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Was Mexico's 2012 Election Undemocratic? Assessing the Fraud Accusations

Importante


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Abstract

This essay studies the main allegations of undemocratic practices in the 2012 election in Mexico, such as vote buying, clientelism and media bias. I evaluate the merit of each accusation based on the available evidence from existing statistical studies, opinion polls, judicial reports, journalistic accounts and other primary sources. One set of allegations fails to convince due to weak, incomplete, or overstated proofs. But another set of accusations does credibly point to old-school manipulation tactics. I discuss the significance on Enrique Peña Nieto's victory of undemocratic practices compared to democratic ones. And the analysis also identifies areas where new legislation would be needed to avoid similar concerns in future elections.

Keywords: Elections, campaigns, fraud, clientelism, media bias

Resumen

Este ensayo estudia las principales acusaciones de prácticas no democráticas en la elección de 2012 en México, tales como compra de votos, clientelismo y sesgo de los medios de comunicación. Evalúo el mérito de cada acusación basado en la evidencia disponible de estudios estadísticos, encuestas de opinión, sentencias y reportes del tribunal electoral, investigaciones periodísticas y otras fuentes primarias. Un grupo de acusaciones no llega a convencer debido a pruebas endebles, incompletas, o exageradas. Pero otro grupo de acusaciones sí apuntan de manera creíble a tácticas clásicas de manipulación. Discuto el impacto de la hipótesis no democráticas comparadas las hipótesis democráticas para explicar la victoria de Enrique Peña Nieto. Y el análisis también identifica áreas que necesitarían nueva legislación para evitar preocupaciones similares en el futuro.

Palabras clave: Elecciones, campañas, fraude, clientelismo, medios de comunicación

Introduction

A vulnerable democracy

Since the third wave of democratization nearly all autocratic regimes existing in Latin America -from the draconian bureaucratic authoritarianism in the Southern Cone to the softer electoral authoritarianism in Mexico - were successfully abandoned. There exists however significant concern about the stability of the new regimes.¹ Scholars have long mentioned the need for democratic practices and institutions to consolidate fully before a reversal to autocracy can be effectively dispelled.² Yet nondemocratic practices of several kinds are still recurrent in the region. Elections still exhibit a diversity of flaws from vote-fraud to media manipulation to illegal financing. And political institutions are still vulnerable to being overturned by a despotic president or a dominant party.

Such vulnerability has recently been illustrated in Bolivia, Colombia, Ecuador and Venezuela. Following their transitions to democracy,³ some of their hard-earned democratic processes have been subsequently reverted. In Bolivia, President Evo Morales politicized the justice system by appointing loyal supporters as judges and prosecutors. In Colombia, President Álvaro Uribe changed the Constitution to permit his second term, and subsequently attempted to change it again to allow his third term. In Ecuador, President Rafael Correa stifled freedom of speech by threatening political opponents and media outlets. In Venezuela, the late President Hugo Chávez did all of the above. These examples illustrate that democratic gains can never be taken for granted. In fact, as Charles Tilly pointed out, there is a history of regimes that have developed democratic institutions only to backtrack later. He explains that:

“Contrary to the comforting image of democracy as a secure cave into which people can retreat forever from the buffeting of political storms, most regimes that have taken significant steps toward democracy over the last two centuries have later de-democratized at least temporarily.” (Tilly 2003)

The 2012 election has triggered fears that Mexico is also vulnerable to some “de-democratization.” Elections had been considered reasonably clean and transparent for two decades, starting in 1994 and especially since the 2000

¹ O'Donnell, Schmitter and Whitehead (1986).

² Linz and Stepan (1996).

³ Which could be dated to 1983, 1990, 2000, and 1958 respectively.

contest where the all-dominant Institutional Revolutionary Party (PRI) was finally defeated after seven decades of continuous rule. But in this last election, where the PRI had a strong comeback by winning the Presidency, Congress and several governorships, there were many allegations of foul play. Did fraud and vote-buying occur, and if so, was it on a large scale? Many have claimed the PRI's victory was based on a massive fraud that renders the election invalid and illegitimate. Others believe that some irregularities did occur but were not widespread enough to have compromised the election's integrity. The difference is relevant, as it speaks about the state of Mexican democracy today. It has significance beyond the country's borders as well. A number of countries throughout Latin America have been watching Mexico for lessons and advice in their own transitions. Several emerging democracies in Africa, Asia and the Middle East have borrowed from Mexico's electoral legislation and institutional design as well.⁴ If we were to find that Mexico failed in 2012 to conduct minimally clean elections producing a credible result representing the will of the people fairly, we would also worry about election processes in countries with related institutions facing similar challenges.

This essay studies the main allegations of undemocratic practices in the 2012 presidential and congressional elections in Mexico. I analyze the main accusations and evaluate their merit based on existing evidence. To be sure, hard evidence is scarce: the full extent of clandestine maneuvering is not known and probably will never be. In addition, assessing the exact impact of these irregularities on the election results requires statistical data that is currently unavailable. Nevertheless, there exists enough information to form an accurate impression of the election's reliability. I base my appraisal on expert interviews, accounts from a large number of newspapers and magazines, and the experience as an election observer accredited at the Federal Electoral Institute (IFE). I also draw from the thorough investigations made by government agencies, such as the electoral tribunal, which have investigated the alleged irregularities. As shown below, precious insights can also come from the few statistical studies of the election that already exist, such as Díaz-Cayeros et al. (2012).

Hence, the analysis in the paper is valuable in assessing the integrity of this pivotal election. Following a succinct history of Mexico's successful but unfinished transition to democracy, I identify and analyze the main fraud accusations in 2012. Six types of accusations are scrutinized in turn, which I ordered from least to most convincing. The paper ends by pointing to areas where new legislation would be needed to avoid similar worries in the future.

⁴ According to the Federal Electoral Institute (IFE), by 2012 Mexico had received requests for technical assistance from 35 countries for 72 elections.

Background for the fraud accusations

The Institutional Revolutionary Party dominated Mexican politics for most of the twentieth century. It ruled Mexico uninterruptedly for seventy-one years since 1929, making it one of the most enduring one-party systems of the 20th century. Elections occurred at regular intervals but PRI candidates systematically came out victorious for nearly every office, including the all-powerful presidency. The government made heavy use of clientelism, patronage and control of the media to boost its nominees while hampering or blocking the opposition's candidates (Magaloni 2006, pp. 122-150). The electoral system was tinkered with to reinforce one-party dominance by dividing the opposition (Díaz-Cayeros and Magaloni 2001). And, if needed, the government could resort to election fraud such as ballot stuffing and vote-count alterations to ensure the PRI's victory (Magaloni 2006, pp. 227-256).

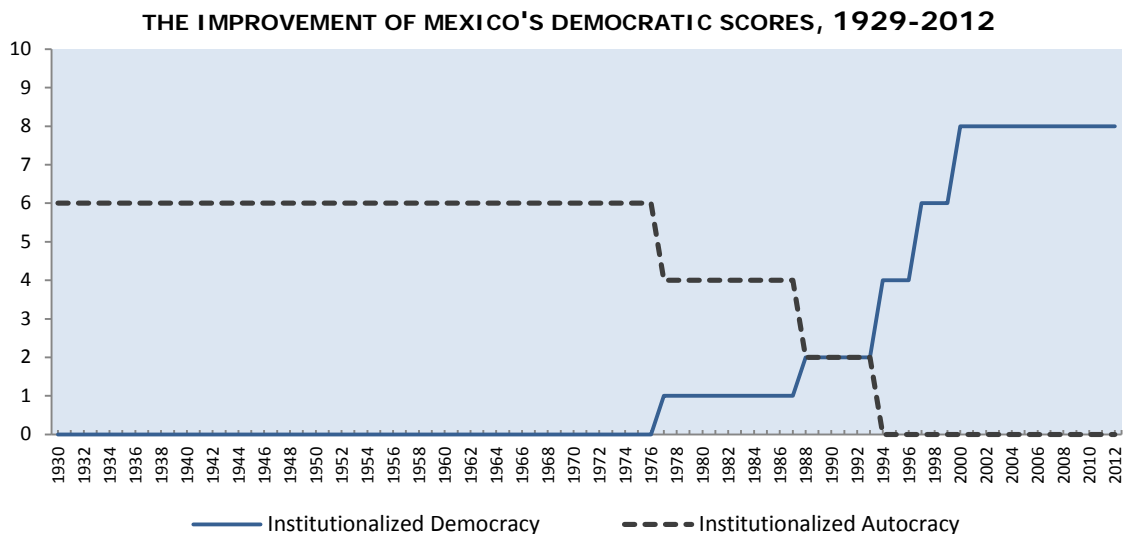
One of the most blatant transgressions was the 1988 presidential election, when credible evidence surfaced of cheating to ensure a large victory margin for the PRI candidate. As summarized by Preston and Dillon (2004), "The 1988 fraud (...) was a clumsy operation that left messy tracks all across the country: votes were burned, ballot boxes dumped into rivers, tally sheets counterfeited." The computer mainframe tallying the results was also discovered to be rigged. Accordingly, a blatant fraud was denounced by the two major opposition parties - the right-wing PAN (National Action Party) and the left-wing alliance that would later become the PRD (Party of the Democratic Revolution). The left-wing candidate, Cuauhtémoc Cárdenas, and his followers have always been convinced the election was stolen from them. Many supporters called on Cárdenas to mount a popular insurrection but Cárdenas rejected such calls for fear of violent incidents.⁵ At this juncture, he thought the most responsible course of action was to use institutional channels while keeping his fight off the streets.

As their share of seats in Congress increased, opposition parties eventually succeeded in pushing legislation to revamp and modernize Mexico's electoral institutions. Remarkably the PRD and the PAN, while ideologically opposed, were able to sustain a solid coalition to introduce and promote a number of democratizing bills. After much negotiation with the incumbent party, a new electoral law was finally approved and published in 1990. This new law, with subsequent reforms in 1994 and 1996, considerably leveled the playing field. It ensured that political competition would be more *transparent*, meaning that vote-counting would not have irregularities, and more *equitable*, meaning that incumbency would not be an overwhelming factor in obtaining resources. These reforms had profound effects: party funding became more balanced, vote buying decreased, the list of registered

⁵ Years later, Cuauhtémoc Cárdenas explained his decision by saying "I was not part of a subversive movement" and "I was determined to stay within the law (Preston and Dillon 2004, p. 180)."

voters was made accurate, and electoral institutions became politically more neutral and independent.⁶ In the 2000 election, which is considered the first acceptably equitable and transparent contest in modern Mexican history, the PRI was finally unseated by its oldest rival, the PAN.

The assertive democratization process in Mexico can be seen in the figure below, which plots two widely-used indicators.⁷ The first indicator, *Institutionalized Autocracy*, measures the degree to which the chief executive and the political elite perpetuate themselves in power and repress political participation. The level of authoritarianism used to be fairly high in Mexico: the score reached 6 after the creation of the PRI in 1929 (where 10 would be the maximal level of tyranny), and it remained at this level for almost fifty years. The indicator improved steadily as the government lifted political restrictions in the last quarter century, until it reached the lowest possible level of autocracy, zero, with the clean vote-count in the 1994 presidential election. The second indicator, *Institutionalized Democracy*, measures the degree to which procedures and institutions guarantee the competitiveness of elections and protect civil liberties. When the PRI took office in 1929, the score decreased to its worst possible level, zero, and remained at poor levels for almost six decades. The score improved drastically during the nineties, with sharp jumps mirroring the series of electoral reforms passed in Congress. With the PRI's defeat in 2000, this score reached a high level of 8 (where 10 is the ideal level of democracy) and has remained at this level since.



Source: Polity IV (www.systemicpeace.org/polity/polity4.htm).

⁶ For an excellent account of this period see McCann (2011).

⁷ From the Polity IV Project.

In 2006 the PAN won the presidency again. Its candidate was Felipe Calderón who narrowly beat the PRD candidate Andrés Manuel López Obrador while the PRI candidate came in third place (Magar and Romero 2007). However, the PRD decided to challenge the election outcome. López Obrador proclaimed himself the true winner and forcefully argued that a fraud had robbed him of his victory. Invoking memories of the 1988 election, he initiated a series of mass protests while launching a sustained rhetoric against government institutions (Schedler 2007). His party filed a lawsuit accusing election organizers of vote-rigging, but upon examining the evidence the electoral tribunal upheld the election results. It ruled that actual irregularities did not amount to fraud and were not significant enough to upset the outcome. Calderón was thus sworn in to give the PAN a second six-year term in office.

The PRI's recovery in voters' preferences started to be clearly observed in the 2009 midterm election to renew the Chamber of Deputies: its share of seats more than doubled compared to 2006, going from 21% to 47%. This assertive comeback was confirmed in the presidential and congressional election of 2012. The main presidential candidates were Enrique Peña Nieto from the PRI; Andrés Manuel López Obrador from the PRD; and Josefina Vázquez Mota from the PAN. Peña Nieto carried the day by winning the presidential election with a solid 7% lead over López Obrador and 13% over Vázquez Mota. His party did well in Congress too where it became the largest party in both houses.⁸ Hence, after twelve-years of relative hiatus, this formerly hegemonic institution has now recovered its status as the most influential party in Mexican politics by controlling the executive and dominating the legislature. The degree to which this occurred cleanly rather deceitfully is the focus of the rest of this paper.

Foul play allegations and their merit

Throughout the election there were allegations of foul play by the PRI. Complaints came from the PAN and the PRD, as well as civic organizations, electoral observers and regular citizens. However, while both the PAN and the PRD expressed concern about the legality of the campaigns, both parties adopted opposite attitudes towards the outcome. The former assumed the irregularities had not been significant enough to determine the winner, while the latter claimed they had been so widespread the election should be considered invalid and illegitimate.

As in 2006, López Obrador decided to challenge the outcome in court by submitting a detailed lawsuit requesting the election's annulment. The court in charge of considering this type of lawsuits is the Federal Electoral

⁸ See Wood (2012) and Serra (2013a) for details on the campaigns and election results.

Tribunal of the Judicial Branch (TRIFE).⁹ The TRIFE was created to validate or revoke the election results announced by the electoral institute. It is the *court of last resort* on all electoral matters and, as such, has the same hierarchical rank as the Mexican Supreme Court which reviews all constitutional controversies except electoral ones. Upon analyzing the PRD's complaints, a thorough 1366-page report found all arguments to annul the election to be flawed, or "unfounded" as the tribunal called them (TRIFE 2012). Accordingly, the election outcome was validated and Peña Nieto was sworn in as President on December 1st, 2012.

We should note this ruling does not imply that offences did not occur; it just means the PRD was not able to prove they were significant enough to determine the election winner. However, these accusations cast doubt on the quality of democracy and the legitimacy of the election irrespective of who should have won. It is thus worth assessing the degree to which they are accurate. Which allegations do point to relevant misconduct, and which are merely partisan rhetoric by disgruntled candidates? I now analyze the main accusations of cheating levied on the PRI and other political organizations using the statistical, journalistic and anecdotal evidence available to date. I list them in order of increasing merit, starting with allegations that can safely be downplayed, followed by the more credible ones.

Fraud by electoral institutions

López Obrador cried foul well before the vote even took place. His campaign team had previously prepared logistically and legally to challenge the results. As many expected, upon hearing the official verdict López Obrador refused to accept his defeat, instead claiming that Peña Nieto's victory was "morally impossible." Part of his objections was a perceived misconduct on behalf of electoral institutions. This was reminiscent of his previous attempt to annul the 2006 election by claiming the IFE and the TRIFE grossly miscounted votes as part of a conspiracy (Schedler 2007). On that occasion, a number of academic publications subsequently refuted López Obrador's claims by concluding the 2006 vote-count had actually been clean and accurate.¹⁰

Comparable statistical studies have not been done for the 2012 vote, but there is abundant anecdotal evidence about its trustworthiness. A main achievement of the electoral reforms of the nineties was civic oversight. In Mexico, randomly chosen citizens, not public officials, staff the polling stations and count the votes. In addition, any national or foreign citizen can get certified to become an election observer with full access to every stage of the process. There were over two million independent observers and almost as many party representatives in 2012, a record number that implied an

⁹ The tribunal's official acronym is actually TEPJF, but TRIFE is most commonly used in academic writing and political commentary.

¹⁰ Such as Schedler (2009) and Aparicio (2009).

average of twenty-seven observers per polling station. So while remote areas were less monitored than urban areas, any large manipulation of ballots is still likely to have been discovered. As explained by the TRIFE, the inconsistencies pointed out by the PRD, such as vote tallies failing to add up in certain polling stations, were likely due to human error. They are thus “insufficient” to prove any intentional violation (TRIFE 2012, pp. 1308-1339).

On the contrary, according to reports from civic organizations, the vote on July 1st, 2012, was clean, peaceful and well organized. The Organization of American States, for example, praised the performance of Mexican electoral institutions saying they had once again displayed the “exemplary technical and logistic capacity they are known for (OAS 2012).” Therefore, claims of deception by electoral organizations can probably be disregarded.

Direct vote-buying

Another large component of López Obrador’s accusations was the illegal bribing of voters. For our discussion, it will be useful to distinguish blatant vote-buying from more sophisticated clientelism. As I discuss below, the former cannot convincingly be shown to have affected the results, while the latter was probably quite consequential. Regarding vote-buying, PRI officials have been accused of bluntly distributing gifts to poor voters in exchange for their favorable vote. Food, cement, household appliances and plain cash are alleged to have been offered in poor neighborhoods and rural areas. In exchange, voters supposedly agreed to take a picture of their ballot proving they voted for Peña Nieto, or give away their voting cards allowing someone else to vote as a proxy. Some of these techniques were part of the “menu of manipulation” used by the PRI in its hegemonic period (Schedler 2002), and hence the PRD was appealing to anecdotes and imagery from a detested part of Mexican history.

Today, while still feasible, these fairly conspicuous activities are harder to carry out. Current legislation punishes individual offenders with prison and fines.¹¹ In terms of public awareness, the IFE bombarded television viewers with thousands of ads educating them about their legal right and moral obligation to report electoral crimes. And monitoring by NGO’s and by civil society was more active and better organized in 2012 than it had ever been. So while more sophisticated maneuvering remains quite feasible, the unsubtle exchange of votes for gifts is more difficult to get away with. In fact, the electoral tribunal does not believe it occurred frequently enough to have affected the election’s results (TRIFE 2012, pp. 1119-1307). The judges found

¹¹ For example, article 403 of the Federal Penal Code establishes a large fine and six months to three years in prison for whoever “solicits votes in exchange for payment, gifts, rewards or the promise thereof.”

every single piece of evidence included in the PRD's lawsuit to be inconclusive.¹²

Indeed, the evidence provided by the PRD was weak. López Obrador requested his supporters across the country to collect any proof of wrongdoing they could find. The capital's largest plaza, the Zócalo, was filled with thousands of items gathered from all regions. They mostly consisted of campaign materials such as hats and sandals with Peña Nieto logos. The PRD claimed to have amassed 25 tons of such items which were shipped the following day to the electoral tribunal. Yet these items are not illegal. In fact, all political parties produced this kind of material for promotion, which does not constitute a crime *per se*. More evidence was needed to prove they were used as direct payment for votes instead of legal marketing. The judges remained unconvinced.

Another example of weak evidence being overplayed is the alleged distribution of gift certificates to be used at a large supermarket chain called Soriana. Shortly after the election, a group of customers stormed a Soriana store to make purchases using gift cards supposedly handed to them by PRI activists in exchange for their vote. A video of their testimonies was included in the lawsuit to annul the election. López Obrador and much of the PRD leadership were highly invested in this accusation as their best hope to turn public opinion in their favor. But the supermarket executives immediately denied any wrongdoing; and the PRI berated López Obrador for staging a montage.¹³ It is perhaps expected of PRI officials to deny vote-buying accusations, but careful examination of the facts in the Soriana case does seem to rebut the PRD's claims. First, it was shown that many of the Soriana cards displayed by López Obrador were actually credit-less coupons that can easily be acquired for free and are hence useless to bribe anyone.¹⁴ Second, it is suspicious that most supposedly bribed voters simultaneously gathered in exactly one shop out of hundreds across the country where they could have redeemed their gift cards. Notably, this shop was located in an Obrador-controlled neighborhood inside a PRD-controlled city where the party machine can easily carry out political operations. And third, it seems too much of a coincidence that two reporters from a left-leaning newspaper loyal to López Obrador were stationed at this exact store at the appropriate time. Conveniently, the two reporters were fully equipped to videotape and photograph the vociferous customers as they arrived to claim the PRI had bribed them. These and other inconsistencies cast doubt on the candidness of the PRD's accusations which do show some elements of montage.¹⁵

¹² Admittedly, the bar was set quite high for the PRD, as it was legally required to prove not only that offenses occurred (which it could not prove in almost any case) but also that such offenses were enough to upset the results (which it did not prove either).

¹³ *La Jornada Jalisco*, "Monumental montaje sobre tarjetas de Soriana: PRI," July 5, 2012.

¹⁴ *Milenio*, "Falsa y armada, la acusación de fraude con tarjetas," July 9, 2012, p. 6.

¹⁵ For further rebuttal of accusations against Soriana see TRIFE (2012) pp. 650-794.

Few people doubt some vote buying occurred on behalf of all parties. But was it on a large scale and did it significantly tilt the vote in the PRI's favor? Existing evidence is not convincing. As I argue later, any manipulation of voters is more likely to have occurred through subtler clientelistic techniques rather than simple gift handing.

Biased television networks

Mexican television has a long tradition of supporting the PRI. In the authoritarian period, the gigantic broadcaster Televisa provided crucial support to the regime. Though privately owned, the monopolistic network practiced a disciplined self-censorship to promote the government's achievements while downplaying opposition complaints. Older Mexicans still bitterly remember the evening of October 2nd, 1968, when following a massacre of students by the army, Televisa's main anchorman began his newscast by remarking on the nice weather.¹⁶

There are signs that such loyalty was again manifest in 2012. Critics of Peña Nieto claim that television networks are in fact responsible for his victory by manufacturing his image as a young and handsome statesman with an impressive governing record. They point to Peña Nieto's conveniently timed marriage to a popular soap opera star from Televisa. They also decry documents allegedly proving an under-the-table multi-million deal between television companies and the State of Mexico to promote Peña Nieto's image while he was governor. It was indeed suspicious that Peña Nieto's daily activities were covered to a larger extent than for any other governor (a trend that seems to be repeated today with the new governor of the State of Mexico, Eruviel Ávila).

The impact of television on vote intentions is thus worth assessing. Díaz-Cayeros et al. (2012) correlated the vote for each candidate with the percent of households owning a television monitor in each precinct. They found that, yes, exposure to televised news had a positive effect on the vote for Peña Nieto. An increase in the number of households with TV monitors predicts a larger victory margin of Peña Nieto over López Obrador, which is in fact one of the most statistically significant findings in their study. This would at first sight validate the claim that large television companies are to blame for López Obrador's defeat. But is this finding really due to a successful anti-Obrador conspiracy by television executives? Can we conclude that Mexican voters were passively persuaded by hypnotic news anchors? Or could other factors have produced this finding?

I will argue that different factors can explain Peña Nieto's advantage among TV viewers. Television executives certainly had political preferences, and they probably tried to shape public opinion. But there are grounds to

¹⁶ *Proceso*, "Hoy fue un día soleado (bis)," 10 de diciembre 2006, pp. 68-69.

believe their influence was limited. To begin with, today's legal framework is strict on the media. The current law mandates a painstaking tally, up to the minute, of the coverage that every single radio and television company in the country devotes to every candidate.¹⁷ This tally needs to match the amounts of time that electoral authorities have allotted to each party. According to the National Autonomous University of Mexico (UNAM) who carried out this monitoring on behalf of the IFE, nearly all media outlets including the television duopoly abode by the legal time requirements.¹⁸ Hence all candidates had abundant and equitable airtime to directly communicate with voters through countless advertisements and interviews, which should have significantly compensated any bias in news reporting (Magar 2013).

Further pieces of evidence undermine assertions that media oligarchs successfully conspired to destroy López Obrador's campaign. In particular, Díaz-Cayeros et al. also found that exposure to television benefitted the PRD over the PAN: a 10% increase in the number of households with television sets predicts 9 extra votes for Peña Nieto over López Obrador, but it also predicts 5 extra votes for López Obrador over Vázquez Mota. So anyone interpreting these findings as media bias in favor of Peña Nieto over López Obrador would have to assume there was a media bias in favor of López Obrador over Vázquez Mota, which very few people would believe. Hence the finding in Díaz-Cayeros et al. is probably due to reasons other than media manipulation.

Pollster Parametría has another revealing finding: Peña Nieto was benefitted by television, but equally so by the radio and by cable (Parametría 2012). A high number of those who prefer getting their news from television broadcasters indeed voted for Peña Nieto (45%) compared to López Obrador (29%) and Vázquez Mota (23%). However, these proportions are virtually identical among those who prefer getting their news from radio or cable news, which are widely considered to be more diverse and inclusive than television broadcasters. So an independent influence of Televisa on public opinion is simply not visible in Parametría's data.

There are alternative ways to account for Peña Nieto's advantage among voters exposed to the mainstream media. An important factor protecting his public image came from the law itself. A recent electoral reform passed in 2007 included a controversial clause banning negative campaigning. As previous research has claimed, the new legislation prohibiting candidates from attacking each other has prevented the public from learning some valuable information about their personal values, past deeds and actual allegiance (Serra 2012). This was especially beneficial to a

¹⁷ Articles 49 to 76 of the Federal Electoral Code (COFIPE).

¹⁸ It must be noted that legally mandated allotments are not exactly equal for each party, as they vary in proportion with previous election results. Hence the PRI had a larger allotment than other parties given its victories in 2009. Nevertheless, the PAN and the PRD were still granted tens of thousands of hours on radio and television nationwide.

candidate such as Peña Nieto with a rich history of extramarital affairs and lavish spending on personal effects, neither of which were mentioned by rival candidates during the election. In essence this law prohibiting the “slander and denigration” of candidates and parties is having the effect of protecting front-runners, quite independently of any preferences by media corporations. This should be considered an unfortunate bias, for sure, but a legally imposed one.

Of course another possible explanation, which is in accord with a rational view of voters, is that Peña Nieto's advantage in the media was rightfully earned based on a better communication strategy and a more appealing platform.¹⁹ As other authors have argued, the PRI's campaign message was indeed better thought-out than his rivals' awkward and ineffective slogans (e.g. Johnson 2013). Hence Peña Nieto's advantage among television viewers has legitimate explanations, while any bias from television moguls probably had a modest effect.

Breaking campaign finance laws

All the parties had to be investigated by the authorities for illegal financing in 2012. This is probably the area in most urgent need of legal reform. As explained by Aparicio (2012), the electoral institutions do not possess enough tools to expediently investigate accusations of financial irregularities. Offences are hard to prove, and when they are, punishment is too lenient to serve as a deterrent. Moreover the law mandates parties to be audited *ex-post*, meaning that parties' expenditures are inspected several months *after* the election is over and the winners have already taken office. As a result, spending limits are systematically flaunted.²⁰ One of the earliest scandals involved López Obrador. Two of his close aides organized a confidential dinner with prominent Mexican entrepreneurs asking them for six million dollars in undisclosed campaign donations. When the covert fundraiser was leaked to the press, López Obrador denied being aware of the event on his behalf. The PAN and PRI however did not hesitate in filing a complaint to the election authorities.²¹

Another highly publicized scandal involved the PRI. Undeclared credit in excess of five million dollars from a bank called Monex was funneled to party staff for campaign activities. Resembling a classic laundering scheme, the money reached the bank through ghost corporations with fake addresses owned by senior party members. The PRI initially denied having designed this scheme but later accepted it, claiming it was actually legal. The party's

¹⁹ In parallel research I have documented the strengths of Peña Nieto's candidacy in contrast with the weakness of his rivals' campaigns (Serra 2013b)

²⁰ The spending limit for a presidential campaign is officially 336 million pesos (28 million dollars), but it is widely believed that all three major candidates exceeded this limit.

²¹ *El Universal*, “Polemizan por ‘pase de charola’,” Thursday May 31st, 2012.

lawyers were indeed able to argue that no *electoral* laws were broken (although it remained unclear whether they broke *financial* laws). Given the case's legal ambiguity, the IFE was divided about whether to levy a fine on the PRI. In a highly controversial five-to-four vote, the nine IFE councilors ended up clearing the PRI of any wrongdoing.²²

In fact, the IFE councilors cleared all the parties of nearly every accusation of financial irregularities: the PRD was cleared of its covert fundraising dinner, and the PAN was cleared of smaller offences it was accused of. Similar lenience was shown following the 2006 election, which led scholars to argue the IFE has lost independence from the large political parties it is supposed to audit. Recently the three large parties have agreed to pass intimidating measures through Congress that have weakened the IFE's autonomy, such as arbitrarily sacking its councilors before the end of their terms (Serra 2012). The result of this intimidation is a lax application of campaign finance regulations which the PRI is exploiting masterfully, but which all other parties are also abusing.

Mobilizing state resources

Democratization at the federal level in Mexico was not always followed by democratization at the state level. Many states remain vulnerable to corruption and authoritarian rule by unaccountable governors. The PRI governs more states than any other party (21 out of 32) including some of the most politically backward ones. Therefore suspicions that PRI governors misused their states' resource to bolster Peña Nieto's campaign are commonplace. One way to test the effect of governors' intervention is to look at the election results by state. By this measure, it is actually López Obrador who stands out as riding his party's coattails. Compared to a national average of 32%, his vote was 46% in PRD governed states. His vote jumps even higher to 54% if the municipality has a PRD mayor too. This gap is larger than Vázquez Mota's gap between PAN and non-PAN states. As it turns out, Peña Nieto does not have any such gap, as his vote was nearly identical between PRI and non-PRI states. So if we are to interpret this crude measure as illegal and abusive intervention by local bosses, we would conclude that the PRD was the main offender, followed by the PAN and lastly the PRI.

Other measures might provide different insights. Díaz-Cayeros et al. (2012) use precinct data to test the effect of a large number of local characteristics. Notably, they identified the precincts with most *bureaucratic* votes, meaning those with a highest concentration of state employees.²³ This measure matters since a resource that governors are often willing to tap into is their bureaucracy. With unofficial rewards such as bonuses, or punishments such as being fired, state employees can sometimes be coerced to vote for

²² *El Economista*, "IFE define no sancionar al PRI por Monex," Thursday 24 January, 2013, p. 40.

²³ Measured by the number of affiliates to the public servants' health care system (ISSSTE).

the incumbent party. 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. (2012), corporatism still played in the PRI's favor in 2012: as expected given his big-government stance and state-led policies, López Obrador tended to win the bureaucratic vote throughout the country; but the bureaucratic vote in PRI-governed states suspiciously went to Peña Nieto.

This last statistical finding, coupled with a number of journalistic scandals about PRI governors caught channeling state money to their party's campaign, lends credence to claims that Peña Nieto benefitted from illegal state resources. Nevertheless, aggregate data shows PRI governors were not particularly influential in their own states, as Peña Nieto did equally well in non-PRI states. It is the PRD that seems to have benefitted the most from incumbency in the states it governs.

Clientelism

Rather than blatant vote-buying, it is likely that parties engaged in more subtle methods of inducing the vote. Patronage, machine politics, and the manipulation of vulnerable communities have marred elections throughout Latin America - and Mexico is no exception. The three major parties have engaged in these clientelistic practices, the PRI being the most experienced at it. Did these borderline-legal practices have a large effect on the election outcome? Answers may come from looking at the behavior of a special demographic group: rural voters.

There are several reasons why rural areas are more vulnerable to these practices. 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 clientelistic relationships with local authorities who can promise concrete goods and services in exchange for the community's political support. During PRI times, the government used roads, schools, hospitals, and land reform as bargaining chips before an election. Many peasant and indigenous populations are already organized around a strongman, or *cacique*, controlling a bloc of votes. Vertical configuration of these communities dates back to the PRI's corporatist times, with organizations such as the National Peasant Confederation (CNC) or the National Indigenist Institute (INI).

The rural-versus-urban composition of Peña Nieto's vote is thus interesting to look at. As expected from past elections, the PRI did exceptionally well in rural areas. According to exit polls, though Peña Nieto won both types of localities, he won the rural vote by a much larger margin than the urban vote. For example Consulta Mitofsky (2012) found that Peña Nieto surpassed López Obrador by 14% in rural areas but only by 5% in urban areas. In addition to rural areas, Díaz-Cayeros et al. (2012) found that Peña Nieto was favored in indigenous communities as well.

These findings cannot be explained by policy platforms alone, given that agricultural and indigenous programs did not feature prominently in any party's agenda. Therefore, such observations are indeed suggestive of machine politics at work. The effect of these manipulation practices should not be overstated however: rural clienteles cannot fully account for the PRI's victory as other parties have clienteles of their own, most notably the PAN whose social programs have been extremely popular. Furthermore, the rural vote is too small to sway a national election by itself.²⁴

²⁴ Rural voters account for only 21% of the electorate according to the IFE.

Conclusions

Was the election undemocratic?

The return of the PRI to power raises questions about the state of Mexican politics. A pertinent question is whether blatantly undemocratic practices of the kind used by the party in the twentieth century produced its victory in 2012. The answer is relevant to understanding how consolidated Mexican democracy is. Much confidence in electoral institutions and processes had been gained in the last two decades; but if fraud allegations were accurate, we would worry that one of Latin America's (and the world's) most successful democratization transitions has been substantially reverted. Prospects might then be equally bleak for other Latin American countries facing equivalent obstacles with similar institutions. If, on the contrary, such allegations were found to be inaccurate or exaggerated, we could continue trusting Mexican institutions to carry out transparent elections whose results reflect the collective will. And Mexican legislation could still serve as a model for other countries in the region to draw from.

The goal of this essay was to winnow out the main accusations of fraud according to their plausibility and their relevance for the election outcome. The evidence available from statistical studies, opinion polls, judicial reports, journalistic accounts and other primary sources allowed an informed assessment of alleged misbehavior and its impact. I found that one set of allegations fails to convince due to weak, incomplete, or overstated arguments. To be concrete, charges of classic election fraud such as altering or manufacturing vote tallies can be countered by reports from national and international observers about the election's transparency. And the crude buying of individual votes with cash or supermarket vouchers cannot be shown to have occurred on a large enough scale to have significantly affected the results.

On the other hand, another set of accusations does credibly point to old-school manipulation tactics. But any transgressions attempted by the PRI were mitigated by stricter legal restrictions and the fact that rival parties committed transgressions of their own. In particular, the existing bias from television broadcasters was compensated by the openness and diversity of other mainstream media, along with abundant allocations of airtime granted to each party and candidate. What seemed like shady and excessive financial schemes turned out to fall within the legal boundaries that authorities were willing to condone. There is statistical and anecdotal evidence indicating that PRI governors abused their state resources, but other evidence seems to incriminate the PRD as well. And while the PRI is known to command the most loyal clienteles, all other parties have developed clientelistic relationships of

their own. Hence unlawful practices, while they certainly occurred, do not seem as central to Peña Nieto's victory as his rivals have claimed.

Altogether, undemocratic practices cannot by themselves explain the PRI's steady comeback in voters' preferences over a period of six years. Claims of misconduct fall short of explaining how Peña Nieto obtained nineteen million votes - three million more than his closest rival López Obrador, and ten million more than his party's candidate in 2006, Roberto Madrazo. A different sort of hypothesis pertaining to standard democratic politics would be more persuasive. Notably, a generalized disappointment with the PAN administrations was felt across the country after twelve years of sluggish economic growth and rampant violence related to the war against drug cartels. Several corruption scandals also sullied the PAN's image while in power. As argued in separate research, the PRI was best able to capitalize on such disappointment (Serra 2013b). This formerly hegemonic institution was able to present itself as the experienced party with most problem-solving credentials. Peña Nieto's message of competence, trustworthiness and pragmatism resonated well with voters (Wood 2012). In contrast, the PAN candidate ran a lackluster campaign, failing even to convince her own party members. Meanwhile, the PRD candidate struggled to overcome his polarizing reputation with a message of love and redemption that many voters found awkward (Johnson 2013). It is thus possible to interpret the results as reflecting the preferences of a majority of voters who evaluated candidates freely and rationally based on their campaign performances and their past governing records. Therefore, while not perfectly clean, the 2012 election should not considerably tarnish the credibility of Mexico's democratic processes.

The election did underline certain vulnerabilities, however. The most credible accusations of foul play do highlight remaining flaws in the regulation of campaigns.²⁵ It is certainly possible that such flaws will be exploited by a governing party with authoritarian instincts, compounding worries that Mexico may be at risk of democratic backsliding. A legal reform could minimize such risk, especially by improving and streamlining campaign-finance regulations, and by effectively identifying and punishing clientelism and the misuse of government resources. Laurence Whitehead (2007) reminds us that democratic processes should never be taken for granted, as "they require constant vigilance and renewal and have to be relearned by successive generations." An election reform along these lines would show whether this generation of Mexicans has renewed and relearned its commitment to democracy.

²⁵ Even authors who refuted López Obrador's claims in 2006 acknowledged some of his complaints had more merit in 2012 (Aparicio 2012).

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