



**DIRECTORIO  
LEGISLATIVO**

FORTALECEMOS  
LAS DEMOCRACIAS  
DE AMÉRICA LATINA

STRENGTHENING  
DEMOCRACIES  
IN LATIN AMERICA

**DECEMBER 2020**

# Venezuela

## Legislative elections Post-election report

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## Executive summary

On Sunday, December 6, legislative elections were held in Venezuela, which determined **the composition of the National Assembly for the next five years (2021-2026)**. According to the latest figures provided by the National Electoral Council, with 98.63% of the ballots counted, the ruling coalition Gran Polo Patriótico Simón Bolívar secured its victory with 69.43% of the votes. Meanwhile, the voter turnout was 30.5%, one of the lowest percentages in recent years.

The vote came amid the abstention from the election of a large part of the opposition, an ever worsening economic crisis compounded by the pandemic, and with the government facing fresh international accusations of **human rights violations, clamping down on civic space** and infringing on other political parties and government institutions.

**Maduro's administration praised the results** and assured that "a cycle of recovery of the country and the economy is just beginning". Meanwhile, National Assembly president Juan Guaidó deemed the election as **fraudulent**, a claim that is backed by several countries in the region.

There are indications that **as of January 2021 there will be two National Assemblies**: the current one, chaired by Guaidó, plus the winner of Sunday's elections.

Thus, it is difficult to foresee any letup in the **political and institutional crisis** in Venezuela.

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# Key considerations

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## What was at stake?

The vote on Sunday, December 6 elected the 277 deputies of the National Assembly for the 2021-2026 period.

## Electoral schedule

Article 192 of the [Constitution](#) of the Bolivarian Republic of Venezuela establishes that the deputies of the National Assembly must be elected every five years through a direct public vote.

## How were deputies elected?

Through universal, direct, personalized and confidential voting using the system of proportional representation. Each federal entity must also elect three deputies. The country's indigenous community also voted for three deputies to the National Assembly.

## Which parties took part?

In decreasing order of number of votes obtained so far, the main parties and coalitions were the Gran Polo Patriótico Simón Bolívar, Alianza Democrática, Venezuela Unida and Alternativa Popular Revolucionaria.

## When will the elected deputies take office?

On January 5, 2021 - as stipulated by Article 219 of the Constitution to mark the start of the ordinary sessions of the Legislative branch.

# Political and economic context

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## Changes in electoral rules

- Up until the last legislative vote in December 2015, the number of deputies to be elected to the National Assembly (NA) was 167. However, in July this year the National Electoral Council (CNE, in Spanish) announced this figure would rise to 277, on the grounds of Venezuela's growing population and in line with the principle of proportional representation outlined in the [National Constitution](#).
- Nevertheless, part of the opposition argued **such a measure instead violated the Constitution**, since the country's population has actually diminished in recent years due to an exodus of Venezuelans to other countries.
- The appointment of the members of the CNE itself, which took place on June 5, 2020, **has been criticized both nationally and abroad**. Choosing its membership had previously been the prerogative of the NA, until the Supreme Court of Justice (TSJ, in Spanish) [declared](#) this unconstitutional and appointed the CNE members itself.

## Governement institutions undermined

- In late May 2020 the TSJ issued a [ruling recognizing Luis Parra as president of the National Assembly](#), in place of Juan Guaidó. This was described as a judicial means to 'resolve' the leadership deadlock of the NA, a vote on which had held in January 2020 but without Guaidó and his allies who security forces had prevented from participating.
- Furthermore, between June and August 2020, the TSJ issued a series of measures as part of which it seized control of the **boards of various opposition parties**: Acción Democrática, Voluntad Popular, Primero Justicia - which are three of the most important - and Patria para Todos.
- The new ad hoc boards of directors of those parties **were, however, authorized to use their party symbols for political and electoral purposes**. And the TSJ also allowed members of political parties such as Bandera Roja and Compromiso País to run for legislative elections on behalf of the seized parties.

# Political and economic context

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## Two Legislative branches

- The National Assembly, whose current members took office on January 5, 2016, has since then been the only institution opposing the government of Nicolás Maduro, and is the **body constitutionally mandated to exercise legislative power** in Venezuela.
- However, its regulatory capacity was weakened in March 2017 when the TSJ issued a ruling announcing it would effectively **assume all its powers** and declaring it in "contempt" of previous TSJ rulings over electoral irregularities.
- Amid this, the **National Constituent Assembly (ANC)** was established in August 2017, with the objective of drafting a new Constitution within a two-year period. In practice, this has served as a parallel Legislative branch, with all its 545 members all from the ruling Gran Polo Patriótico Simón Bolívar coalition.
- According to recent statements by Maduro and ANC President Diosdado Cabello, this institution is to be dissolved on December 31, 2020, despite not delivering on its **core task of drafting a new constitution**.

## Human rights and civic space

- On September 16, 2020, the Independent Mission of Venezuela, an agency of the UN Human Rights Council, presented a [report](#) **accusing the government of Nicolás Maduro of committing crimes against humanity**. It alleges the President is aware of the crimes, said to have been committed within the framework of State policies. This report has been backed by a large number of countries and international organizations, such as the OAS General Secretariat and the International Contact Group.
- All the while in Venezuela there has been an increasing shrinkage of **civic space**. Indeed, the ANC President Diosdado Cabello has indicated the government will present the next National Assembly with a bill to restrict international financing of non-governmental organizations.
- In a similar vein, in late November the Superintendence of Banking Sector Institutions (Sudeban) [ordered](#) banks to **increase their monitoring of the financial activities of NGOs** to detect possible money laundering operations.

# Political and economic context

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## The role of the opposition

- The opposition to Nicolás Maduro initially **regrouped behind NA President Juan Guaidó** after he declared himself interim president on January 11, 2019. At that time, Guaidó and his allies contested the legitimacy of the new Maduro administration inaugurated the day before, invoking Articles 233 and 350 of the [Constitution](#) citing "absolute failings" of the head of the Executive branch and the "non-recognition of regimes that oppose democratic values and undermine human rights".
- Although Guaidó and the National Assembly he chairs have been backed by dozens of countries and international organizations, his strategy to oppose Maduro based around 'ending his usurpation of power' and calling for new presidential elections, **has been broadly ineffective and earned him criticism from other opposition leaders** such as María Corina Machado.
- That said, there is still some unity within the opposition with a total of 37 political parties entering into an [agreement](#) in September **not to participate in last Sunday's parliamentary vote**. One of the courses of action being proposed is to hold an alternative 'popular consultation' between December 7-12 aimed at determining the support for Guaidó and upping international pressure on Maduro.

## Contested international recognition of the elections

- Following the controversies that have arisen in recent months over the appointment of members of the National Electoral Council, the change in the number of deputies to be voted in, and the Supreme Court seizures of opposition parties, several international organizations have called into question the upcoming legislative elections. Among those who do not believe **conditions are in place to guarantee a fair and transparent electoral process** are the Organization of American States (OAS) and the European Union.
- In mid-October, the OAS approved, with 21 votes in favor, a [resolution](#) affirming that the elections will only be recognized if all political sectors participate, political prisoners are released, and if there is **independent international observation**.
- For its part, after sending a diplomatic mission to Venezuela, the European Union in late September [urged](#) Nicolas Maduro to **delay the electoral process** in order to implement needed reforms.

# Political and economic context

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## A crippled economy

- Venezuela's economy has gone from bad to worse since 2013, when Nicolas Maduro first became President. This is borne out by key indicators, with the IMF reporting a 45% drop in GDP in this period and inflation of 1,000,000%, including for foods. This has led to a profound weakening of the country's productive capacity, pulverized its pricing system and created a scarcity of basic goods.
- In an attempt to combat the economic crisis and **stop the depreciation of the national currency, the Bolivar**, the government of Nicolás Maduro is implementing a series of measures that include **limiting** the payment of goods and services in foreign currency as well as **modernizing** the payment system. In addition, the Executive announced that a tax will be applied to foreign currency transactions, without giving further details.
- Maduro's administration is also **negotiating with current bondholders for a "cut-off agreement" on interest and capital payments on sovereign debt.**

## Impact of the COVID-19 Pandemic

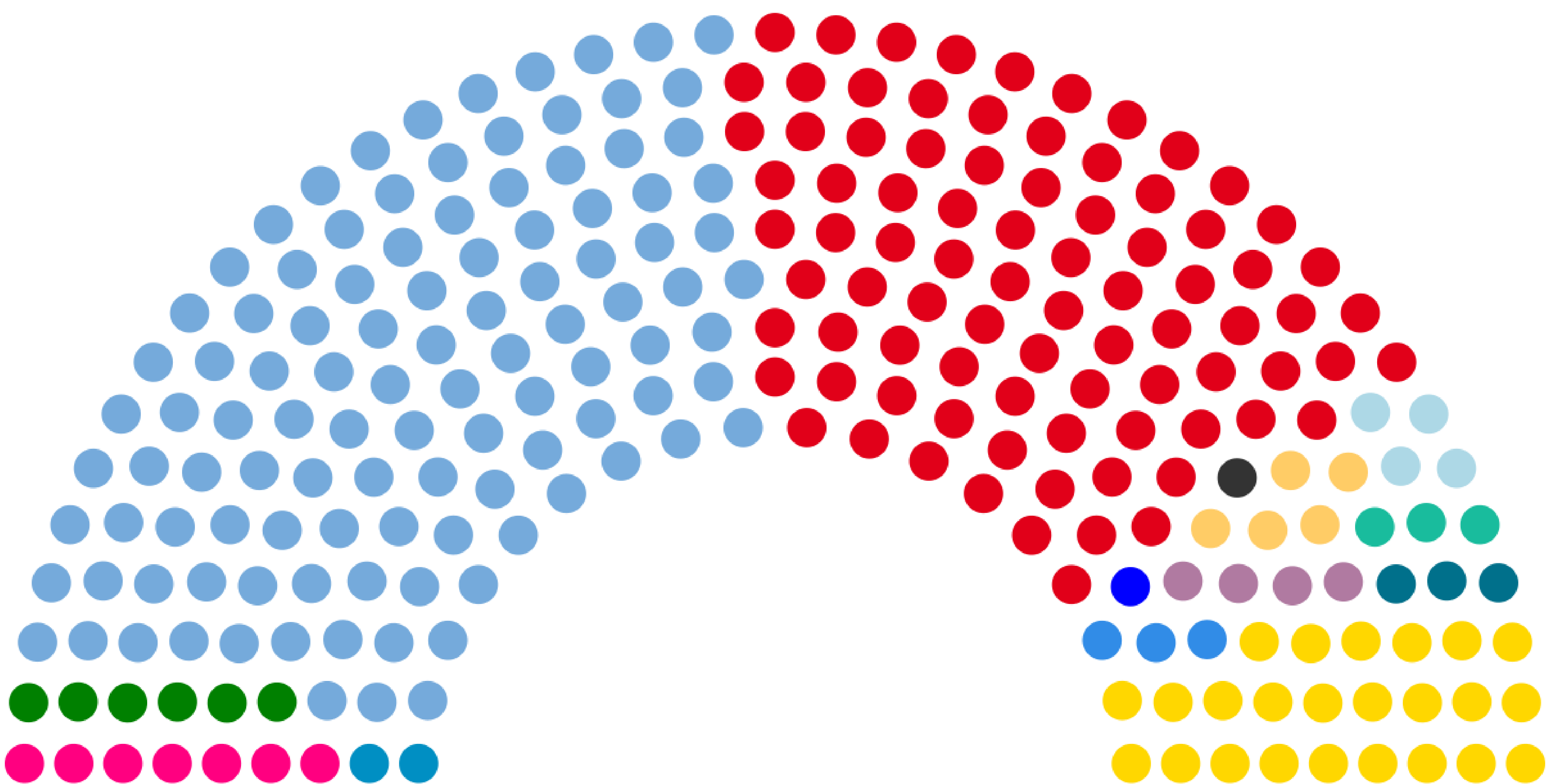
- According to official data, **as of December 7, 2020, there have been 104,904 positive cases and only 924 deaths**, which would make Venezuela one of the least affected countries in the region.
- However, institutions such as Human Rights Watch, John Hopkins University and, domestically, the Venezuelan Academy of Physical, Mathematical and Natural Sciences **have questioned the data**, pointing to the unreliability of the tests and instead highlighting the dire state of the health service.
- In response to the pandemic, between March and May the Executive ordered a total **nationwide lockdown** with the exception of essential services. Then, between June and November the government implemented a two-stage plan alternating between seven days of reopening and seven days back in quarantine.
- Most recently, as of December 1st a **'flexibilization of economic activities'** has **begun aimed at increasing consumption** ahead of Christmas and New Year.

# Legislative Elections

WHICH WERE THE KEYS OF ELECTION DAY?

WHAT MIGHT THE LEGISLATURE LOOK LIKE AS OF JANUARY 5,  
2021?

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## Keys of Election Day

### Voter turnout

- The voter turnout has been one of the lowest in recent years: **30,50% of the electorate cast their vote, less than half of the Venezuelans who voted in the last legislative elections.** Three would be the factors that broadly explain these numbers: the abstention of 37 opposition political parties from the elections, concerns over the lack of transparency and people's disbelief that this electoral process will solve daily economic problems.

### Reactions of the ruling party and the opposition

- The President of Venezuela, Nicolás Maduro, assured that a "cycle of recovery and overcoming the economic blockade is beginning". He also said that "**five years ago I recognized the defeat and today it is our turn to win**". In the same line, Venezuelan First Lady and elected deputy of the National Assembly (NA), Cilia Flores, said last Sunday was a "historic day".
- Meanwhile, NA president Juan Guaidó referred to the low voter turnout. "**The majority of Venezuela turned its back on Maduro**", he said. In this sense, he urged citizens to vote in the popular consultation online and in person to be held December 7-12 to measure public support to Guaidó as opposition leader.

### International reactions

- Former Spanish President José Luis Rodríguez Zapatero backed the elections and asked the European Union to review its sanctions policy against Venezuela. Russia and China expressed themselves in the same vein, **urging other countries not to interfere in Venezuela's internal affairs.**
- Meanwhile, the European Union, [the International Contact Group](#), the [Lima Group](#) and the [Organization of American States](#) issued a series of statements and resolutions informing that they do not recognize the results of the elections. According to the organizations, conditions were not in place to guarantee a transparent electoral process.
- The UN High Commissioner for Human Rights, Michelle Bachelet, warned about the possibility that **voters have been forced by the government to go to vote.**

## Which political groups competed in the election?

The main coalitions that vied for the 277 seats in the National Assembly on December 6 were:

- **Gran Polo Patriótico Simón Bolívar (ruling party):** Composed of the Partido Socialista Unido de Venezuela; a portion of Patria para Todos (\*); Podemos; Somos Venezuela and Unidad Popular Venezolana, among others.
- **Alianza Democrática (opposition):** Made up of Avanzada Progresista; Cambiemos; Esperanza por el Cambio; Acción Democrática (\*) and Copei (\*).
- **Venezuela Unida (opposition):** Composed of Primero Venezuela; Venezuela Unida; a faction of the Movimiento al Socialismo and Voluntad Popular (\*).
- **Alternativa Popular Revolucionaria (opposition):** Composed of the Partido Comunista de Venezuela and a faction of Patria para Todos, among others.
- **Unión y Progreso (opposition)**
- **Soluciones para Venezuela (opposition)**

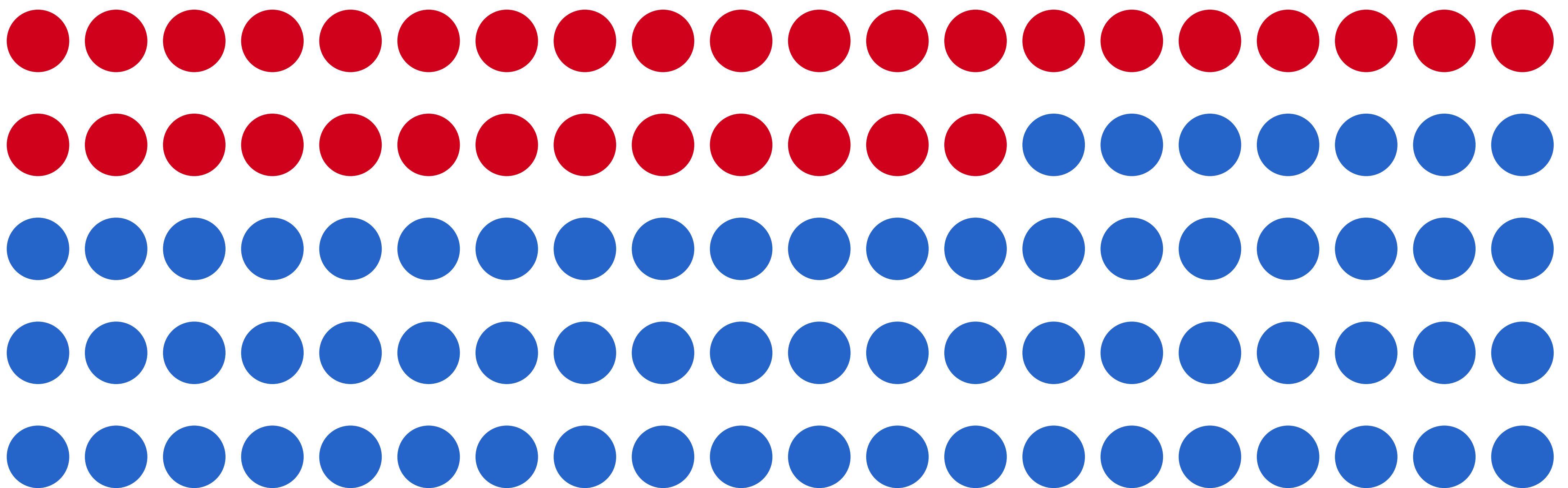
(\*) The boards of the parties Patria para Todos, Acción Democrática, Copei and Voluntad Popular were seized by the Supreme Court of Justice in 2020. The directors appointed by the TSJ registered the above mentioned parties in the legislative elections.

## How is the National Assembly currently composed?

The below graphic shows how the NA shaped up when legislators took office on January 5, 2016. **The composition of the NA has undergone numerous changes since, with some** deputies abandoning their coalitions, others leaving their seats empty and not being replaced, and still others being imprisoned, among other factors that have altered the make up of the NA.

In spite of this, Mesa de la Unidad Democrática has managed to maintain the necessary seats to sustain its legislative majority, thus consolidating itself as the **only publicly elected body with an opposition majority** in Venezuela.

It is worth mentioning that the information about the composition of the National Assembly after the legislative elections of 2015 was obtained from the [website](#) of the National Electoral Council (CNE). There currently is **no reliable source of information that clearly indicates how the NA is made up today**, following the various changes that have occurred as described above.



### Ruling party (55)

 GRAN POLO PATRIÓTICO SIMÓN BOLÍVAR (55)

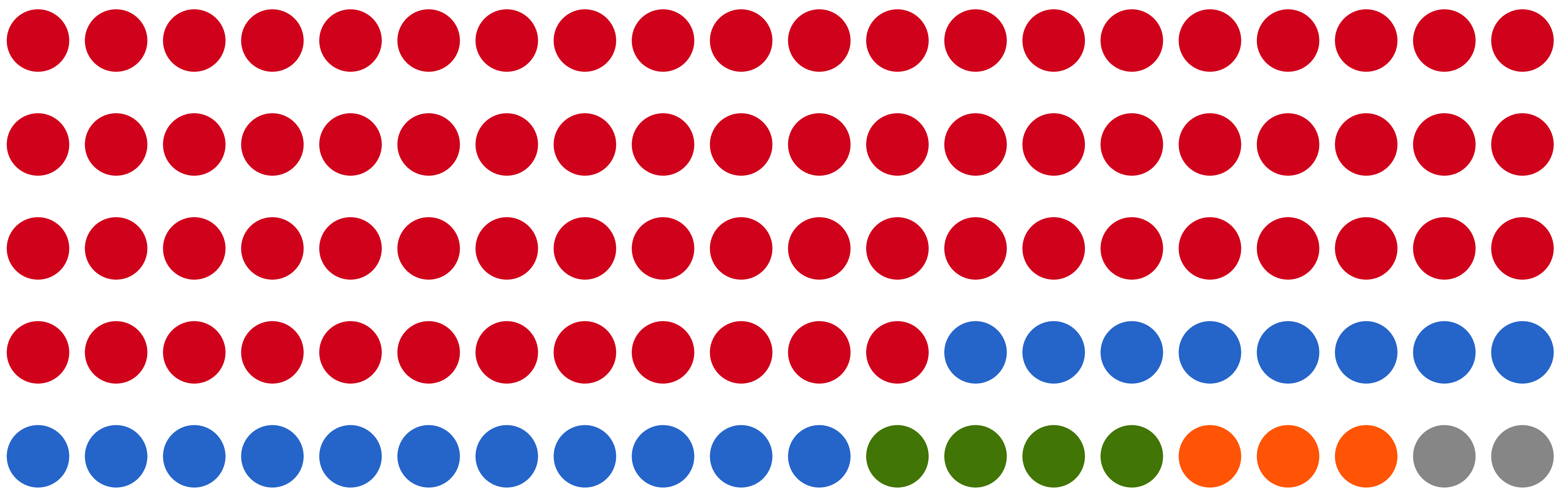
### Opposition (112)

 MESA DE UNIDAD DEMOCRÁTICA (112)

## What might the National Assembly look like as of January 5, 2021?

Considering the preliminary results announced by the National Electoral Council, **the ruling Gran Polo Patriótico Simón Bolívar** is very likely to retake control of the National Assembly by obtaining 199 of the 277 seats. As such, it is estimated that the remaining 78 seats will go to the opposition parties and coalitions.

Consequently, a Legislative branch with a ruling majority and a weak opposition means that Venezuelan President **Nicolás Maduro will be able to implement his political agenda without major obstacles.**



### Ruling Party (199)

 GRAN POLO PATRIÓTICO SIMÓN BOLÍVAR (199)

### Opposition (78)

 ALIANZA DEMOCRÁTICA (52)

 VENEZUELA UNIDA (11)

 ALIANZA POPULAR REVOLUCIONARIA (7)

 OTHERS (8)

\*Source: Self-made graphic based on the provisional results of the election announced by the National Electoral Council.

# Conclusions

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The political scenario projected before the elections remains unchanged. As a result of the landslide victory of the ruling party, **President Nicolás Maduro is to regain control of the National Assembly**, the only opposition-led democratically elected institution that has been his biggest obstacle in recent years.

Nonetheless, the abstention of a large part of the opposition, the low voter turnout and the international criticism on the lack of electoral guarantees **weaken the credibility of the new National Assembly**.

These facts also beg the question of what will happen to the **legitimacy of Juan Guaidó's claim to the interim presidency of Venezuela** since he must continue as NA president to sustain it. It is yet uncertain whether the coalition of countries and opposition politicians that back Guaidó will continue to do so in the future.

The legislative elections **are a significant moment for the future of Venezuela without a doubt**. It is highly likely that two National Assemblies will coexist as of January 5, 2021: the winner of the elections and the current one, in which only the opposition will surely participate.

In any case, it is difficult to foresee any letup in the **political and institutional crisis** in Venezuela.

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