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Venezuela's recall law, concocted by Hugo Chavez, is not a simple vote

by JOSHUA SPIVAK

Venezuela's economic collapse has led to a serious effort to recall President Nicolas Maduro. This isn't the first time that a Venezuelan president has faced a recall vote — in 2004, Maduro's predecessor and mentor Hugo Chavez handily triumphed in an attempt to oust him.

This is a very different situation. Maduro appears to have little of Chavez's popularity or political skill.

But Maduro and his die-hard supporters in Chavez's old party have something just as important as the booming economy and political skills of that Chavez was able to boast: Maduro has very favorable laws and a tight control over the electoral process. And the result is that the opposition is facing serious obstacles to success.

Chavez's recall effort occurred two years after a failed coup attempt. Chavez had spent the time strengthening his hold on government and the economy. But there were plenty of sectors that still had opponents of Chavez in them — including in the Venezuelan Supreme Tribunal of Justice. The result was that despite some attempts to head off the recall in the courts, it went forward. Following his victory, Chavez set about remaking the high court, stacking it with supporters. The result may be the bulwark that Maduro needs to survive.

The key to most recalls is clearing different legal hurdles. The biggest one is getting enough signatures to qualify for the ballot. So far, the opposition has managed that easily. They were required to submit 197,000 signatures to pass the first hurdle of the recall — they got over 1.85 million. For the second stage, they need to get 4 million signatures.

The way that the Venezuela National Electoral Council treated the original signatures suggest that trouble is brewing. The council tossed out 600,000 of them due to claimed irregularities or forgeries. Among the names they tossed out were the former two-time presidential candidate and leader of the recall effort Henrique Capriles.

The fact that the council rejected high profile signatures and that it took months to count them suggests that the recall proponents may have serious trouble getting approval when they hand in the millions of signatures needed to get past the second stage and get to the ballot.

Venezuela's law is not just a simple vote. The total number of ballots cast against Maduro must be greater than his vote total in 2013 – 7,587,579 – and total turnout must also be above 25 percent (but if voters could get over 7 million votes, they would automatically meet that requirement).

For Maduro, simply trying to keep the vote totals down may be enough to keep his job. So far, his supporters have been willing to take a strong, and at times violent, stand against the

recall. If they behave in this fashion on Election Day, it may be enough to drag the vote total down below the required number.

Even if they lose the vote, Maduro's party has another ace in the hole, and it is one that they appear very willing to play. Thanks to the peculiarities of Venezuela's recall law, there is only a very narrow window of time to hold a "real" recall. A recall can only begin after the president has been in office for half the term. But, if the recall vote takes place after the fourth year of the presidential term, there is no replacement selected; the vice president automatically moves up.

In this case, if Maduro manages to delay the recall vote past January 10, 2017, his vice president Aristoblo Isturiz will takeover. Once again, the Electoral Council is looking like they may slow-walk the approval process on signatures, which would eliminate much of the value of the recall.

Venezuela may be facing an economic collapse, but thanks to the quirks of the recall law as well as Maduro's party's control over the judicial and electoral branches of government, there is an excellent chance that a recall will not have an impact.

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