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Subject:
Venezuelan Presidential Recall Referendum, as seen by US International Observers Curtis Reed and Steve Henley.

Dear Senator Nelson and Congressman Wexler:

As you know, Steve Henley (Democratic candidate for Supervisor of Elections, Hillsborough) and I were in Venezuela as international observers with the invitation of the Democratic Coordinator.

During the Presidential Recall Referendum (RRP), we traveled around to between 18 and 25 voting centers, so many we lost count. We saw a great many irregularities in the processes, actions that here in the United States would immediately be called a fraud.

As you read the list below, please ask yourselves the following question:

If, during the November 2004 election in the United States, we were witness to similar behaviors perpetrated by the current administration against the Democratic opposition, *would we* or *would we not* decry that the government had committed a massive fraud?

- In the days leading up to the election, President Chavez had warned that with the Finger Print machines and the Smartmatic machines, he would know who voted against him. This was a threat, intended to intimidate the opposition. Remember that during the Referendum signature drive, voters who were government employees and who signed against the government were fired *en masse*.
- The CNE's Junta Nacional Electoral President, Jorge Rodriguez, made comments to the public about the norms and processes while flanked by military Generals, another tactic apparently designed to intimidate the opposition by demonstrating that he had been given control of the military.
- The government ordered the police to remain in their barracks, leaving the people unprotected. In the opposition areas, the Chavistas operated with impunity, riding around threatening the people with arms, and in some cases firing on them. Meanwhile, in the "popular" sectors of town, the police were out of their barracks, apparently to help the government control the vote.
- We were threatened on several occasions, at least once with pistols concealed under the shirts of Chavistas who yelled threats and showed us their weapons.
- When we went into the *23 de Enero* barrio, Chavistas working in the voting area turned into rabble-rousers and tried to stir the crowd into attacking us. The Plan República troops did nothing to stop them, and when our safety was in question, they escorted us out. We could no longer observe the many irregularities in the area.
- We videotaped the damages to the home of the *Primero Justicia* coordinator, whose house was machine-gunned at around 3:00 AM of the morning of the Referendum. We witnessed that the government summarily fired thousands of poll workers previously accredited by the CNE, simply because they had signed the referendum against the president. In their place, the CNE actively hired pro-government workers that they called directly (in violation of the CNE's own election norms that stated that they had to be selected by "*sorteo*",

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or random drawing), and they brought in workers from other districts to work in the mostly opposition areas, and other clear violation of the norms.

- We saw that the Comando Maisanta had obtained illegal “Security” badges and had illegally set up cordons and were blocking the entrance to the voting centers to members of the opposition (in the mostly Chavista centers, such as Catia).
- We received first hand reports from witnesses who saw armed Comando Maisanta and Circulos Bolivarianos posted outside voting centers, threatening the people who tried to vote SI.
- We witnessed military officers prohibiting the vote of people in the opposition areas because they were "wearing shorts", a violation of the constitution and their human rights.
- Thousands of voters who voted SI were physically assaulted at the voting centers.
- We were informed by an elderly woman that when she asked for assistance voting in a mostly Chavista area, a CNE voting officer asked her: “You need help voting?” then pushed the NO button for her and said: “There.”
- Armed pro-government “terrorists” of the Bolivarian Circles led by Lina Ron invaded a voting center in Avenida Urdaneta, of the Libertador Municipality in Caracas, and only allowed government supporters to vote. These terrorists fired their guns at the opposition that tried to vote.
- We saw that the military controlled the flow of people into the voting areas and slowed down the progress until we arrived. Witnesses heard them radio to their comrades that "International Observers have arrived. Speed up the flow." They then gave orders to change the flow of voters from 5 or so every 10 minutes, to groups of 30.
- Voting centers (in opposition areas) that normally had up to 9 tables were reduced to only 3 tables.
- The CNE dictated norms detailing the anticipated behavior of CNE employees in general and in certain possible contingencies, such as machine malfunction (by both the Smartmatic SAES machines and the Finger Print machines).
 - CNE workers refused to follow the CNE changes to the norms to either stop using the Finger Print machines when they malfunctioned, or, when it was determined that the machines were becoming a bottle-neck to the process, the CNE ordered that they be used as a final process or stopped, but the CNE employees adept to the government *refused to obey the orders*.
 - Sixty CNE workers who were required to run the Finger Print Hunting machines (*Caza Huellas*) failed to report to duty on time, in violation of the CNE norms. This caused great delays in the voting process.
 - Other CNE workers refused to open the voting centers on time, causing delays of up to three or four hours.
 - CNE workers friendly to the government closed the polls at the wrong times, ignoring the Norms created by the CNE.
 - Many voters who provided their fingerprints were told that they had already voted and could not vote. Some of these voters were arrested. A Chavista table witness told us that she had personally told an elderly woman (in her seventies) whose fingerprint was rejected that she could not vote because she had already voted and accused her of trying to commit fraud. When we asked her if she knew that the machines had a margin of error and that the poor woman might have been wrongly accused of fraud, she told us she had not been told of that.
- We used stopwatches to time the flow of voters. In predominantly Chavista areas, we saw that the flow was rapid (roughly 1.5 to 2 minutes per voter). In areas that were predominantly opposition, the voting rate was much slower (between 5 and 10 minutes per voter).
- International Observers were blocked from entering some voting centers.
- In some voting centers, the review process was started without the presence of Opposition witnesses to guarantee transparency.
- Opposition witnesses and table members were physically removed from voting centers or blocked from entering and guaranteeing transparency.

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- In the months leading up to the Referendum, hundreds of thousands, if not millions, of foreigners were given citizenship and immediate voting rights in massive ceremonies that literally filled stadiums, in violation of the immigration laws. These expeditiously nationalized people were allowed to vote in the referendum.
- In the days leading up to the vote, the CNE workers migrated voters out of their home districts and into districts many miles from their residences, sometimes into other countries. A pattern was discovered indicating that many voters were migrated from mostly Opposition areas into areas filled with government supporters. These areas are lawless and extremely dangerous, and many voters chose not to vote rather than risk their lives.
- When pro-government voters did not appear on the voting lists, in many cases they were immediately provided with a solution at that center and allowed to vote. Contrarily, opposition voters who were not on the lists were told they simply could not vote.
- Pro-government representatives paid money to voters who indicated that they had voted NO.
- We received denunciations that the military members who wanted to vote had to do so with their superior officers watching their selection.
- After the tabulation of the votes, citizens from many centers are reporting that the Voter Verifiable Paper Trail tickets printed by the machines have been found *dumped in the streets*.
- The CNE workers in charge of safeguarding the materials failed to complete their duties after the end of the referendum, since reports have flooded in that indicate that the Voter Verifiable Paper tickets were found dumped in the streets of some barrios.
- The CNE repeatedly issued statements that contradicted the Venezuelan Bolivarian Constitution, limiting the rights of suffrage in unconstitutional ways. Regarding the suffrage rights of citizens living abroad, for example, the CNE said that only citizens living with permanent residence in those countries could vote, and that people with extended tourist visas could not vote. Only in the last days before the referendum, when it was too late for citizens living abroad to register to vote, did the CNE change its position and state that they determined that the Constitution allowed for citizens on Tourist Visas to vote. However, they still denied the right of suffrage to Venezuelan citizens living abroad whose residency status was out of date, which still remains hotly contested as a constitutional violation.

Despite these attempts to limit the access to vote, the voters remained in line heroically. They organized support teams bringing food, water, chairs, umbrellas/parasols, music, board games, radios, and everything else you can imagine to keep people's spirits up. Some waited in line to vote for up to 14 hours, and absolutely refused to leave.

When I asked the people if they would get tired and leave, the answer was ALWAYS the same: "I will die in this line before I leave!" For those who were shot while waiting in line, this statement of determination became a prediction of their real fate. These people have become martyrs for democracy, and we should not abandon them.

DEFINITIONS OF FRAUD:

As a general standard by which to examine the activities and determine if they can be considered Fraudulent, the Florida Department of State defines Voter Fraud as "...intentional misrepresentation, trickery, deceit, or deception, arising out of or in connection with voter registration or voting". (For more information, follow this link: [Florida Definition of Voter Fraud](#)). According to these standards (which by their nature of being US laws are not applicable to Venezuela but at least give us a standard by which to examine the activities), we can come to an initial conclusion that the behaviors would, at least in the United States, be considered fraudulent behavior.

Article 216, number 2 of the Venezuelan Organic law of Suffrage and Political Participation states that the election shall be nullified;

"Whenever there has occurred fraud, coercion, bribery or violence in the formation of the Registro Electoral, in the elections or in the examination of results and said vices affect the result of the election involved."

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This law consecrates the nullification of the election for vices produced in various aspects of the electoral exercise such as the formation of the electoral registry, the voting procedures and scrutiny of results.

Venezuelan jurisprudence established precedence for the nullification of election results in the Organic Law of Suffrage (1993) when it can be demonstrated that the vices in the electoral exercise have a direct affect on the *end* result of the election, that being the total result of the election *after* examining the final vote count.

The Venezuelan Opposition legal teams will have to work to determine if the fraud currently evidenced by the many irregularities meets these standards, but a quick examination of the election results suggest that there was indeed fraud as determined by Venezuelan organic law.

EXIT POLL RESULTS

Exit polls from across the country clearly gave the opposition the victory.

At the time of completion of the voting, SUMATE and Penn, Schoen & Berland Associates, tabulated the results of their exit polls. The results were consistent:

- ◆ Penn, Schoen & Berland Associates
 Exit poll: 59% in favor of **SI**; 41% in favor of **NO**
<http://www.psbsurveys.com/home/index2.htm>

- ◆ SUMATE
 Exit poll: 59.4% in favor of **SI**; 40.6% in favor of **NO**
<http://www.sumate.org>

A breakdown by State indicates how widespread the victory appeared to have been:

STATE	YES	Vote %	NO	Vote %
Dto Capital	SI	61%	NO	39%
Anzoátegui:	SI	61%	NO	39%
Apure:	SI	62%	NO	38%
Aragua:	SI	60%	NO	40%
Barinas	SI	52%	NO	48%
Bolivar	SI	62%	NO	38%
Carabobo	SI	65%	NO	35%
Falcón	SI	48%	NO	52%
Guárico	SI	52%	NO	48%
Lara	SI	55%	NO	48%
Mérida	SI	52%	NO	48%
Miranda	SI	79%	NO	21%
Monagas	SI	60%	NO	40%
Nva. Esparta	SI	80%	NO	20%
Portuguesa	SI	65%	NO	35%
Sucre	SI	57%	NO	43%
Táchira	SI	74%	NO	46%
Trujillo	SI	54%	NO	46%
Yaracuy	SI	59%	NO	41%
Vargas	SI	33%	NO	67%
Zulia	SI	62%	NO	38%

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Note that, if these exit polls are correct, the Chavez government only won *two* of the twenty one states (Vargas and Falcon). Adjusting to reasonable statistical error of 3%, the government *might have won* Barinas, Guarico, Merida, and Lara.

It can be inferred from this that the poll results across the country clearly indicated that the trend across Venezuela was for a landslide victory for the Recall.

Poll results from voters outside Venezuela are also very telling:

Country Name	City	Center Code	# of tables	TOTAL ELECTORS	RESULTS			
					TOTAL VOTES	YES	NO	NULL
ARGENTINA	BUENOS AIRES	99007	1	154	124	30	0	
				253				
AUSTRALIA	CABERRA	99008	1	170	101	94	6	1
AUSTRIA	VIENA	99009	1	110	82	53	29	0
BARBADOS	BRIDGETO WN	99010	1	40	35	5	0	
				71				
BELGICA	BRUSELA	99011	1	183	97	84	10	3
BRAZIL	RIO DE JANEIRO	99019	1	27	22	5	0	
				62				
BRAZIL	SAO PAOLO	99020	1	125	111	14	0	
				225				
CANADA	MONTREAL	99023	1	628	458	401	46	11
CANADA	TORONTO	99024	1	751	581	560	19	2
CANADA	OTTAWA	99022	1	208	149	124	25	0
CHECH REPUBLIC	CHECA	99038	1	20	13	6	1	
				33				
CHILE	SANTIAGO	99039	1	495	321	261	60	0
COLOMBIA	MEDELLIN	99031	1	173	96	61	35	0
COLOMBIA	BOGOTA	99025	1	651	357	303	48	6
COSTA RICA	SAN JOSE	99036	1	489				
				489				
DENMARC	COPENHAGUE	99042	1	32	28	4	0	
				69				
ECUADOR	QUITO	99044	1	157	83	57	26	0
EL SALVADOR	SAN SALVADOR	99047	1	86	71	15	0	
				138				
SPAIN	BARCELONA	99049	2	773	732	36	6	
				1,281				
SPAIN	BILBAO	99050	1	164	145	19	0	
				297				
SPAIN	SANTA CRUZ DE TENERIFE	99051	2	2,090	1,991	98	1	
				3,005				

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SPAIN	VIGO	99052	2	1,154	707	685	18	4
SPAIN	MADRID	99048	3	2,334	1,360	1,275	69	16
USA	BOSTON	99054	1	787	460	436	18	6
USA	CHICAGO	99055	1	823	559	529	24	6

Venezuelans living outside Venezuela rejected the Chavez government almost unanimously, with 92% of the vote. While this can be explained away as due to the fact that most Venezuelans living outside Venezuela are probably from the middle to upper classes, it still demonstrates that there was a clear consensus among some sectors to remove Chavez from power. If we combine the vote results from outside Venezuela with the exit poll results from inside Venezuela, the pattern becomes even more convincing.

How can we explain the drastic difference then between these two key indicators and the overall results in Venezuela? How did a lead of nearly twenty points for the Opposition suddenly turn into a ten-point loss?

Even if we believe there was a statistical error in the poll data collection, the kind of error that would generate a thirty-point change would have to be drastic. One would expect that the error would also not be global and shared across two separate polling entities, but would rather show up in certain regions, or in one of the two polling methods and not the other.

Something unusual must have happened that rendered those poll results moot.

WAS THE SMARTMATIC MACHINE USED TO COMMIT FRAUD?

Analysis of the Acts is providing evidence that the Smartmatic voting machines may have manipulated the results, and we are naturally very concerned. This is exactly the worse case scenario about which we warned you in June.

SUMATE has identified a number of areas where the voting results indicate that a “cap” was placed on the total possible SI votes. In a number of tables and voting centers, the voting results are absolutely identical. That is to say, the number of people voting for the SI option stopped at a specific number (say, 1,500 SI votes) in multiple voting centers, and in some cases, both the number of SI votes *and* the number of NO votes are identical between multiple voting centers.

MUNICIPALITY	No. C.V.	VOTING CENTER NAME	TABLE	MACH. No.	ACTA	NO	SI
BERMUDEZ	45170	U. E. MARIA DE VERA	1	11.1-1000-4	324	180	
BERMUDEZ	45170	U. E. MARIA DE VERA	1	22.1-1000-3	306	180	
BERMUDEZ	45190	C.B.JOSE FCO. BERMUDEZ	2	12.1-1000-1	355	112	
BERMUDEZ	45190	C.B.JOSE FCO. BERMUDEZ	2	32.3-1000-7	364	112	
VALDEZ	47860	G.E.ALEJANDRO VILLANUEVA	1	11.1-1000-8	285	138	
VALDEZ	47860	G.E.ALEJANDRO VILLANUEVA	1	31.3-1000-4	267	138	
VALDEZ	47870	G.E. GUIRIA	1	11.1-1000-7	249	132	
VALDEZ	47870	G.E. GUIRIA	1	31.3-1000-3	235	132	
ARISMENDI	44290	U.E. ROJAS PAUL	1	11-1-1000-1	273	147	
ARISMENDI	44290	U.E. ROJAS PAUL	1	31-3-1000-7	266	147	

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ARISMENDI	44300	U.E.NICOLAS FLORES	1	1	11-2-1000-6	254	145
ARISMENDI	44300	U.E.NICOLAS FLORES	1	2	1-1-1000-8	276	145

Reports are also being presented to the effect that in many centers the “cap” was on the percentage rather than on the number of votes. We are waiting to receive more information on these allegations to corroborate them.

These are just a few of the highly suspicious results that are being reported. We have chosen to await more details before drawing conclusions about the Smartmatic system’s performance.

It is absolutely crucial now that all of the paper ballots and the machines be sequestered, although it may very well be too late, as the government has probably prepared for this situation and has covered its tracks.

CONCLUSIONS

After personally witnessing the process, our organization has decided to divide the analysis into two separate areas and provide separate conclusions on each.

Electoral Processes and Procedures: We are able to confidently state, without fear of unfair bias, following close study of the CNE’s voting norms and the Venezuelan Bolivarian Constitution, that the Venezuelan government, military services (Plan República) and its closely allied civil organizations (Comando Maisanta and Circulos Bolivarianos), did regularly and knowingly violate the Constitutional Protections, Electoral Norms, and Human Rights of the Venezuelan opposition electorate in a manner that is consistent with an attempt to change the election results. It is difficult at this juncture to tell if these tactics had any effect on the election, since the voters were so determined to withstand the intimidation, long delays and other tactics employed to try to disenfranchise them.

We, the Directors of Free Venezuela, denounce the fraud (or attempted fraud) committed by the Venezuelan government and its supporters in the military and civilian organizations.

Electronic Vote Manipulation: There are a number of other irregularities in the results that indicate that the machines were used to manipulate the election results, and that this manipulation of results would have been sufficient to change the end results of the election.

If the Venezuelan opposition is able to demonstrate this, and if we find that the machines were indeed used to commit a fraud, we shall immediately request an investigation in the United States Congress and Senate of the Smartmatic Company and, as we have indicated previously, will propose application of the Foreign Corrupt Practices Act to the company’s officers.

WHAT CAN YOU DO FOR VENEZUELA AND DEMOCRACY?

Senator Bill Nelson and Congressman Wexler, the Venezuelan democratic crisis has finally reached the boiling point, and if our suspicions are correct, we may now be witnessing the “worst case scenario” about electronic voting fraud. This situation is worrisome not just for Venezuela, but also for democracy everywhere.

We know for a fact that Smartmatic is trying to obtain certification in the United States, and eventually hopes to sell their SAES machines here.

We respectfully request that you use your influence to initiate an investigation, and to pressure Smartmatic to explain in detail all of the discrepancies. We would like to request that Doctor Rebecca Mercuri and Doctor Avi Rubin become involved in the case, as we believe they are the foremost experts in this subject and will be able to shed light on the case.

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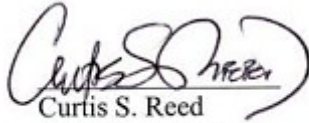
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Additionally, **I would like to speak directly with the Senator and Congressman to explain what we saw.** We would be willing to travel to Washington D.C. or your local offices to do so. Top-level members of the Democratic Coordinator and SUMATE would be willing to join us.

This issue is of utmost importance. Please grant me this meeting request.

Thank you,

A handwritten signature in black ink, appearing to read "Curtis S. Reed".

Curtis S. Reed
Free Venezuela
President