

NÚMERO 280

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**Vote Buying and Vote Coercion in Subnational Politics:
Weaknesses of the Mexican Democracy**



Importante

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Abstract

Mexico provides significant insight into the modern challenges being faced by young democracies struggling to shed the remnants of their authoritarian past. Following some classic definitions from democratic theory, the country is best categorized as an electoral democracy striving to become liberal one. Under such framework, this paper aims at analyzing some of the enduring obstacles to Mexico's consolidation, along with possible ways forward. Based on recent elections, this paper studies two problems that have been remarkably lasting: vote buying and vote coercion. Interestingly, these problems are more acute at the subnational level than they are at the national level, which compels us to revise some of the classic definitions of democracy in the theoretical literature. In particular, I propose a requirement for a country to be considered a liberal democracy instead of an electoral one: democratization must have disseminated to regions beyond the center, and to subnational levels beyond the national government. This conceptual discussion helps framing the type of weaknesses still found in Mexico's democracy. I show that vote buying and vote coercion remain deeply entrenched in the political culture of several states that have fallen behind in their democracy levels, such as Veracruz. In assessing possible solutions to such problems, I describe the profound political reform of 2014 creating the National Electoral Institute (INE) which took the administration of local elections away from local governments. The results of the midterm elections of June 2015 allow concluding that such reforms fell short of solving the enduring weaknesses of Mexico's democracy. Rather, I suggest that Mexico needs actual regime change at the subnational level. Only then might the country transition from electoral democracy to liberal democracy.

Keywords: Liberal Democracy, Clientelism, Vote Buying, Vote Coercion, Corruption, Elections, Mexico

Resumen

El caso de México ayuda a entender los retos modernos que enfrentan las democracias jóvenes que luchan por dejar atrás su pasado autoritario. Acorde a las definiciones clásicas de la teoría democrática, el país puede ser clasificado como una democracia electoral que esfuerza por convertirse en una democracia liberal. Bajo dicho marco teórico, este trabajo pretende analizar algunos de los obstáculos de la consolidación de México y también procura analizar otros posibles caminos a seguir. Basado en elecciones recientes, este trabajo estudia dos problemas que han sido notablemente duraderos: la compra de voto y la coacción del voto. Resulta que estos problemas son más graves a nivel subnacional que a nivel nacional, lo cual nos obliga a revisar las definiciones clásicas de democracia en la literatura teórica. En particular, propongo un nuevo requisito para que un país sea considerado como democracia liberal en vez de democracia electoral: la democratización debe haberse propagada a todas las regiones más allá del centro, y a niveles subnacionales más allá del gobierno nacional. Esta discusión conceptual ayuda a crear un marco teórico para entender el tipo de debilidades que aún tiene la democracia mexicana. En este trabajo demuestro que la compra de votos y la coacción del voto permanecen profundamente arraigados en la cultura política de varios estados, como Veracruz, en donde el nivel democrático está rezagado. Al evaluar posibles soluciones, describo la reforma política del 2014 que creó el Instituto Nacional Electoral (INE), quitand así la administración de las elecciones locales a los gobiernos locales. El resultado de las elecciones intermedias de Junio del 2015 permite concluir que dichas reformas fueron insuficientes para resolver las debilidades perennes de la democracia mexicana. Más bien sugiero que México necesita un cambio de régimen a nivel subnacional. Sólo así, el país podrá transitar de una democracia electoral a una liberal.

Palabras clave: Democracia liberal, Clientelismo, Compra de Votos, Coacción del Voto, Corrupción, Elecciones, México

Introduction

Mexico is a prime example of a young democracy struggling to shed the remnants of its authoritarian past. What challenges does it face as it strives to become fully democratic? For most of the twentieth century, Mexican politics were dominated by a hegemonic party holding virtually all executive and legislative positions in the country, the Institutional Revolutionary Party (PRI). Since 1929 when it was founded, this dominant party made frequent use of the state apparatus to ensure its victory over a weakened opposition, such that all relevant elections at the national and subnational were won by PRI candidates. However, as the popularity of the PRI declined, opposition parties were gradually able to secure more positions in government. In 1989, for the first time, an opposition candidate was acknowledged to have won the election for governor of a state, Baja California. Eventually, the two main opposition parties, the Party of the Democratic Revolution (PRD) and the National Action Party (PAN), gained enough seats in Congress to push new legislation democratizing the electoral system. This triggered a gradual but successful transition from the one-party rule existing a quarter of a century ago, to the vigorous multiparty competition existing today. Such peaceful and orderly transition was based on creating institutions aimed at leveling the playing field in elections.¹ In particular, a landmark norm was passed in 1990 creating a world-class electoral management body (EMB) which succeeded in virtually eradicating ballot rigging and vote fraud from federal elections. The subsequent legislation in the 1990s was so profound that it can be said to have transformed Mexico from a soft dictatorship into a functioning democracy. As a result, all federal elections and most local elections now exhibit at least two, often more, distinct viable options for voters.²

In spite of this remarkable transformation, Mexico's transition to democracy has remained incomplete. Too much responsibility was placed on the national EMBs, notably on the Federal Electoral Institute (IFE) and the Federal Electoral Tribunal (TRIFE), which were commissioned to clean up the electoral process. I will argue that this is proving to be an impossible task as long as a broader transformation, going well beyond the electoral realm, takes place in the country. Indeed, while the IFE was able

¹ For an account of the major political reforms during this period, see chapter 8 in Roderic A. Camp, *Politics in Mexico: Democratic Consolidation or Decline?*, sixth edition (Oxford: Oxford University Press, 2014).

² For a detailed overview of political changes in this period, see James A. McCann, "Changing Dimensions of National Elections in Mexico." in *The Oxford Handbook of Mexican Politics*, ed. Roderic A. Camp (Oxford: Oxford University Press, 2012), as well as Kenneth F. Greene, *Why Dominant Parties Lose: Mexico's Democratization in Comparative Perspective*, (New York: Cambridge University Press, 2007).

to eliminate vote fraud on Election Day, it has had much more trouble deterring undemocratic practices during the campaigns before the election. One of its immediate challenges was the abuse of government resources by incumbent parties to win elections. An early test of the IFE's capabilities was the well-orchestrated money laundering scheme to funnel at least 150 million dollars from the national oil company Pemex into the PRI coffers for its 2000 presidential campaign.³ Upon investigating this infraction, which came to be known as the *Pemexgate*, the IFE levied an enormous fine of 100 million dollars to the PRI – but the party has remained a target of accusations of this kind.⁴ As it turns out the PRI is not the only party accused of illegal appropriation of state resources for electoral purposes; most other parties have been accused as well. A second challenge to election managers has been the undue pressure that political agents have sometimes placed on citizens to vote a certain way. A political party that illustrates this behavior is the PANAL, which was created by the powerful teachers' union; this party has been effective at inducing the electoral support of thousands of educators as well as the kids' parents.⁵

Mexican democracy remains particularly imperfect at the subnational level. Indeed economic and political development has been uneven across the country, with some regions falling significantly behind. As evidence, the table below reports the values of the *Index of Democratic Development* for each Mexican state.⁶ The index measures several dimensions of democracy broadly construed, which include accountability, economic inequality, the strength of government institutions, and importantly for this paper, the rule of law. In addition, the experts categorized the states according to several levels of democratic development. They go from “high development” where there is political inclusion, respect for freedoms, and high spending on social welfare; to “minimal development” where there is discrimination against minorities, low civic participation, and ineffective governance. I am reporting the data from 2012, to convey a picture of the levels of democracy in different regions before the last presidential election, along with the parties governing each region.

³ *La Jornada*, “Rogelio Montemayor Seguy, ex director de Pemex: Cronología del caso,” September 3, 2004.

⁴ For analysis of the questionable relationship between PEMEX and the PRI, see Gilles Serra, 2011 “How Could Pemex be Reformed? An Analytical Framework Based on Congressional Politics,” *CIDE Working Papers* DTEP-233 (November).

⁵ I thank an anonymous reviewer for suggesting this example.

⁶ This index was developed by scholars at the *Colegio de México* (COLMEX) in partnership with Polilat and the Konrad Adenauer Foundation. It is available at <http://idd-mex.org>.

**TABLE I: LEVEL OF DEMOCRACY IN ALL THE MEXICAN STATES
DURING THE 2012 PRESIDENTIAL ELECTION**

STATE	GOVERNING PARTY OR COALITION*	INDEX OF DEMOCRATIC DEVELOPMENT**	LEVEL OF DEMOCRATIC DEVELOPMENT***
YUCATÁN	PRI	10.0	HIGH DEVELOPMENT
BAJA CALIFORNIA SUR	PAN	10.0	
COAHUILA	PRI	8.3	
DISTRITO FEDERAL	PRD	7.9	
GUANAJUATO	PAN	7.3	
COLIMA	PRI	6.7	MIDDLE DEVELOPMENT
QUERÉTARO	PRI	6.7	
NUEVO LEÓN	PRI	6.5	
NAYARIT	PRI	6.1	
MORELOS	PAN	6.1	
HIDALGO	PRI	5.8	
OAXACA	PAN-PRD	5.7	
CAMPECHE	PRI	5.0	
TLAXCALA	PRI	5.0	
BAJA CALIFORNIA	PAN	4.9	
JALISCO	PAN	4.9	
AGUASCALIENTES	PRI	4.8	
SAN LUIS POTOSÍ	PRI	4.2	
TABASCO	PRI	4.2	
VERACRUZ	PRI	4.2	
SONORA	PAN	4.0	
QUINTANA ROO	PRI	3.9	
ZACATECAS	PRI	3.8	
CHIAPAS	PRD	3.7	
SINALOA	PAN-PRD	3.4	
MICHOACÁN	PRD	3.2	
ESTADO DE MÉXICO	PRI	2.9	MINIMAL DEVELOPMENT
DURANGO	PRI	2.9	
PUEBLA	PAN-PRD	2.8	
CHIHUAHUA	PRI	2.5	
GUERRERO	PRD	1.9	
TAMAULIPAS	PRI	1.8	

* Before the July 1st elections. Source: local electoral institutes in each state (OPEs) as well as newspapers including *Excélsior*, *El Financiero*, *La Jornada*, *Reforma*, *El Universal*.

** Index calculated by COLMEX, Polilat and the Konrad Adenauer Foundation for their 2013 report of the *Index of Democratic Development in Mexico* (IDD-Mex) available at <http://idd-mex.org>.

*** According to the developers of IDD-Mex.

As can be seen, political development was highly uneven across the country before the election of 2012. The PRI governed a large majority of states: 19 out of 32. But its presence was proportionally larger among bottom states than it was among top ones. Among the seven states deemed to have a “minimal democratic development”, four were governed by the PRI (meaning 57%). In contrast, among the five states deemed to have “high democratic development”, only two were governed by the PRI (meaning 40%). This dominance of state politics might justify suspicions that the PRI’s presidential candidate was benefitted by illegal resources from governors more than other candidates.

We should note there has been a common expectation that introducing multiparty elections should relatively quickly translate into better governance. Much of the academic literature on democratization is based on this premise. However, this expectation has not materialized in many regions in Mexico where the performance of local government has remained as poor as it was in the hegemonic era. In fact, Chong, De La O, Karlan and Wantchekon claim there is little evidence that electoral competition has improved government performance at the municipal level, with corruption and irresponsibility remaining at the same high levels as during one-party rule. When they fail to meet their constituents’ demands, mayors simply resort to blaming higher levels of government for not giving them enough resources.⁷ In sum, many municipal governments have remained inefficient at delivering public services and, as I document in the next sections, their political survival is still based on buying or coercing votes.

In its goal of understanding the remaining weaknesses of Mexico’s democracy, this paper proceeds in three steps. An initial step is to characterize the status of Mexico’s political regime in comparative perspective by placing it in a meaningful scale of democratic systems. I appeal to the frequently used distinction between *electoral democracy* and *liberal democracy* which will help understand what Mexico’s political regime is still lacking. The second step is to analyze two vexing problems that have been recurrently manifest in recent elections: *vote buying* and *vote coercion*. In order to establish the close theoretical connection that we can expect between these two problems, I document their continued presence in the Mexican political system with evidence from recent elections since. Finally, the third step is to assess the recent electoral reforms of 2014, identifying their contributions as well as their shortcomings. The reforms were largely aimed at improving democratic processes at the subnational

⁷ Alberto Chong, Ana L. De La O, Dean Karlan, and Leonard Wantchekon, “Does Corruption Information Inspire the Fight or Quash the Hope? A Field Experiment in Mexico on Voter Turnout, Choice, and Party Identification,” *Journal of Politics*, Vol. 77, No. 1 (January 2015), pp. 55-71.

level, especially in the most problematic states. But a number of issues in the subsequent midterm elections of June 2015 indicate that problems were not fully solved.

Complementary problems in electoral democracies: Vote buying and vote coercion

In recent years, it has become increasingly apparent that a number of countries having abandoned authoritarianism have now stalled mid-way, at substandard levels of democracy. In other words, they are stuck in a gray zone between full-fledged democracy and outright dictatorship. Many of those regimes seem so stable that they should no longer be considered in transition.⁸ Yet, failing to take the last steps comes at a dire cost for populations living in such “diminished” democracies.⁹ To appreciate what citizens might be missing, a useful distinction can be made between the concepts of *electoral democracy*, considered a low democratic standard, and *liberal democracy*, considered a high one.

To be sure, people living in *electoral* democracy can enjoy significant benefits compared to living under autocracy.¹⁰ They have acquired the basic rights and minimal political freedoms; and their representatives can be held accountable, at least periodically each time elections take place. But those citizens should have higher aspirations: governments at more advanced stages of democratization can offer a wider and deeper array of rights and liberties. Regimes able to deliver more meaningful representation and better governance than electoral democracies are often labeled *liberal* democracies. The difference between the two concepts is clearly spelled out in this passage by Andreas Schedler:

“The distinction between liberal and electoral democracies derives from the common idea that elections are a necessary but not a sufficient condition for modern democracy. Such a regime cannot exist without elections, but elections alone are not enough. While liberal democracies go beyond the electoral

⁸ As argued by Larry Diamond, “Thinking About Hybrid Regimes,” *Journal of Democracy* 13 (April 2002): 23.

⁹ As elaborated in David Collier and Steven Levitsky, “Democracy with Adjectives: Conceptual Innovation in Comparative Research,” *World Politics* 49 (April 1997): 430–51.

¹⁰ Electoral democracies are also higher up in the democratic scale than other intermediate regimes such as *competitive authoritarianism*, as defined by Steven Levitsky and Lucan Way, “The rise of competitive authoritarianism,” *Journal of Democracy* 13 (April 2002): 51–65.

minimum, electoral democracies do not. They manage to ‘get elections right’ but fail to institutionalize other vital dimensions of democratic constitutionalism, such as the rule of law, political accountability, bureaucratic integrity, and public deliberation.”¹¹

The rule of law is often emphasized in classic definitions such as Schedler’s one above, and it will be central in this paper’s discussion. Indeed, among other classic ingredients for a democracy to be called liberal, a strict adherence to legal rules is usually considered an indispensable one. Yet, it is a main ingredient missing from Mexican democracy, which is the focus of this research. In addition to these classic ingredients, to frame the analysis here, I would propose another one that is not always emphasized in the literature but is nevertheless crucial in many developing nations. To consolidate in full, I suggest democracy should disseminate to regions beyond the center, and to subnational levels beyond the national government. In other words, a regime should not think of itself as a liberal democracy while some geographical areas or certain administrative divisions are still governed autocratically – however democratic the rest of government has become.

Improving any of the features mentioned above poses daunting challenges for reformers in democracies with unfinished transitions. A great deal of insight into these challenges, and how to overcome them, may be provided by close scrutiny of the Mexican case. As mentioned in the introduction, reformers in Mexico were initially successful at transforming the country from authoritarianism to electoral democracy by enacting a series of increasingly sophisticated electoral laws. But the original strategy of producing a stream of legal reforms has not succeeded in fully turning Mexico into a liberal democracy. For instance, according to Freedom House’s measures, Mexico has never been solidly classified as a liberal democracy since it started being monitored. Larry Diamond proposed that a country could be considered a liberal democracy if the average of its two seven-point ratings from Freedom House, *Political Rights* and *Civil Liberties*, reaches or falls below 2.0. Today’s average measure in Mexico is 3.0, which places Mexico as an electoral democracy but not a liberal one. The conceptual difference is explained by Freedom House the following way: “[The] term electoral democracy differs from liberal democracy in that the latter also implies the presence of a substantial array of civil liberties. In *Freedom in the World*, all *Free* countries can be considered both electoral and liberal democracies, while some *Partly Free* countries qualify as electoral, but not liberal, democracies.”¹²

¹¹ Andreas Schedler, “The Menu of Manipulation,” *Journal of Democracy* 13 (April 2002): 37.

¹² This discussion is available at <https://freedomhouse.org/report/freedom-world/freedom-world-2015>

A main goal of the paper is illustrating the remaining weaknesses of Mexico's democratic processes by analyzing two problems that have been salient in recent elections: *vote buying* and *vote coercion*. As will be illustrated in the next two sections, these two problems are complementary: they often arise jointly as a result of a weak oversight of local authorities. A final goal of the paper is assessing possible solutions to these problems, such as the last electoral reforms approved in 2014. In direct response to recent scandals of vote buying with illicit resources, Congress discussed and approved a complex package of legal modifications that came to be known as the "political-electoral reform of 2014". I will focus on one of the main modifications, consisting on centralizing the organization of all local elections at the national body in charge of federal elections. To signal this profound change in its attributions, the country's electoral management body switched its name from Federal Electoral Institute (IFE) to National Electoral institute (INE). This legislative effort was considerable and had many merits. But the 2014 reforms still come across as partly missing the point: their insufficiencies were particularly patent in the election of June 2015. I will argue in the conclusions that changes of a different nature might be more pertinent to address the country's current democratic deficit. Rather than continuously modifying electoral processes, I will claim that a more comprehensive transformation would be required at the subnational level: in some of its most backward regions, Mexico would actually need an overhaul tantamount to regime change.

Vote buying

It is known that new democracies are vulnerable to *clientelistic* manipulation, especially those where large sectors of the population are in poverty.¹³ Definitions of clientelism vary by author, but they usually include a menu of practices to distort vote intentions using economic resources improperly.¹⁴ As such, clientelism has been found to be a common hurdle that electoral democracies must overcome to become liberal ones. This section focuses on one specific practice that has caused concern in Mexico, *vote buying*, understood as the explicit exchange of gifts or favors to induce individuals to vote a certain way.

¹³ Susan C. Stokes, Thad Dunning, Marcelo Nazareno and Valeria Brusco, *Brokers, Voters, and Clientelism: the puzzle of distributive politics* (Cambridge: Cambridge University Press, 2013), chapter 6.

¹⁴ For noteworthy attempts to define clientelism precisely, see Tina Hilgers, "Clientelism and conceptual stretching: differentiating among concepts and among analytical levels," *Theory and society* 40, (2011): 567-588, and Simeon Nichter, "Conceptualizing vote buying," *Electoral Studies* 35, (2014): 315-327.

Today, the public perception of foul play in elections is quite high, proving that vote buying did not quite disappear with Mexico's transition to democracy. For the *Mexico 2012 Panel Study*, twenty-two percent of respondents totally agreed that politicians frequently try to buy votes in their community; and twenty-one percent agreed that many in their community sell their votes in exchange for gifts, favors, or access to a service.¹⁵ Interestingly, another survey with a completely different methodology found similar numbers: in response to a poll by *Carta Paramétrica* during the campaigns, twenty-four per cent of those polled reported that they, or someone they trusted, had witnessed a fraudulent action during a recent election.¹⁶

Clientelism is a legacy of the hegemonic period, during which the PRI is known to have employed a variety of techniques for obtaining votes undemocratically. This is especially true in the "province," as regions outside Mexico City are often referred to. Since the early twentieth century, the official party started co-opting strongmen, or *caciques*, in local communities, giving them privileged access to government resources. In exchange, these caciques were commissioned to reward members of their communities for their electoral support.¹⁷ While the 1990s did see impressive efforts at cleaning up the election process by creating new electoral institutions and passing detailed legislation through Congress, much of this effort focused on eradicating vote *fraud*. As a result, fraudulent practices on Election Day such as stuffing ballots boxes, forging tally sheets, or tampering with computers storing the results, have virtually disappeared. But more subtle manipulation practices occurring before Election Day were not properly addressed – in particular, a plethora of vote-inducing practices generally categorized as *clientelistic* have survived through the years. Many of these practices have been illegal for a long time, but enforcing their prohibition has been very uneven, with some localities in the province showing more impunity for offenders than others.

Such impunity seems to have prevailed in 2013 during local elections in the state of Veracruz while having a PRI governor. A series of incriminating audios and videos were leaked to the media with conversations among state officials and party leaders discussing the misappropriation of government resources for vote buying. In preparation for the upcoming contest, the Finance Secretary of Veracruz gave instructions that all benefits from a large antipoverty program called *Oportunidades* should actually be delivered by PRI representatives instead of nonpartisan government

¹⁵ Ana L. De la O, "How Governmental Corruption Breeds Clientelism," in Jorge I. Domínguez, Kenneth F. Greene, Chappell H. Lawson and Alejandro Moreno, eds., *Mexico's Evolving Democracy: A Comparative Study of the 2012 Elections* (Baltimore, Maryland: Johns Hopkins University Press, 2015).

¹⁶ Roderic A. Camp, "The 2012 Presidential Election and What It Reveals about Mexican Voters."

¹⁷ Kevin J. Middlebrook, "Caciquismo and Democracy: Mexico and Beyond." *Bulletin of Latin American Research* 28, no. 3 (2009): 411-427.

employees. Oportunidades is federally funded, but orders were given to clearly tell the four thousand recipients that benefits came from local PRI candidates in exchange for their support in the election. At a party meeting, he explained his rationale the following way:

“If our operators delivering the benefits are at the same time keeping tabs on the good behavior of recipients of Oportunidades, if we commit to that, I am sure those recipients will be on our side. (...) At the end of the day, we are handing out scholarships for kids, but we could also call them *salaries*, couldn't we? Imagine having 4000 people on our payroll, it is enormous! (...) This is how the network gets started.” (Finance Secretary of the State of Veracruz, author's translation.)

While any Mexican citizen could have suspected that practices of this kind were taking place, hearing such explicit words when they were leaked to the media did come as a shock – it gave a sense of how generalized this behavior still is in political culture. The scandals from Veracruz involved members of the PRI, but are they the only actors to blame? Given the fact that it governs some of the states with highest levels of corruption, it is often inferred that clientelism benefits this party more than other ones. However, one should not believe that the PRI is the only party engaging in illegal or borderline-legal practices for electoral benefit. To varying degrees, all political parties with elected officials have been accused of misusing their budgets in recent times. In a survey question from the *Mexico 2012 Panel Study*, the three major parties were mentioned as having offered respondents a gift or a favor in exchange for their vote. The proportion of times that each party was mentioned was 31% for the PRI, 18% for the PRD, and 9% for the PAN.¹⁸

PRD officials are particularly often mentioned as abusing their resources in Mexico City, especially in the city's administrative units called *delegaciones*, which are akin to municipalities. During fieldwork in those PRD bastions, Tina Hilgers documented the resources that local governments commonly use to procure the support of specific groups of citizens having electoral strength. Some PRD factions were particularly successful at inducing the political participation of senior citizens: in several municipalities, these factions organized gatherings at government community halls to provide baskets of basic food items to the elderly. However, according to the author, only those senior citizens whose signatures figured in attendance lists to party

¹⁸ Ana L. De la O, “How Governmental Corruption Breeds Clientelism,” 11.

meetings and rallies were given the food. Seniors who chose not to involve themselves with the party went empty-handed.¹⁹

The PAN is also suspected of engaging in clientelism, though to a lesser degree. Nichter and Palmer-Rubin suggested that the PAN prefers not to engage in vote buying for fear of turning off its base of middle-class voters who are less amenable to clientelist offers.²⁰ Yet some accusations have recently come to light. The phone conversations of the previous head of Oportunidades in the state of Veracruz (right before the scandals by PRI members mentioned above), were secretly taped at the beginning of 2012 to be leaked to the media. The discussions from the program's regional director, a member of the PAN designated by the PAN's federal administration, seem to suggest an attempt to manipulate the program: we can hear him offering to hire party sympathizers as program operatives. The recordings do not state an explicit goal, but it is presumed that such operatives served as party brokers while delivering the program's benefits.²¹

Taken together, these examples suggest an entrenched pattern across the country: citizens seem to be quite exposed to undue pressures in elections. In fact, the following evidence suggests that voters are not only being bought, but also coerced.

Vote coercion

Within the menu of clientelistic methods available to political actors to manipulate elections, this paper has shown that vote buying is still frequent in Mexico. The other side of the coin is vote coercion. If we define *vote buying* as the exchange of gifts and favors explicitly in exchange for the individual's vote, then we could define *vote coercion* as the threat of withholding a certain benefit or administering some punishment if the individual does not vote a given way. When trying to influence the voter improperly, the former can be understood as a carrot while the latter is a stick. Both practices have already been classified as crimes in the Mexican law: the Federal Penal Code contemplates sanctions for those who get the voter to "compromise his vote in favor of a given party or candidate using threats or promises."²² Hence in theory, if an effective rule of law existed in the country, such manipulation should have been

¹⁹ Tina Hilgers, "Causes and consequences of political clientelism: Mexico's PRD in comparative perspective," *Latin American Politics and Society* 50 (2008): 123-153.

²⁰ Simeon Nichter and Brian Palmer-Rubin, "Clientelism, Declared Support, and Mexico's 2012 Campaign," in Jorge I. Domínguez, Kenneth F. Greene, Chappell H. Lawson and Alejandro Moreno, eds., *Mexico's Evolving Democracy: A Comparative Study of the 2012 Elections* (Baltimore, Maryland: Johns Hopkins University Press, 2015).

²¹ *Animal Político*, "PRI le revira al PAN: También compraron votos con 'Oportunidades'," 23 April, 2013.

²² Article 403, fraction XI, of the Federal Penal Code.

deterred. Yet, regulations are still inadequately implemented such that every election remains vulnerable to these practices.

An indirect test of these claims may come from looking at the behavior of a special demographic group: rural voters. There are several reasons why rural areas are particularly vulnerable to clientelistic practices such as vote buying and vote coercion. Supervision from electoral authorities and civic organizations is harder than it is in urban areas; and the economic needs of rural voters are amenable to exploitation. Indeed, local authorities can promise to deliver concrete goods and services in exchange for the community's political support; or they can threaten to withhold these goods and services otherwise. In the past, the government has used roads, schools, hospitals and subsidies as currency in exchange for votes in rural communities.

Many peasant and indigenous populations are already structured around a community leader, often referred to as *cacique*, controlling a bloc of votes. *Caciquismo*, as explained by Kevin Middlebrook, has traditionally been most common in rural areas where geographical isolation enables the rule of a local boss. These *caciques* tend to be quickly identified and co-opted by the political faction dominating the area to ensure the loyalty of their followers.²³ Vertical configuration of these communities dates back to the PRI's hegemonic period, when peasants and indigenous populations were co-opted by corporatist organizations such as the National Peasant Confederation (CNC) or the National Indigenist Institute (INI). Such organizations helped mobilize local communities, which in turn prevented the emergence of a genuine civil society, as argued by Sharon Lean:

"Reforms instituted by the ruling party during the late 1930s consolidated a corporatist system. All of the major social forces (peasants, labor and the popular sector) were organized within the auspices of the one-party state. In this way the Mexican state, and therefore the PRI, occupied a strong, practically invulnerable presence in economic, political and social realms. For decades, autonomous civic organizing was suppressed."²⁴

The rural-versus-urban composition of Peña Nieto's vote is thus interesting to look at. As expected from past elections, in 2012 the PRI did exceptionally well in rural areas.²⁵ According to exit polls, while Peña Nieto won both types of localities, he won the rural vote by a much larger margin than the urban vote. He surpassed López Obrador by 14% in rural areas but only by 5% in urban areas.²⁶ In addition to rural

²³ Kevin J. Middlebrook, "Caciquismo and Democracy: Mexico and Beyond."

²⁴ Sharon Lean, "Civil Society and Electoral Accountability in Mexico," APSA Annual Meeting Paper (August, 2010): 7.

²⁵ Gilles Serra, "Demise and Resurrection of a Dominant Party: Understanding the PRI's Comeback in Mexico." *Journal of Politics in Latin America* 5 (3), December 2013: 133-154.

²⁶ *Consulta Mitofsky*, "México 1º de julio 2012: Perfil del votante," July 2012.

areas, Díaz-Cayeros et al. found that Peña Nieto was favored in indigenous communities as well.²⁷ These findings cannot be explained by policy platforms alone, given that agricultural and indigenous programs did not feature prominently in any party's agenda. Rather, such observations are suggestive of machine politics at work.

Another demographic group that is openly vulnerable to vote coercion is state employees. Indeed, a resource that governors and mayors are often able to tap into is their bureaucracy. A department or ministry can often coerce its employees into voting for the incumbent party by threatening them with work-related punishments, such as withholding their salaries or firing them from their jobs. Mobilization of the state's corporatist apparatus was a main source of stability for the PRI regime in the twentieth century. According to Díaz-Cayeros et al., this type of corporatism still played in the PRI's favor in 2012. The authors used data at the precinct level to test the effect of a large number of socio-demographic variables. Notably, among the 66 thousand precincts in the country, they identified those with most bureaucratic voters, meaning those with a highest concentration of state employees.²⁸ In principle, these precincts were expected to favor the leftwing candidate from the PRD; indeed, according to the authors, state employees perceived López Obrador as promoting a larger state apparatus guaranteeing their job stability. Accordingly, he did win the bureaucratic vote across the country – with the exception of precincts that were governed by the PRI which tended to be won by Peña Nieto instead. Díaz-Cayeros et al. interpreted this result as evidence of PRI governments mobilizing their local bureaucracies.²⁹

Insight into this *modus operandi* can be obtained from taped conversations between officials in the state of Veracruz with PRI leaders. As mentioned in the previous section, these conversations were leaked to the press following the election of 2013. At meetings that were supposed to be secret, the Secretary of Finance explained how he pressured the employees at his department to join the partisan operations. His exceptional bluntness is worth quoting:

“The whole Department of Finance is joining us! I have been making rounds, greeting all our colleagues in the Department. They are more than 2,300, and obviously my greetings are followed by the invitation, not voluntary but compulsory, to come here to join our operations. (...) It goes without saying that this will be the political structure to seek victory in the election this seventh of July.” (Finance Secretary of the State of Veracruz, author's translation.)

²⁷ Alberto Díaz-Cayeros, Beatriz Magaloni, Jorge Olarte and Edgar Franco, “La Geografía Electoral de 2012,” CDDRL Stanford, Program on Poverty and Governance (2012).

²⁸ Measured by the number of affiliates to the public servants' health care system (ISSSTE).

²⁹ Díaz-Cayeros et al., “La Geografía Electoral de 2012,” p. 15.

It should be noted that other parties, such as the PRD, have also been found to coerce the political support of citizens. Tina Hilgers interviewed residents in Mexico City who were applying for housing credits. The interviewees recounted that upon applying for a government loan, they were asked whether they were affiliated to one of the popular organizations associated to the party, such as a squatter organization. If not, the authorities kept them waiting. If they did have an affiliation to one of the powerful squatter organizations allied with the PRD, they were given preferential credit, but in exchange, they are asked to participate in party rallies.³⁰ One of her interviewees complained that demonstrating and protesting with the party was obligatory in order to get the mortgage:

“As long as you don't have a house, you do whatever they say to get it. And you say whatever it is they tell you to say: Down with the PRI, down with the PAN. Once you already have a house, you stop going. The [organization associated with the PRD] enslaves people. It exploits them as much as it can.” (Interview reported by Tina Hilgers.)

PAN governments have also been accused of coercing the vote of their employees; hence all the big parties can be blamed for this conduct.³¹ It is not surprising, therefore, that according to the exit poll carried out by the NGO *Alianza Cívica*, 28.4% of citizens were exposed to vote coercion or vote buying.³² According to this poll, out of those cases, 71% were attributed to the PRI, 17% to the PAN, and 9% to the PRD. Given the high incidence of these practices, it is germane to enquire about the possible solutions that could be adopted.

The insufficient reforms of 2014

Vote buying and vote coercion by the PRI were two of the main accusations against Peña Nieto's victory in 2012.³³ So both problems have already been recognized by the political class as pressing concerns. Both the PAN and the PRD demanded a legal reform addressing such issues if they were to accept the legitimacy of future contests, placing it as a precondition to support any piece of Peña Nieto's program. Considering the post-election conflict which soured the political mood in 2012, a comprehensive review of the electoral system initially seemed like a good idea. The experience from “older democracies” indicates that a hotly contested election may, under favorable

³⁰ Tina Hilgers, “Causes and consequences of political clientelism,” 143.

³¹ *AF Medios*, “Senadores del PRI denuncian coacción del voto en Colima para el PAN,” April 30, 2015.

³² *Aristegui Noticias*, “Todos los partidos compraron o coaccionaron votos: expertos en CNN,” July 6th, 2012.

³³ Gilles Serra, “The 2012 Elections in Mexico: Return of the Dominant Party.” *Electoral Studies* 34 (June 2014): 349–353

conditions, precipitate institutional reforms to overcome partisan conflict.³⁴ In addition, the PRI needed support in Congress; so it agreed reluctantly to include election reform in the legislature's agenda. In tandem with other critical discussions, the parties intensely debated changes to the electoral framework throughout 2013, finally voting on a Constitutional amendment that became law in February of the following year. Ordinary laws were discussed in the spring, leading to hefty new legislation in the summer of 2014. The old electoral code³⁵ was replaced by two separate laws regulating elections³⁶ and political parties³⁷ respectively; and a number of statutes in other laws were also modified to accommodate and expand the constitutional amendments. The legislative endeavor was ambitious: the amount and depth of the changes to the legal framework are on par with the transformative reforms of the 1990s. As I argue later however, they are unlikely to become as positive for the quality of democracy as those reforms in the nineties were.

The most dramatic aspect of the reforms was dissolving the election management bodies at the subnational level. Prior to 2015, local elections used to be organized by local officials: each state was in charge of running its own electoral management body (EMB), with the state Congress selecting its staff and attributions. So, while the national government organized the elections for president and federal legislators, the states were in charge of organizing the elections for governors, mayors and local legislators. This political arrangement was considered a pillar of Mexican federalism, having been in place for half a century since the first modern electoral reform.³⁸ In many states, however, the governors are believed to have acquired too much control over their EMB, either by co-opting or bullying their staff. For instance, state congresses, acting as agents of the incumbent party, have been known to intimidate members of the statewide EMB by threatening to withhold their salaries or to replace them with loyal partisans. As a result, these electoral officials have turned a blind eye on clientelistic practices using government resources.

As a result there has been a sharp asymmetry between the independence and professionalism of the federal EMBs compared to the local ones. The tension between national and subnational authorities on electoral matters reached an extreme level in the state of Yucatán in the year 2000. An old-school PRI governor accustomed to authoritarian rule, decided to stack the local EMB with loyalists in preparation for the

³⁴ As argued in Laurence Whitehead, "Closely Fought Elections and the Institutionalization of Democracy," *Taiwan Journal of Democracy* 2, no. 1, (2006), 6.

³⁵ The Federal Code for Electoral Institutions and Procedures (COFIPE).

³⁶ The General Law for Electoral Institutions and Procedures (LEGIPE).

³⁷ The General Law for Political Parties (LGPP).

³⁸ The creation of distinct and autonomous EMBs at the subnational level dates from the Federal Electoral Law enacted by President Manuel Ávila Camacho in 1946.

upcoming election in his state. He seemed unaware of the new democratic times in Mexico, ushered by the creation of independent electoral institutions which included an assertive Federal Electoral Tribunal (TRIFE). A serious conflict was detonated when the TRIFE ordered the state of Yucatán to dissolve the local EMB replacing it with a more neutral one. The governor, backed by the state Congress with a majority of PRI legislators, refused to comply. In response, the TRIFE magistrates actually traveled to Yucatán to choose a new local EMB themselves. They used an unbiased method to choose the election organizers for this second EMB – but the state Congress refused again to replace the pro-PRI staff with this new one chosen by the federal authorities. Local PRI leaders resorted to regional rhetoric accusing the national “empire” of violating the sovereignty of the “Republic of Yucatán.”³⁹ The governor’s allies even made references to the Aztecs invading Mayan territory as an analogy to the federal government interfering in state politics.⁴⁰ Only when the TRIFE threatened to send in the army and the federal police did the governor accept to let the legal EMB take office replacing his previously chosen EMB. The publicized conflict was costly to the local PRI, which lost the subsequent election in Yucatán for the first time in seventy-two years. More broadly, these events underlined the degree to which local EMBs were prone to capture by their states’ governors.

Since 2012, some remedy had been requested by opposition parties. The PAN’s caucus in Congress first presented the idea of centralizing election management: it introduced a bill in the fall 2013 laying out a plan to dissolve the subnational EMBs, replacing them with branches directly appointed by the national EMB. When the PRD supported the proposal, the PRI had to yield in this request which became the backbone of the 2014 electoral reform. Somewhat ironically then, these two parties opted for sacrificing the EMBs’ independence from the federal government in order to increase their independence from state governors. As a result, Mexico now has a system to manage elections that has been called “hybrid”: local bodies are in charge of organizing local elections and sanctioning local actors while nevertheless reporting to a federal body. The national EMB is henceforth in charge of appointing and removing the members of the subnational EMBs, and can even take over the entire election process if a statewide EMB is deemed unable to do so competently. To reflect these major changes, the name of the national EMB changed from Federal Electoral Institute (IFE) to National Electoral Institute (INE). In turn, the subnational EMBs changed their name from State Electoral Institutes (IEE) to Local Electoral Public Organizations (OPLE).

³⁹ José Antonio Crespo, “La Doctrina Cervera,” *El Universal*, February 12, 2001, p. A30.

⁴⁰ Proceso, “Yucatán: período preelectoral, sin Consejo Electoral,” November 18, 2000.

The radical reforms transforming the IFE into the INE will undeniably affect the conduct of elections throughout the country; but one may already doubt the degree to which democratic processes will actually improve. Unfortunately, important opportunities were missed in this round of legislation. It may be, as legislators intended, that local EMBs will become more independent from special interests at the state level. As members of the local EMBs become more professional and self-assured, we can expect them to carry out election procedures more efficiently and reliably: votes will be tallied more accurately, results will be more trustworthy, and the fear of fraud will be further deterred. These are valuable accomplishments, but they are somewhat redundant. In Mexico, even at the subnational level, the results from official vote counts were already quite reliable. And fears of election-day fraud had generally dissipated in spite of periodic accusations by losing candidates. Changes of a different nature might thus be necessary to address the real problems at their root.

Difficult elections in 2015











The midterm elections of 2015 were the first test of these new reforms. On June 7th, the Chamber of Deputies, which is the lower house of Congress, was fully renovated. There were concurrent elections for governors in nine states out of the thirty-one states and the Federal District. Overall, the results reflected a deep discontent with the established party system, which has traditionally been composed of three large parties, the PRI, the PAN and the PRD. These three parties are by no means equivalent to each other programmatically, nor will they necessarily form parliamentary alliances. But analytically, they are often bundled together as representing a nascent partyarchy that might be monopolizing power in detriment of smaller organizations and civil society.⁴¹ As can be seen in Table 2 below, the three main parties in Mexico maintained their dominance in the federal Congress – but their presence has markedly diminished. In 2015, the added vote of the PRI, the PAN and the PRD reached 61%, which is much lower to the one in 2012 of 76%, or the one in 2009 of 77%.⁴² This lost vote went to newer parties, such as the combative leftwing party Movimiento de Regeneración Nacional (MORENA) and the more pragmatic Movimiento Ciudadano (MC). At the subnational level, political parties also lost votes to candidates who were allowed by the 2014 electoral reforms to run independently for the first time in modern Mexican history. Some of these independent candidates were able to capture the voters' imagination, such as the new governor of the state of Nuevo León, nicknamed "El Bronco," who was able to beat all parties by a large margin. These losses were interpreted by many observers as a punishment by voters against the perceived partyarchy or "partidocracia" in Mexico.⁴³

⁴¹ See for example Gilles Serra, "The Risk of Partyarchy and Democratic Backsliding," *Taiwan Journal of Democracy*, Vol. 8, No. 1, July 2012, pp. 93-118.

⁴² The shares of the vote for the Chamber of Deputies for the PRI, the PAN and the PRD were: 29%, 21% and 11% in 2015; 32%, 26% and 18% in 2012; and 37%, 28% and 12% in 2009 respectively.

⁴³ José Antonio Crespo, "¿Cuál descontento?," *El Universal*, June 15, 2015.

**TABLE 2: MIDTERM ELECTION TO RENOVAE THE CHAMBER OF DEPUTIES,
JUNE 7TH, 2015**

Logo	Party	Number of votes	Vote share
	Institutional Revolutionary Party	11,638,675	29.18%
	National Action Party	8,379,502	21.01%
	Democratic Revolution Party	4,335,745	10.87%
	National Regeneration Movement	3,346,349	8.39%
	Green Ecological Party of Mexico	2,758,152	6.91%
	Citizen Movement	2,431,923	6.09%
	New Alliance	1,486,952	3.72%
	Social Encounter	1,325,344	3.32%
	Labor Party	1,134,447	2.84%
	Humanist Party	856,903	2.14%
	Independent Candidates	225,500	0.56%
	Null votes and non-registered candidates	1,953,265	4.89%
Total		39,872,757	100.00%

Source: Official results by the National Electoral Institute (INE) after 100% of precincts were tallied but before any appeals by the losing candidates.

Notably, this was the first contest where the national EMB, the INE, was in charge of supervising the local elections in addition to the federal ones; and it was also the first to be held under supposedly stricter rules for parties and candidates based on the 2014 reform. Any normative evaluation of these democratic processes would reach mixed conclusions. On the positive side, while this campaign season was unusually prone to violence, especially from drug cartels,⁴⁴ the electoral institutions were again successful at conducting a fairly orderly process. In particular, the INE was praised for carrying out a timely, clean and transparent tally of the votes – including on this occasion the votes of all subnational contests. However, on the negative side, the weeks and months before Election Day were full of accusations of vote buying⁴⁵ and vote coercion⁴⁶ on behalf of parties and candidates, which seems to indicate that such problems did not diminish at all. The 2015 campaigns therefore provide evidence in favor of a main point in this paper, namely that consolidation will probably not come from additional electoral reforms. Rather, as I elaborate in the conclusions, democratization at the subnational level will necessitate a new culture of respect for the law.

⁴⁴ Up to six candidates were assassinated and one was kidnapped in this cycle of elections. See *CNN México*, “Los hechos violentos ocurridos en 2015 superan a otras elecciones,” June 16, 2015.

⁴⁵ Carlos Elizondo, “La prueba de fuego del INE,” *Excélsior*, June 18, 2015.

⁴⁶ Ricardo Raphael, “¿Votaría usted por un depredador?,” *El Universal*, April 16, 2015.

Conclusions

Finishing the transition at the subnational level

As argued in this paper, other manipulation practices unrelated to the technical vote count should be the main worry today. Vote buying and vote coercion currently represent two serious obstacles to Mexico's consolidation as a modern democracy. These obstacles are not exclusive to Mexico, of course. Unconsolidated democracies regularly feature scandals of high-ranking politicians acquiring large sums of money of questionable provenance in order to win elections through patronage and clientelism. Well-known examples in Latin America include Fernando Collor de Mello in Brazil, Ernesto Samper in Colombia, Alberto Fujimori in Peru and Carlos Andrés Pérez in Venezuela.⁴⁷ In Mexico, such problems exist as a legacy of the hegemonic period during which it was common to grant special privileges to loyal allies through discretionary spending. The country still needs to shed all remaining practices inherited from authoritarianism in order to transition from an electoral democracy to a liberal one. However, this is unlikely to be achieved with yet more election reforms, as longstanding practices by corrupt rent-seekers are unlikely to disappear by decree.

These problems are especially acute at the subnational level. Several regional governments are suspected to carry out undemocratic practices to influence elections. This might explain the presence of a "reverse coattails effect" in Mexico, whereby a candidate tends to do much better in states with co-partisan governors.⁴⁸ One of the striking features of Table I is the uneven political and economic development across regions. Differences in their stages of democratization are particularly stark: while some states routinely display highly competitive elections, other states have never experienced a power shift – they have been ruled by the same party since the 1930s.⁴⁹ In fact, some of the states at the bottom of this list can practically be considered *electoral authoritarian*: well into the twenty-first century, they still need to transition to genuine democracy.⁵⁰ Therefore it would not be an exaggeration to claim that Mexico, at the subnational level, needs regime change. The standards of transparency and

⁴⁷ For details on all these cases, see Laurence Whitehead, *Democratization: Theory and Experience*, (Oxford: Oxford University Press, 2002) chapter 5.

⁴⁸ Roderic A. Camp, "The 2012 Presidential Election and What It Reveals about Mexican Voters," *Journal of Latin American Studies*, (2013) Vol. 45, pp. 451-481

⁴⁹ In nine states, the PRI has still never lost an election in over eighty years: Campeche, Coahuila, Colima, Durango, Estado de México, Hidalgo, Quintana Roo, Tabasco and Veracruz.

⁵⁰ Allyson Benton, "Bottom-Up Challenges to National Democracy: Mexico's (Legal) Subnational Authoritarian Enclaves," *Comparative Politics*, Vol. 44, No. 3, April, 2012, pp. 253-71.

accountability that have started taking root in some areas should disseminate across all geographical regions. Conceptually, I suggested in the introduction that a polity with such uneven political development should not be considered a liberal democracy. By definition, consolidation ought to require a proper dissemination of democracy across geographical regions and levels of government. This would be a natural extension of Larry Diamond's definition, stating that "Liberal democracy extends freedom, fairness, transparency, accountability, and the rule of law from the electoral process into all other major aspects of governance."⁵¹ I propose that these features should also be extended into all administrative divisions.

In addition to the quantitative summaries in Table I, qualitative evidence from each particular state also provides support for these claims. Veracruz, for example, suffers from serious structural and institutional flaws. It is one of the few remaining regions that have never experienced a power shift in eighty years, having been ruled by the same party, the PRI, since the 1930s. As a result, Veracruz is considered to have a "low democratic development" as indicated in Table I. Recent legislation in the state has been particularly worrisome. In 2013, the same year when government officials were engaging in the corrupt activities that were mentioned in previous sections, the state congress was passing laws to limit free speech. In particular, sanctions were approved against "disturbances of the social order" by spreading "rumors" through any media. This legislation basically opened the possibility of imprisoning up to four years anyone critiquing the government's performance using Twitter and Facebook. Another incident marked a dark year for freedom of speech in this state: a senior correspondent of magazine *Proceso*, known for her outspoken critiques of the government, was found beaten and murdered inside her home. The motive is suspected to be her investigations linking drug traffickers to politicians in her state.⁵² Hence evidence from Veracruz confirms that problems in many Mexican regions are profoundly structural rather than simply electoral.

Solutions should thus focus on holistic institutional changes. In this regard, the lengthy political reforms of 2014 seem to fall short. Transforming the IFE into the INE by centralizing the management of local elections had some theoretical merits, such as granting electoral officials independence from overbearing governors. But this will not suffice to curb longstanding clientelistic practices in many localities, let alone implement broad regime change. A comprehensive package of measures to increase monitoring and sanctioning at the state level could be more effective. A real division of powers ought to arise in all states. To be specific, subnational executives should be effectively

⁵¹ Larry Diamond, "Thinking About Hybrid Regimes," 35.

⁵² María Fernanda Somuano Ventura and Reynaldo Yunuen Ortega Ortiz, "IDD-Mex: Índice de Desarrollo Democrático 2013," available at www.idd-mex.org.

checked by their legislatures; regional judiciaries should have more resources to be genuinely independent; and media independence should be respected across the board. In addition, the legal framework needs to be reformed beyond electoral matters: sweeping transparency laws should finally be enacted in all the states, and municipal expenditures should be regulated more tightly. Finally, to better supervise the implementation of all these measures, the numerous civic organizations arising recently should be empowered to serve as democratic watchdogs.⁵³ To sum up succinctly, Mexico must find the means for a more rigorous observation of the rule of law.

Analysis of the Mexican case is thus consistent with a general conclusion from Laurence Whitehead, remarking that in a liberal constitutional order “the first line of defense against the abusive use of money power in democratic politics is likely to be the rule of law.”⁵⁴ This lesson is not only germane to Mexico but might be applicable more broadly, especially to other electoral democracies that are similarly placing their hopes on a continuous stream of legal reforms.⁵⁵ The Mexican experience illustrates that electoral legislation can indeed have remarkable success in dismantling a state apparatus for election fraud. And yet, the extra steps toward liberal democracy seem to require an effective implementation of the existing laws rather than continually creating new ones.

⁵³ Sharon Lean, *Civil Society and Electoral Accountability in Latin America* (New York: Palgrave MacMillan, 2012).

⁵⁴ Laurence Whitehead, *Democratization*, chapter 5.

⁵⁵ Indonesia, for instance, has revised its electoral system so frequently in the last fifteen years that observers claim the successive reforms have not even had a chance to be fully implemented. See Edward Aspinall, “Parliament and Patronage,” *Journal of Democracy*, Volume 25, Number 4, October 2014, pp. 96-110.

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