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The Mexican Elections

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Theme: After the tightest of presidential outcomes in Mexico on 2 July, Andrés Manuel López Obrador, candidate of the Party of the Democratic Revolution (PRD), has refused to accept the results which he claims are tainted by irregularities.

Summary: After the tightest of presidential outcomes in Mexico on 2 July, Andrés Manuel López Obrador, candidate of the Party of the Democratic Revolution (PRD), has refused to accept the results which he claims are tainted by irregularities. Mexico's political history is one of sham elections where incumbents have shamelessly used the spoils of office to support their candidates. Once settled, might the 2006 election embolden modernisers across the political spectrum to bolster transparency, exercise leadership and strengthen accountability to the citizenry? Could it lead to significant changes in electoral laws and regulations as the aftermath of the 1988 election did?

Analysis: Mexico has been on edge after the tightest of presidential outcomes. At 11:00pm on Sunday 2 July, Luis Carlos Ugalde –chairman of the Federal Electoral Institute (IFE)– reported that the race was too close to call and asked the candidates not to claim victory. Minutes later, Andrés Manuel López Obrador of the Party of the Democratic Revolution (PRD) proclaimed himself the winner by 500,000 votes. Shortly after, Felipe Calderón of the National Action Party (PAN) also claimed the mantle of victory, citing quick counts and preliminary results (PREP) which gave him a scarce one-point advantage over López Obrador. Later, the PAN's margin fell to 0.6 when the IFE included in the PREP some 2.6 million ballots with 'inconsistencias', which López Obrador had denounced as 'disappeared'. On 5 July, all 300 district councils –the regional electoral districts– started reviewing the tally sheets attached to 130,488 boxes (*paquetes electorales*) containing the ballots of nearly 42 million Mexicans.

By Thursday afternoon, the tally-sheet review had concluded, and Ugalde announced a Calderón lead of 0.58 percentage points, or 243,934 votes over López Obrador. Though congratulated by the US President and the Prime Ministers of Canada and Spain, Calderón is not yet President-elect. In Mexico, no results are official until the Federal Electoral Tribunal (TEPJF, popularly known as the Trife) certifies the election, which must happen no later than 6 September. In 2000, the IFE announced Vicente Fox's six-point advantage over Francisco Labastida of the Institutional Revolutionary Party (PRI) late on election night. While also unofficial until the Trife's certification, the margin then was truly insurmountable.

On 9 July, the PRD lodged a judicial complaint that alleged a lack of impartiality and objectivity (*imparcialidad y objetividad*) in the presidential election. Under Mexican law, López Obrador has every right to impugn the election. At issue, however, is his demand to open all the boxes so that votes can be recounted, one by one. Most experts interpret current law to prohibit a complete recount without cause. Three are cited for opening a

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box: if it shows evidence of tampering, if its tally sheet is missing, or if the tally sheet does not match the one given to the electoral-council President. Under these criteria, some boxes were opened during the tally-sheet review. Others contend that the law's conditions for a recount apply only to the electoral process under the IFE's supervision; if so, the Trife would have to be convinced to authorise a vote-by-vote recount in those electoral packages where clear evidence is presented to call them into question. More serious still is López Obrador's assertion of an 'electoral swindle' (*defraudación electoral*) to rob him of the presidency. The PRD has even conjured up the ghosts of 1988 when brazen fraud deprived the leftist Cuauhtémoc Cárdenas of victory. Ahead before a mysterious computer breakdown, Cárdenas ended up 'losing' to the PRI's Carlos Salinas.

A Fraudulent Election?

Irregularities due to human errors –such as accidentally misreading or annulling a ballot– happen in the cleanest of elections. Inconsistencies are certainly magnified when the outcome is as close as Mexico's on 2 July. Ugalde and the IFE may well have proceeded within the letter of the law when excluding 2.6 million ballots for the initial preliminary results. All political parties had signed off on the software to produce these results, which was programmed to segregate ballots deemed inconsistent at the local polling stations (the same methodology was used in the 2000 presidential election and the mid-term elections of 1997 and 2003), The IFE is certainly guilty of extraordinarily poor judgment in not immediately acknowledging the 2.6 million votes –which had never 'disappeared'– as well as not informing the public of their exclusion in the initial PREP. But fraud is another matter entirely.

The Mexican electoral system is one of the most transparent in the world. On 2 July, four ordinary citizens –selected at random and trained to preside over and count their neighbours' ballots– and representatives of the political parties or coalitions supervised each and every one of the 130,488 polling stations; the three major parties and coalitions –PAN, PRD-Workers' Party-Convergence and PRI-Green Party– also fielded their representatives in more than 95%. At each station, votes were counted, each candidate's votes registered and the tally sheets attached to the ballot package. Political representatives were handed copies of the tally sheet. Close to 2 million citizens –local councillors, party representatives and election observers– oversaw the voting and counting. Subsequently, the polling-station President and the political representatives turned over the ballot package and tally sheet at their corresponding electoral-district council. On 5-6 July, the tally sheets were verified at 300 electoral-district councils in the presence of an IFE official, six citizen councillors and political-party representatives. Premeditated fraud and election-day trickery are, thus, virtually impossible. In addition, the IFE quick counts, the PREP and the tally-sheet review all yielded practically the same results. Twelve independent quick counts contracted by mass-media organisations and civil-society groups did as well.

On 6 July, José Woldenberg –IFE President from 1996 to 2003– wrote in the daily *Reforma*: 'Comparing 1988 and the present situation is delirious. Then, the political parties did not have the overwhelming majority of tally sheets in their possession; today, they do. Then, it was impossible to reconstruct –in a trustworthy manner– the election result; today we can, polling station by polling station' ("*Comparar la situación actual con el 88 no es más que un delirio. Entonces los partidos no tenían la inmensa mayoría de las actas de escrutinio y hoy sí; entonces no se pudo reconstruir –de manera confiable– el resultado de la votación, y hoy sí, casilla por casilla*"). On the issue of fraud, Woldenberg reflects the view of most Mexican experts, analysts and non-PRD politicians. Most, however, are critical of the IFE's ineptness. At the same time, almost all recognise López Obrador's right to impugn the election.

Well before 2 July, the IFE's prestige had, unfortunately, diminished from its heyday under Woldenberg. When the time came in 2003 for the Chamber of Deputies to name a new electoral council, the PRI and the PAN ended up dividing its nine members among themselves: five Priistas, four Panistas. The PRD mishandled the negotiations by insisting on the re-election of one or more of the members, which the law prohibits. The PRI and the PAN simply steamrolled ahead. Though afterwards Ugalde worked to ease Perredista mistrust, the electoral council bore a congenital defect that was hard to overcome. During the campaign, the IFE belatedly reined in the PAN's negative campaign which labelled López Obrador a 'danger for Mexico' (*'un peligro para México'*). On election night, the IFE's failure to publicly acknowledge the existence of 2.6 million inconsistent ballots and their exclusion from the initial PREP only compounded the problem and, clearly, facilitated López Obrador's charge of 'electoral swindle'.

The PRD's judicial strategy is two-pronged. The first was met on Sunday when at 11:40 pm –20 minutes before the midnight deadline– the party deposited nine boxes of evidence that supposedly prove that the presidential election did not meet the conditions of fairness stipulated in the Constitution. Among the charges are: a biased IFE that did not stop the PAN's 'dirty war' against López Obrador, particularly via paid, political advertisements on television; the PREP's manipulation, especially the omission of the 2.6 million votes; partisan use of voter registries and of social programmes; and President Vicente Fox's campaign interventions in favour of Calderón. These charges address generic irregularities (*irregularidades genéricas*) that allegedly created an uneven campaign field and could –if accepted– constitute grounds to annul the election. The second part details specific irregularities in more than 50,000 polling stations won by Calderón that –the PRD contends– justify opening the electoral packages. Though still demanding a vote-by-vote recount, the PRD may have opened the door to a more selective recount by charging irregularities in less than 40% of the packages.

By 13 July, the IFE was to turn over to the Trife all tally sheets, electoral packages, the PRD's judicial complaints and the PAN's challenges in Tabasco, Mexico City, Mexico state, Veracruz, Oaxaca and Guerrero, which López Obrador won handily. The Tribunal had until 31 August to rule on the judicial matters and had to certify a President-elect by September 6. In the meantime, López Obrador and the PRD also followed a political strategy of citizen mobilisations. On Saturday, 8 July, at the Zócalo in Mexico City, at least 200,000 supporters heard López Obrador again say that he had won the presidency, accusing Fox of being 'a traitor to democracy' (*'un traidor a la democracia'*) and pronouncing the IFE guilty of sponsoring an 'electoral simulation' (*'simulación electoral'*). On 12 July, thousands of Mexicans were to begin a pilgrimage from the country's 300 electoral districts and gather in Mexico City four days later for a second demonstration of support for López Obrador. The Trife and the court of public opinion were both in play. Though the Perredista legal case may not –some close to the Trife say, unlikely– find standing, public opinion is entirely another matter.

A Few Political Observations

Sixty percent of eligible voters went to the polls on 2 July. Though participation was four points lower than in 2000, 5 million more citizens voted in 2006. While abstention is particularly worrying in a young democracy, turnout had been predicted at around 55%. Ordinary Mexicans may have considered the three major candidates mediocre and may have felt disgust at the campaigns, but not enough to stay away from the polls. Still, it is sobering that –in a manner of speaking– the winning candidate was 'none of the above', the choice of the nearly 40% who did not vote. By splitting their ballots, voters demonstrated far more sophistication than anticipated. Even though Calderón and López Obrador are separated by 0.58 points in the 35% range, PAN legislators out-pollled the PRD's by almost 4.5 points. Similarly, the PRI's Roberto Madrazo –who failed to win a

single state– received slightly more than 22% of the vote against Priista legislators' 27.5%.

Whomever the Trife certifies as Mexico's President-elect should assume office cognizant that some 27 million of his fellow citizens voted against him. Calderón –the more likely winner– has promised a coalition government and has instructed Josefina Vázquez Mota –a quintessentially professional Secretary of the Ministry of Social Development (*Secretaría de Desarrollo Social*) before becoming the Panista's campaign manager– to open a dialogue with the other political parties and coalitions. López Obrador's history and, especially, the way in which he is impugning the election –not the act itself– deepen the doubts many have about his disposition to govern a deeply polarised country. Would López Obrador, for example, understand that more than 27 million Mexicans rejected his self-contained view of Mexico and supported –albeit to different degrees– an engagement of the outside world?

López Obrador clearly won in one crucial respect. 'First, the poor' (*'Primero, los pobres'*), he never tired of repeating on the campaign trail. Poverty and the millions of dispossessed Mexicans who, for the first time, felt empowered by López Obrador are now centre stage on the national agenda. If certified, Calderón must heed López Obrador's call to demonstrate that he, indeed, would govern on behalf of all Mexicans. He must extend the legitimacy he won at the polls to include those who are now so disappointed. In short, the neediest Mexicans must be brought into the fold of the country's political institutions which is why it is so lamentable that the IFE –if within the law– has not acted with the requisite political sensibilities that might have contained the credibility of the PRD's allegations of fraud.

Mexico's political history is one of sham elections where incumbents shamelessly used the spoils of office to support their candidates. As no PRI President had ever done, Ernesto Zedillo acted like a head of state and stood above the electoral fray in 2000. Sadly, Fox is no Zedillo. His intromission may or may not have helped Calderón. While the President himself remains popular, his wife is not; his stepsons, moreover, are haunted by accusations of corruption. Other incumbents also favoured their candidates, for example, the PRD mayor of Mexico City on behalf of Marcelo Ebrard –the party's mayoral candidate– and, of course, López Obrador's presidential bid. The PRI shaped Mexico's political culture, and all parties are seeped in it. Politics will always be a matter of balance, between openness and behind-the-scenes machinations, leadership and *caudillismo*, citizens and masses. Once settled, might the 2006 election embolden modernisers across the political spectrum to bolster transparency, exercise leadership and strengthen accountability to the citizenry? Could it lead to significant changes in electoral laws and regulations as the aftermath of the 1988 election did?

Mexico's Political Parties

Understandably, all eyes are on the post-electoral conflict. Mexico's political parties should, however, garner some attention. When the dust settles and a president-elect is certified, the parties will be decisive in governing Mexico. Government and opposition will bear the undeferrable burden of crafting consensus for the reforms the country needs if it is to meet the citizenry's pressing demands.

The PRI –once ruling, all-powerful– fared badly. Roberto Madrazo –a deeply flawed, divisive candidate– came in a poor third at little more than 22% and received 3.5 million votes less than Labastida's second-place finish in 2000. Neither did Madrazo win a single state; in 17 (out of 31) and Mexico City, he came in third. In congressional races, the PRI registered 10 points less than in the 2003 mid-term election. Priistas can take minor solace in their close third-place legislative finish, about two points behind the PRD.

How and if the PRI will survive is not yet clear. Some inklings of how it may rise from the ashes are, nonetheless, beginning to emerge. Madrazo conceded the election and declared it clean. In the early hours of 3 July, PAN and PRD officials opened communication with the PRI. The party had to choose between contesting the election – the PRD’s strategy– or seconding the IFE –a tacit tilt toward the PAN, yes, but, more importantly, an emphatic stand for a strictly institutional solution to the electoral crisis. The PAN and the PRD are now pressuring the PRI to take sides by either congratulating Calderón or backing López Obrador’s protests. It has so far resisted the pressures and vowed, instead to stand by the Trife. The party is also set to hold the balance of power in Congress, siding with the PAN or the PRD on a case-by-case basis.

Whether or not López Obrador becomes President, the PRD should act like a winner. It improved its presidential vote by a factor of 2.5: 14.7 million voters now, 5.8 million in 2000. The PRD tallied a strong second in Congress and, of course, handily retained the mayoralty of Mexico City. Yet, the PRD may not be able to capitalise on its gains, particularly if the IFE officially rules for Calderón.

The PRD’s performance on election day was largely due to López Obrador, his compelling message and his powerful coat tails, not to a well-honed national party structure. To broaden his appeal beyond the PRD base, López Obrador reached out to former Priistas as advisors and congressional candidates. Many PRI voters –particularly in the south– split their ballots to favour the PRD for President. The strategy, nonetheless, alienated staunch PRD militants for whom the PRI is worse than the barrel’s bottom. Some of López Obrador’s closest advisors were among the perpetrators of the fraud that robbed Cárdenas of the presidency in 1988. Later, the dubiously installed PRI administration fiercely persecuted hundreds of PRD members. A López Obrador loss may well explode these simmering resentments.

The PAN gained a plurality of deputies and senators. Panistas have a better than even chance of the Trife certifying their candidate. Since July 2, Calderón has called for conciliation and promised an inclusive administration. His own ascendancy within the PAN is itself a reaffirmation of democracy. President Fox and the party machinery backed another candidate who would have wrought a disaster at the polls; PAN primary voters had the good sense to choose Calderón. If he becomes President, would Calderón muster more political skills to govern Mexico than Fox did?

Two minor political parties gained registration on 2 July: Patricia Mercado’s Social Democratic and Peasant Alternative and Roberto Campa’s New Alliance. Mercado received more than 1.1 million votes, conceded the election after the IFE announced its final account on 6 July, and is now supporting the PRD’s demand of a vote-by-vote recount. At the presidential level, New Alliance did not do so well. Campa’s 400,000 votes fell short of the 2% needed for registration. In congressional races, the party gained almost 5%, for a total of nine deputies. Founded by Elba Esther Gordillo, *la maestra* of the teachers’ union, New Alliance was born from the feud between Madrazo and her. Though small, the two new parties will certainly figure in a Congress without an absolute majority.

Conclusion: In 2010, Mexicans will commemorate a twin anniversary: the 200th of their independence struggle and the 100th of the revolution. Mexican society has always wavered between the *México bronco* and the *México pacífico*: the wild Mexico where violence thrives and the peaceful Mexico where democracy has never fully taken root. Resolving the 2006 election so that the *México pacífico* can blossom is of the essence. A polarised campaign and now post-election are not conducive to dialogue and compromise, the only avenues that will allow reconciliation. Modernisers and dinosaurs abound across the political spectrum. It is, however, the hour of the modernisers, of those who are willing to find a middle ground. Will the PRI do in the days ahead what it failed to

do in the campaign, offer a credible third way? Will the PRD remain intransigent in its demand for a full vote-by-vote recount or will calmer heads prevail to draw back from the precipice? Will Calderón's PAN prevail over the retrograde right? In retrospect, ending the PRI's stranglehold on the presidency was easy.

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