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Enduring Challenges of Mexico's Electoral Democracy



Importante

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Abstract

Mexico provides significant insight into the modern challenges being faced by many electoral democracies as they strive to become liberal democracies. Based on the 2012 presidential election and subsequent contests, this paper analyzes two problems that have been remarkably enduring: illegal financing and vote buying. I document how deeply entrenched in the political culture they remain with recent corruption scandals in the states of Tabasco and Veracruz. The critical electoral reforms of 2014 are explained and assessed, concluding that they fall short of solving such problems. I propose that deeper measures strengthening the rule of law, especially at the subnational level, would be more effective.

Keywords: Liberal Democracy, Clientelism, Vote Buying, Corruption, Illegal Finance, Elections, Mexico

Resumen

México como caso de estudio puede iluminar los retos modernos que enfrentan muchas democracias electorales en su esfuerzo por convertirse en democracias liberales. Basado en las elecciones federales de 2012 y en contiendas subsecuentes, este ensayo analiza dos problemas que han sido notoriamente duraderos: el financiamiento ilegal y la compra de votos. Mediante escándalos recientes en los Estados de Tabasco y Veracruz, documento cuan arraigados están estos dos problemas en la cultura política. El ensayo explica y evalúa las importantes reformas electorales de 2014, llegando a la conclusión de que son insuficientes para resolver dichos problemas. Sugiero que sería más efectivo implementar un paquete comprensivo de medidas que refuercen el estado de derecho, sobre todo a nivel subnacional.

Palabras clave: Democracia Liberal, Clientelismo, Compra de Votos, Corrupción, Financiamiento Ilegal, Elecciones, México

Introduction: Unfinished transitions

What challenges does a country face in finishing its transition toward full democracy? 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 fact, many of those regimes in the gray zone between full-fledged democracy and outright dictatorship seem so stable that they should no longer be considered in transition.¹ Yet, failing to take the last steps comes at a dire cost for populations living in such “diminished” democracies.²

To convey 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.³ 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 conveyed 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 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.”*⁴

Emphasis on the rule of law, as in Schedler's definition, is particularly pertinent for the purpose of this paper. A strong rule of law is traditionally considered one of the fundamental ingredients for a democracy to be called liberal.⁵ To frame the analysis here, in addition to these traditional ingredients, 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, democracy should disseminate to regions beyond the center, and to subnational levels beyond the national government. In other words, I suggest that a regime should not think of itself as a liberal democracy so long as some

¹ As argued by Larry Diamond, “Thinking About Hybrid Regimes,” *Journal of Democracy* 13 (April 2002): 23.

² For a discussion of “diminished subtypes” of democracy, see David Collier and Steven Levitsky, “Democracy with Adjectives: Conceptual Innovation in Comparative Research,” *World Politics* 49 (April 1997): 430–51.

³ 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.

⁴ Andreas Schedler, “The Menu of Manipulation,” *Journal of Democracy* 13 (April 2002): 37.

⁵ For example, Haber et al. consider a democracy to be liberal only if the laws, in particular property rights, are universally enforced. See Stephen H. Haber, Herbert S. Klein, Noel Maurer and Kevin Middlebrook, *Mexico since 1980* (Cambridge: Cambridge University Press, 2008), chapter 1.

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. Reformers in Mexico were remarkably successful in moving the country from authoritarianism to electoral democracy, but their original strategy of producing a stream of legal reforms has not succeeded in getting Mexico any closer to becoming a liberal democracy. A first goal of this paper is illustrating the limitations of Mexico's democratic processes by analyzing two problems that have been salient in recent elections: *vote buying* and *illegal campaign finance*. In the scholarly literature, illegal finance⁶ and vote buying⁷ are not always studied together.⁸ But this essay will argue there are good reasons for doing so more often, given how closely linked these two problems are.

A second goal is assessing possible solutions to these problems, such as the last electoral reforms approved in Congress in 2014, along with other possible measures that I suggest based on the analysis in this paper. While not without merits, the 2014 reforms come across as insufficient and partly missing the point. To become a liberal democracy, Mexico actually needs an array of holistic changes that I will broadly classify as strengthening the rule of law. The analysis will hopefully shed some light on the important challenges facing electoral democracies in general, along with possible solutions as they strive to become liberal ones.

Illegal campaign finance: capturing government resources

Political corruption is a widespread affliction in new democracies, and Mexico is no exception. One type of corruption, consisting of the abuse of public office for personal gain, tends to grab most public attention. President Enrique Peña Nieto began his year 2015 embattled by media reports causing national and international outrage: he is accused of owning several expensive properties that were cheaply sold to him by contractors he benefited during his previous administration as governor.⁹ While this type of abuse obviously causes wide indignation, in this section I will rather focus on a different type of abuse that is arguably even more damaging for democracy. In

⁶ For two detailed overviews of political corruption, including illegal campaign finance, see Laurence Whitehead, *Democratization: Theory and Experience* (Oxford: Oxford University Press, 2002), and Daniel W. Gingerich, *Political institutions and party-directed corruption in South America: Stealing for the team* (Cambridge: Cambridge University Press, 2013).

⁷ For some recent literature on clientelistic practices, including vote buying, see Susan C. Stokes, Thad Dunning, Marcelo Nazareno and Valeria Brusco, *Brokers, Voters, and Clientelism: the puzzle of distributive politics* (Cambridge: Cambridge University Press, 2013); Simeon Nichter, "Conceptualizing vote buying," *Electoral Studies* 35 (2014): 315–327; and Tina Hilgers, "Clientelism and conceptual stretching: differentiating among concepts and among analytical levels," *Theory and society* 40, (2011): 567–588.

⁸ For several exceptions studying the links between political corruption and clientelism see Ana L. De la O, "How Governmental Corruption Breeds Clientelism," in Jorge I. Domínguez, Kenneth G. Greene, Chappell Lawson and Alejandro Moreno, eds., *Between Violence, Vote Buying, and Democratic Hopes: The Dominant Party's Comeback in Mexico's 2012 Election* (Baltimore, Maryland: Johns Hopkins University Press, forthcoming) and the citations therein.

⁹ *Reforma*, "Conocía Peña a su vendedor" (January 22, 2015).

studying Latin America, Laurence Whitehead noted that corruption was not necessarily undertaken for purposes of personal enrichment, but instead was often aimed at buying political support. He provided detailed examples of incumbent administrations acquiring illicit funds to win elections in Argentina, Brazil, Colombia, Mexico, Peru and Venezuela, reaching the general conclusion that “electoral democracies generate their own distinctive incentives for abuse of office, which may have more to do with political survival than with private appropriation.”¹⁰ It is this latter type of political corruption, aimed at increasing electoral support rather than private wealth, which this section focuses on.

Today public officials in Mexico still have an undue influence in elections by abusing the resources they have at hand. This is especially true in the “province,” as regions outside Mexico City are often referred to. While oversight has significantly improved at the national level (i.e. the federal government), it is still lacking at the regional level (i.e. the state governments) and even more so at the local level (i.e. the municipalities). In their states, governors can often deliver pivotal support at election time, both because their budgets have increased in recent years and because state spending is not subject to the same scrutiny as the federal budget.¹¹ Resources can be diverted in municipalities too, as the mayor's office frequently enjoys significant discretion to redirect social programs for political benefit. Such intervention has long been considered unlawful by the electoral regulation, but enforcement has continued to be lax. In short, inadequate oversight of public expenses has remained a serious vulnerability in elections as candidates from the incumbent party may potentially be enjoying a decisive advantage over their rivals who do not have access to such government resources.

Most fingers are pointing to the Institutional Revolutionary Party (PRI), the formerly hegemonic party that ruled Mexico for most of the twentieth century. Upon winning the presidential election in 2012, the PRI's candidate was accused by his main rival of having benefited from abundant capital funneled by his co-partisan governors. Indeed, when the 2012 election was taking place, the PRI was governing a majority of states, including some of the most politically backward ones.¹² Tribunals could not find any conclusive evidence to invalidate the election's results, and there exist, of course, legitimate explanations for the copious vote in favor the PRI.¹³ But many analysts and academics believe that, one way or another, Peña Nieto's victory did owe much to his party's expansive territorial structure and its twenty sitting governors. According to Gustavo Flores-Macías, a major underlying factor explaining the PRI's victory was its disproportionate ability to leverage resources at the local level for patronage jobs, money for its agents, and advertising funds.¹⁴

¹⁰ Laurence Whitehead, *Democratization: Theory and Experience*, chapter 5.

¹¹ Alberto Diaz-Cayeros, “Decentralization, Democratization, and Federalism in Mexico,” in Kevin J. Middlebrook ed., *Dilemmas of Political Change in Mexico* (London: Institute of Latin American Studies, 2004): 198-234.

¹² Gilles Serra, “The 2012 elections in Mexico: Return of the dominant party,” *Electoral Studies* 34 (June 2014): 351.

¹³ Gilles Serra, “Demise and Resurrection of a Dominant Party: Understanding the PRI's Comeback in Mexico,” *Journal of Politics in Latin America* 5 (December 2013): 133-154.

¹⁴ Gustavo Flores-Macías, “Mexico's 2012 Elections: The Return of the PRI,” *Journal of Democracy* 24 (January 2013): 128-141.

Suspicion of illegal campaign financing in PRI states has also been fueled by recent corruption scandals among its governors. One of the most notorious cases involved the former governor of Tabasco, Andrés Granier Melo, who was arrested in June 2013 for allegedly embezzling over a hundred million dollars. Several of his former aides in the Finance Department and the Health Department are also facing federal and state prosecution.¹⁵ News outlets focused mostly on reporting the outrageous personal expenses incurred by the governor and his family during his administration, which included lavish clothes, trips and properties.¹⁶ But one should also wonder the degree to which these resources were used to benefit his party, the PRI. As I document later, there is evidence that some of these missing funds were used for electoral purposes, making its way to candidates' campaigns.

Another scandal surfaced 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 press with conversations between statewide PRI officials discussing the misappropriation of government resources. At secret meetings, the Finance Secretary of Veracruz laid out plans to use the largest federal antipoverty program, called Oportunidades, to benefit his party in the upcoming elections. His exceptional bluntness is worth quoting:

“Fortunately, thanks to the change in power, thanks to the PRI’s arrival to the federal government, we now have the state delegation of the Department of Social Development. (...) I want to tell you that there are plenty of ‘opportunities’ to take advantage off, precisely because I am referring to the Oportunidades program. I invited the program administrators who are here with us today; they are the acting managers of Oportunidades in this area. The message I wish to convey is that such an important program cannot be the sole responsibility of its staff. (...) We quickly need our operatives to seize control of the program in their respective zones.” (Salvador Manzur Díaz, Finance Secretary of the State of Veracruz, author’s translation.)

Other government officials and party leaders at the confidential meetings took turns describing strategies to get a hold on a range of social programs, which they referred to as “solid gold”. Government personnel, public infrastructure, even hospitals were alleged to be at their disposal. An immediate question that can come to mind is how these resources would be used once the party secured control over them. As it turns out, the conversations were equally explicit in revealing the intended misuse of those programs to the PRI’s advantage in the election, as I document in the next section.

It is worth pointing out that the PRI is not the only party suspected of using illicit resources for campaigns. In fact, in the 2012 presidential elections, all the parties had to be investigated by the authorities for illegal financing. One of the most visible scandals involved the Party of the Democratic Revolution (PRD) when a covert fundraiser on its behalf was leaked to the press. Two of its close aides had organized a

¹⁵ *The New York Times*, “Official Corruption in Mexico, Once Rarely Exposed, Is Starting to Come to Light” (June 23, 2013).

¹⁶ *Forbes*, “The 10 Most Corrupt Mexicans of 2013” (December 16, 2013).

closed-door dinner with prominent Mexican entrepreneurs asking them for six million dollars each in undisclosed campaign donations.¹⁷ The third large party, the Party of National Action (PAN), managed to stay clear of public scandals of this magnitude in 2012, but also had to be investigated for smaller spending offences.¹⁸

Unfortunately, current laws have proved ineffective in prosecuting violations of campaign-finance rules. A main shortcoming is that electoral institutions do not have enough tools at their disposal to expediently investigate accusations of financial irregularities. Offences are hard to prove, and when they are, the stated punishment is too lenient to serve as a deterrent. Moreover the law mandates parties to be audited *ex-post*, meaning that expenditures are inspected several months *after* the election is over, when the winners have already taken office. This creates a system where cheating can provide a high payoff from winning with a delayed punishment in case of getting caught. As a result, spending limits have been systematically flaunted.¹⁹ Recognizing its urgent need of attention, a substantial part of the 2014 reforms was devoted to campaign finance; but as I argue in the last section, the root causes of political corruption were left untouched. In addition, surprisingly little of the reforms was devoted to the flip-side of this problem, namely the unlawful use of those resources to buy votes.

Vote buying: using captured resources

New democracies are known to be vulnerable to *clientelistic* manipulation, especially those where large sectors of the population are in poverty.²⁰ Definitions of clientelism vary by author, but they usually include a menu of practices to distort vote intentions using economic resources improperly.²¹ As such, clientelism has been found to be a common hurdle that electoral democracies must overcome to become liberal ones. This paper focuses on one specific practice that has caused particular concern in Mexico, *vote buying*, understood as the explicit exchange of gifts or favors for the individual to vote a certain way.

Vote buying did not disappear with Mexico's transition to democracy. In its hegemonic period, the PRI employed a variety of techniques for getting votes undemocratically; and while notable legislation did pass in the 1990s to clean up elections, much of this legislative 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

¹⁷ *El Universal*, "Primo de Creel pasa 'charola' por AMLO," May 30, 2012.

¹⁸ *Aristegui Noticias*, "PRI, PAN y Movimiento Progresista se acusan mutuamente por gastos de campaña," June 27, 2012.

¹⁹ The spending limit for a presidential campaign is officially 336 million pesos (28 million dollars), but it is widely believed that all three frontrunners exceeded this limit.

²⁰ Susan C. Stokes, Thad Dunning, Marcelo Nazareno and Valeria Brusco, *Brokers, Voters, and Clientelism*, chapter 6.

²¹ For noteworthy attempts to define clientelism precisely, see Tina Hilgers, "Clientelism and conceptual stretching: differentiating among concepts and among analytical levels," and Simeon Nichter, "Conceptualizing vote buying."

clientelistic have survived through the years. The concept of vote buying did make it into the law in the 1990s. For example, 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.”²² But enforcing this prohibition has been very uneven, with some provinces showing more impunity for offenders than others.

In a sense, these clientelistic practices correspond to the flip side of another problem analyzed in the previous section: illegal financing. Indeed, as illicit resources are suspected to be captured by political parties for their campaigns, we must wonder what those resources are used for. It is likely that upon breaking the law a first time to acquire extra funds, parties will break the law a second time to spend such funds in forbidden ways.

Such seems to have been the case in the state of Tabasco in the period 2007-2013 where, as mentioned above, a significant fraction of the state’s budget is alleged to have been diverted by Governor Andrés Granier. Beyond showering himself and his family with luxurious goods, evidence surfaced that he used some of the bounty for electoral purposes. There were in fact reports of a parallel operation in charge of reinforcing political clienteles for the PRI in the state. Upon moving to his official residence as governor, a large mansion, Granier apparently set up an office in the backyard for family members to run non-official business. From this back office, the governor’s son was reportedly building political coalitions on behalf of his father. In spite of not having any position in government, it was publicly known that “Granier junior” was “helping” with governing duties.²³ More precisely, he was using government resources at his disposal in exchange for future support. He pardoned traffic tickets, he condoned tax payments, he gave away driving licenses for free, and he granted permits to bars, discotheques and *cantinas*. He also assigned government jobs to friends and allies who asked for them. And more in line with a classic understanding of vote buying, to secure their sympathy, he handed loads of money to community leaders and social activists commanding blocs of votes.²⁴

The dual relationship between illicit financing and vote buying is also illustrated by scandals in Veracruz during local elections in 2013. In the previous section, I relayed conversations that were recently disclosed between government officials and PRI leaders in the state about capturing substantive government resources. Consistent with a premise in this paper, much of those misappropriated resources were indeed intended for vote buying. In preparation for the upcoming contest, the Treasury Secretary of Veracruz gave instructions that all benefits from the antipoverty program Oportunidades should actually be delivered by PRI representatives instead of nonpartisan government employees. Oportunidades is federally funded, but the orders were to tell the four thousand recipients clearly that benefits came from local PRI

²² Article 403, fractions VI and XI, of the Federal Penal Code.

²³ *La Verdad del Sureste*, “Fabián Granier: un ‘ministro sin cartera,’” October 18, 2011.

²⁴ *Proceso*, “Los Granier, despilfarros a costa del erario,” January 30, 2013.

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.” (Salvador Manzur Díaz, 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 deeply entrenched this behavior still is in political culture. To be sure, this is probably not an isolated case but rather part of a pervasive pattern across regions in Mexico. It can actually be shown that localities that are prone to corruption – of which there are many – will also be prone to this type of clientelism. To be more precise, Ana De la O has shown that vote buying can be expected to be higher in communities where public officials are highly corrupt. Using several measures of government corruption at the state level (including data from the Mexican branch of Transparency International), the author finds that an increase in such measures will cause an increase in vote buying (as measured by survey responses from the *Mexico 2012 Panel Study*).²⁵ De la O's research therefore provides clean evidence of the close link being emphasized in this paper between illegal campaign finance and vote buying. Furthermore, given the fact that the PRI governs some of the most corrupt states, from her findings we can also infer that illicit public resources benefited the PRI more than other parties in the 2012 elections.

One should not believe, however, that the PRI is the only party engaging in illegal or borderline-legal practices for electoral benefit. To different degrees, all parties with elected officials have been accused of misusing their budgets in recent times. 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. Several municipalities regularly organized gatherings at their 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 meetings and rallies were given the food. Seniors who chose not to involve themselves with the party went empty-handed.²⁶

²⁵ Ana L. De la O, “How Governmental Corruption Breeds Clientelism.”

²⁶ Tina Hilgers, “Causes and consequences of political clientelism: Mexico's PRD in comparative perspective,” *Latin American Politics and Society* 50 (2008): 123-153.

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.²⁷ But in a survey question, the party was still mentioned alongside the other ones as having offered respondents a gift or a favor in exchange for their vote.²⁸ The proportion of times that each party was mentioned was 31% for the PRI, 18% for the PRD, and 9% for the PAN.²⁹ This provides an idea of the prevalence and endurance of clientelistic practices in the country.

Will the 2014 reforms solve illegal financing and vote buying?

The two problems mentioned in previous sections have been recognized by the political class as pressing concerns. Vote buying was one of the main accusations made by the PRD against the legitimacy of Peña Nieto's victory in 2012; and the PAN vocally denounced the appropriation of government resources by the PRI in subsequent elections, such as in Veracruz in 2013. Both the PAN and the PRD demanded a legal reform addressing such issues if they were to support any piece of Peña Nieto's program. Accordingly, the PRI reluctantly agreed to include election reform in the legislature's agenda. In tandem with other critical discussions, Congress 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 (called "secondary laws" in Mexico) were discussed in the spring, leading to hefty new legislation in the summer of 2014. The old electoral code³⁰ was replaced by two new laws regulating elections and political parties, respectively,³¹ and a number of statutes in other laws were also modified to accommodate and expand the constitutional amendments. Hence, consistent with Mexico's tradition of addressing electoral problems through new legislation, the political class had once more revamped the legal framework hoping to solve short-run concerns by some influential players.³² 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. Therefore it is worth trying to assess their merit, and whether they will be as positive for the quality of democracy as those reforms in the nineties were. Will the 2014 reforms be helpful in solving problems that have endured for decades, including the ones mentioned in this essay?

²⁷ Simeon Nichter and Brian Palmer-Rubin, "Clientelism, Declared Support and Mexico's 2012 Campaign," in Jorge I. Domínguez, Kenneth G. Greene, Chappell Lawson and Alejandro Moreno, eds., *Between Violence, Vote Buying, and Democratic Hopes: The Dominant Party's Comeback in Mexico's 2012 Election* (Baltimore, Maryland: Johns Hopkins University Press, forthcoming).

²⁸ The exact question from the *Mexico 2012 Panel Study* was "In the last weeks, has anyone done you a favor, offered you a gift, or offered you access to a public service in exchange for your vote?."

²⁹ Ana L. De la O, "How Governmental Corruption Breeds Clientelism," 11.

³⁰ The Federal Code for Electoral Institutions and Procedures (COFIPE).

³¹ The General Law for Electoral Institutions and Procedures (LEGIPE) and the General Law for Political Parties (LGPP).

³² Gilles Serra, "The Risk of Partyarchy and Democratic Backsliding: Mexico's 2007 Electoral Reform," *Taiwan Journal of Democracy* 8 (July 2012): 93-118.

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 election 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.³³ In many states, however, the governors are believed to have acquired too much control over their EMB, either by co-opting or by coercing their staff. For instance, state congresses, acting as agents of the official 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. Given that the PRI holds a majority of the states, including some of the most authoritarian ones, it has exploited this subordination the most.

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. 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 to not be able 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).³⁴

The radical reforms transforming the IFE into the INE will undeniably affect the conduct of elections throughout the country. The midterm elections of June 7, 2015, will be their first test, 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 EMB's will become more independent from special interests at the state level. As members of the local EMB 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

³³ 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.

³⁴ At the same time, the subnational EMBs changed their name from Electoral Institutes (IE) to Local Electoral Public Organizations (OPLE).

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.

Conclusions: Finishing the transition

As argued in this paper, other manipulation practices unrelated to the technical vote count should be the main concern today. Illegal campaign finance and vote buying currently represent two serious obstacles to Mexico's consolidation as a modern democracy. These problems should be thought of as two sides of the same coin: if a political broker is in the market for political support, he is likely to break the law a first time to acquire illicit funds exactly *because* he wishes to break the law a second time to purchase votes. Illegal financing and vote buying are not usually analyzed jointly in academic research, but this paper attempted to convey the value in doing so: these two problems reinforce each other to become considerable challenges in many electoral democracies with unfinished transitions.³⁵ In Mexico, they exist as a legacy of the hegemonic period where it was common to grant special privileges to loyal allies through discretionary spending. As noted by Haber et al., Mexico 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 the same authors pointed out, voting rules can be erased "with the stroke of a pen" but corrupt practices by rent-seekers cannot.³⁶

These problems are particularly acute at the subnational level. A number of states such as Tabasco and Veracruz can easily be considered *competitive authoritarian*: well into the twenty-first century, they still need to transition to democracy.³⁷ In short, it would not be an exaggeration to claim that Mexico, at the subnational level, needs regime change. Conceptually, I proposed 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 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."³⁸ I claim they should also be extended through all administrative divisions.

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 has some theoretical merits, such as granting election 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

³⁵ A similar argument calling for a unified analysis of corruption and clientelism was made by Daniel W. Gingerich, *Political institutions and party-directed corruption in South America*, 46.

³⁶ Stephen H. Haber, Herbert S. Klein, Noel Maurer and Kevin Middlebrook, *Mexico since 1980*, 3.

³⁷ Steven Levitsky and Lucan Way, "The rise of competitive authoritarianism."

³⁸ Larry Diamond, "Thinking About Hybrid Regimes," 35.

state level could be more effective. A real division of powers ought to arise in all states: subnational executives should actually be checked by their legislatures; regional judiciaries should have more resources and be genuinely independent; comprehensive transparency laws should finally be enacted in all the states; and watchdog institutions with real teeth should be supervising municipal expenditures. In broad terms, a more rigorous observation of the rule of law is called for.

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.” This might be a lesson to be noted by other electoral democracies placing their hopes on a continuous stream of legal reforms.³⁹ While electoral legislation can have remarkable success in dismantling a state apparatus for election fraud, taking the extra steps toward liberal democracy might have more to do with effectively implementing the existing laws rather than continually creating new ones.

³⁹ Indonesia, for example, 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.

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