a Ph.D. in History. Currently, he serves as Rector of the Andrés Bello Catholic University (UCAB). He has served as Executive Director of Ojo Electoral, one of the oldest national electoral observation organizations in Venezuela.

**Maryclen Stelling** is a sociologist and Coordinator General of the Venezuelan Chapter of the Global Media Observatory. Currently, she serves as Executive Director of the Rómulo Gallegos Center for Latin American Studies (CELARG).

**Luis Salamanca** holds a Ph.D. in Political Sciences and serves as Director of the Institute for Political Studies at the Central University of Venezuela (UCV) and is a former Deputy Rector of the National Electoral Council (CNE). Currently he is an Associate Professor in the Faculty of Legal and Political Sciences at the UCV.

**Carlos Medina** holds a Licentiate in Statistical Sciences and a Master's in Finance from the Institute of Higher Education and Administration (IESA) in Caracas. Currently he serves as Coordinator General of the Venezuelan Electoral Observatory (OEV) and as Director of the CFC Consulting Group and the Center for