

Elections in Mexico: Third Report

The Carter Center

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THE COUNCIL OF FREELY ELECTED HEAD OF GOVERNMENT

The Council of Freely Elected Heads of Government is an informal group of 24 current and former heads of government from throughout the Americas. The Council was established in November 1986 at a meeting chaired by former U.S. Presidents Jimmy Carter and Gerald Ford on "Reinforcing Democracy in the Americas" at The Carter Center. The Council's goals are to reinforce democracy

Council to exercise control over the electoral machinery at the state and district levels and to ensure equitable conditions for a free election.

The continued distrust of nearly half of the voters raises questions about whether the elections will be *meaningful*. If a plurality of voters believe their vote will not count and consequently do not vote their conscience, then even the most procedurally immaculate election will not reflect the will of the people. Accordingly, we recommend a set of actions that can help to raise confidence in these elections.

8. The indelible ink should be guarded until election day and samples tested publicly to ensure that it has not been tampered with. Party representatives and observers should be especially vigilant to determine if voters' fingers are properly inspected and inked.
9. TV Azteca should match Televisa's donation of free time to the presidential candidates. Some of that time should be during primetime.
10. Political parties should make public reports of revenues and campaign expenditures before the election.

PREFACE

This report is the third on the Mexican Electoral Process prepared for the Council of Freely-Elected Heads of Government, which has been involved in Mexico during the last four years with issues related to the electoral process and to the North American Free Trade Agreement. Beginning in 1990, Mexican civic and political leaders have been invited to participate in the Council's election-monitoring missions in Haiti, Guyana, Paraguay and the United States. In the summer of 1992, the Council was invited by Mexican election-observer groups to send a small team to witness their observation of the elections in the states of Chihuahua and Michoacan and to report their findings. In September 1993, a small team representing three members of the Council visited Mexico to study the electoral reforms being discussed at that time in the Mexican Congress. That team's report to the Council, *Electoral Reform in Mexico*, was subsequently published and distributed widely in Mexico and the United States. It was also translated into Spanish and published in *Este Pais* in January 1994.

The 1993 report was controversial, but we are gratified by the positive impact it seems to have had in Mexico. Many of the recommendations in that report were implemented, including the agreement to commission an external audit of the voter registration list, the increased autonomy of IFE from political party influence, greater access for national election observers, and the decision to accredit international visitors to observe the elections. In addition, national observer groups began to monitor IFE's decision-making and television reporting to discern whether there is bias in the coverage.

This report seeks to put in context the latest round of electoral reforms and to assess the views of the major actors regarding the electoral rules and the playing field in the two months prior to the August 21 elections. It is based on a trip by a six-member team June 13-18, 1994 led by Dr. Jennifer McCoy, Senior Research Associate of the Carter Center and representative of Council member and former U.S. president Jimmy Carter, and including Canadian Senator Peter Stollery, representative of Council member and former Canadian prime minister Pierre Trudeau; Mr. Joaquin Daly, representative of Council member and former Peruvian president Fernando Belaunde Terry; Mr. Harry Neufeld, Canadian elections expert; Dr. Vikram Chand, a scholar of Mexico from Brown University; and Mr. Eric Bord, an attorney and consultant to the Carter Center.

The report was drafted by Vikram Chand, Jennifer McCoy, Harry Neufeld, and Eric Bord, and reviewed and edited by Jennifer McCoy, Eric Bord, Joaquin Daly, Peter Stollery, and Robert Pastor.

The delegation wishes to thank all of the persons who gave of their time and expertise in extensive meetings and telephone conversations in Mexico City. (A list of persons with whom the delegation met is provided in Appendix 1.) We also are grateful for the work of Harriette Martin, Administrative Assistant; and the following Carter Center interns who compiled extensive briefing material for the team: J.J. Gorsuch, Cynthia Hewitt, Joanne O'Connor, Colleen Shea, Hannah Temple, and Hewlett Summer Intern Alma Idiart.

It is our aim to present an objective and impartial record of the changes in the Mexican electoral process for those interested persons in the international community. The following sections describe the most recent reforms of the Mexican electoral process and the views of the major political parties and national observer groups. The concluding sections give our analysis of the state of the Mexican elections and recommendations to further improve it.

August 1, 1994

Atlanta, GA

INTRODUCTION

On August 21, 1994, Mexicans will elect a new President, 96 Senators and 500 Deputies to the National Chamber of Deputies. On the same day, six states and the Federal District (Mexico City) will hold state and local elections. These elections will undoubtedly be the most-watched in Mexican history and an important milestone in Mexico's political opening. Following the controversy and lack of credibility surrounding the 1988 elections, the government initiated two important sets of electoral reforms. The first was the 1990 election code which

"clean", 34% responding "dirty", and 12% answering "s

Even more alarming than the lack of confidence in the process is the high degree of uneasiness and fear of violence among the populace reflected in opinion polls. The June 30 Civic Alliance poll showed that in the event of electoral fraud, 305 expect violence with ungovernability and 355 expect violence with repression, while only 175 expect no violence. Similarly, in the June 16 *Reforma* poll, half the respondents said that post-electoral violence is very probable.

Recent events underline the uncertainty and uneasiness surrounding the elections. The rejection of the peace accords by the Zapatista rebels on June 14 because of the lack of democratic guarantees left the Chiapas problem dangerously unsettled. The June 15 resignation of the Peace Commissioner, former Mexico City mayor Manuel Camacho Solis, with an acrimonious letter criticizing PRI candidate Ernesto Zedillo, raised more speculation about alternative scenarios for an interim government in the wake of an unclear election.

Then, on June 24, Minister of Interior Jorge Carpizo, submitted his resignation to President Carlos Salinas de Gortari out of concern that some partisan elements were threatening the integrity of the elections. President Salinas convinced Carpizo to withdraw his resignation after lengthy conversations between the two and calls from all three major parties for Carpizo to stay. In an ironic twist, this event magnified the important issue of IFE's independence; despite the work of the parties and government to increase the autonomy of IFE, it was they who turned to the government minister historically in charge of elections in order to ensure the integrity of the process.

In response to the tense climate, a diverse group of fifty intellectuals and political leaders organized themselves out of concern that the results of the election may be questioned. Calling themselves the *Grupo de San Angel*, on June 29, they issued a public declaration, "La Hora de la Democracia," in which they committed themselves to work toward clean elections and to develop an agenda to promote a post-electoral transition to democratic modernization.

ELECTORAL REFORM ISSUES AND PROCESS

From March through June 1994, the Mexican Congress, with the support of the PRI, PAN and part of the PRD, approved a number of important reforms to the Constitution and election laws (COF

These reforms represent an important advance beyond the election reforms approved by the Mexican Congress between August 30 and September 15, 1993.

six; the PAN had three; and the PRD two. In addition, each of three small parties had one: the Popular Socialist Party (PPS), the Authentic Party of the Mexican Revolution (PARM), and the Cardenista Front for National Reconstruction (PFCRN).

Technically, the PRI and government together controlled only seven seats in the General Council under the old system. Yet, the PAN and PRD believed that the PRI/government could actually secure a majority of the votes or even a 2/3 majority through the votes of some or all of the six Magistrate Councilors and the three small parties. Our own study of voting patterns in the General Council revealed that the Magistrate Councilors would normally side with the PRI/government on important issues; the small parties tended to vote similarly although not on every important issue. (see our 1993 Report, pp. 23-28). The latest round of reforms seeks to address this perception of bias among the Magistrate Councilors and strengthen the autonomy of the IFE. The Magistrate Councilors were replaced in early June 1994 by six Citizen Councilors appointed through consensus by the three main political parties, rather than at the behest of the President, and approved by a 2/3 vote of the Chamber of Deputies. The requirement that they be lawyers has been dropped, thus widening the potential pool of candidates and reducing their ties to the judicial branch of government. The Citizen Councilors must not have held any position of leadership in a political party in the three years prior to their designation. The new Citizen Councilors consist of a former columnist, three academics respected for their independence, a former public official, and a legal adviser to the corporate sector.

New Citizen Councilors

Santiago Creel Miranda, Academic
Miguel Angel Granados Chapa, Journalist

served as President of Mexico's National Human Rights Commission prior to his appointment as Minister of the Interior and President of the General Council of IFE.

As in the case of the General Council, political parties will no longer be able to vote in the district and local councils. One key difference though is that currently seated citizen councilors at the state and district levels will remain in office unless political parties submit evidence showing that they are biased or corrupt. The initial deadline for submitting the names of such individuals along with appropriate evidence was extended from March 5, 1994 to June 14, 1994. However, the General Council President indicated on June 18 that additional names could still be submitted after the June 14 deadline. By June 14 approximately 170 citizen councilors at the district and state levels had been removed out of 1,992 councilors, or about 8.5% of the total. In addition, approximately 234 members of the Professional Electoral Service (SPE) at the state and district levels were removed at the request of opposition political parties.

Polling station officials for election day in the approximately 97,000 *casillas* have already been chosen by two successive lotteries to ensure their objectivity. In the first lottery, 15% of all citizens from each electoral section were selected at random to participate in a training course given by IFE to serve as polling station officials. The lottery was held in the central headquarters of IFE in full view of the press. A second lottery was held after the training course and graduates of the course whose last name began with a random

turn to them to resolve any post-election crisis because of their moral credibility and nonpartisan image.

Both opposition parties and the Citizen Councilors, however, are concerned about the problem of unrealistic expectations regarding the ability of the Citizen Councilors to monitor and regulate the performance of the electoral bureaucracy. They point out that while all the Magistrate Councilors at the General Council have been replaced, the rest of IFE as an institution remains largely intact. Less than ten percent of the combined Citizen Councilors and electoral officials at state and district levels have been removed, and five of the six executive organs of IFE remain under the control of officials appointed under the old rules, that is directly by the director-general without the approval of the General Council. The presence of the new Citizen Councilors at the apex of IFE thus does not guarantee a transformation of IFE as a whole. In addition, the new Citizen Councilors were appointed just two months before the elections, thereby limiting their impact to the last phase of the electoral process.

The national election observer groups, particularly the Civic Alliance, also view the changes in IFE as a positive step. But the Civic Alliance criticizes opposition parties, particularly the PRD, for not doing enough to identify biased Citizen Councilors and officials at the state and district levels. In many cases, the PRD submitted only the names of suspect councilors and officials without any accompanying evidence. The Civic Alliance also claims that the PRD and PAN had enough time to challenge corrupt officials, particularly since the deadline was extended through June 14, 1994. The PAN and PRD feel that it was very difficult to collect evidence against suspect councilors and officials and that it would have been better to dismiss all 1,992 Citizen Councilors at the state and district levels *en masse*

Completeness addresses the question "Is everyone on the list that should be on the list?". Not all who are qualified need necessarily register. In most Western democracies it is generally accepted that up to 10% of the eligible population does not wish to register and therefore does not appear on the list. The Mexican government estimates there are currently 50 million eligible voters, representing an average increase of 1.6 million eligible voters per year since 1991. The IFE estimates that 95% of eligible citizens actually registered to vote (47.5 million out of 50 million). Of these 47.5 million, slightly more than 95% (45 million) had collected their voter credentials and will appear on the August 21 voter list. This represents a completeness coverage of 90.25%.

Currency is a measure of the relative decay over time of register information following its initial preparation, offset by maintenance efforts. Knowing the currency answers the question, "Is the list up to date?". The Registro Federal Electoral (RFE) estimates a national mobility rate of approximately 6% annually, an adult death rate of approximately .06% per year, and approximately 8% of the workforce employed as migrant labor (however many have a permanent address they regard as home even though they may reside there only periodically). Given these factors, keeping a register of voters current in Mexico presents major challenges.

The RFE estimates that since the photo-identity program began in January 1993, it has received 13 million new applications for registration, processed 2.4 million changes of address, made 1.4 million data corrections, and canceled 5.1 million outdated registrations, mainly due to unreported changes of address or deaths. The comprehensive audits of the list (discussed further below) provide indications of the list's currency. In most Western democracies a currency level of 85% is considered to be a high level of maintenance if it is based on a voluntary system of change-of-address updates.

Accuracy measures both the substantive and cosmetic errors on the list and addresses the question, "What percentage of the names and addresses on the list are correct?" Substantive errors include the registration of voters who do not exist, listing of voters at nonexistent addresses, duplicate registrations, and assignment of voters to the wrong voting section. Cosmetic errors, which would have no real effect on the electoral process, include a misspelled name or address, and the misrecording of gender or age information.

Though 100% accuracy is the goal, experience indicates that a 97% accuracy rate is the best that can reasonably be expected because of non-intentional human errors. A high rate of accuracy would, therefore, still expect cosmetic inaccuracies in 2% of the entries and substantive inaccuracies in 1% of the list. However, if an organized campaign of collecting improper registrations at the source is mounted, for motives of political bias or some other reason, the rate of substantive error can be expected to increase markedly.

The Padrón

Our 1993 report provides an overview of the creation of the *Padrón* being prepared in anticipation of the August 21, 1994 elections. Since that report, a number of significant operational improvements and legal reforms have been implemented. They include:

- ! deletion of 5.1 million outdated registrations and photo-identity cards that had not been picked up at the 7,000 registration offices across the country;
- ! identification and deletion of approximately 100,000 duplicate registrations, 20,000 duplicated photo-identity cards and the names of 30,000 persons sentenced for crimes. Many of these records were identified through the use of computer searches for similar sounding names and ranges of birth dates;
- ! enactment of laws which make it a criminal offense to be in possession of more than one photo-identity card;
- ! legal access for representatives of political parties to the RFE's archives of registration source documents and photographs, housed in seventeen locations throughout the country;
- ! agreement to attach an "addendum", if necessary, to each voting precinct list showing the names of persons who appeal to the Federal Electoral Tribunal and are ruled eligible to be included on the list of eligible voters after the final list (*Listado Nominal Definitiva*) is produced. Some 90,000 such administrative requests made by the Tribunal had been processed by the RFE at the time of the delegation's visit;
- ! the funding of political parties for the purpose of undertaking a national audit of the *Padrón* and its sources; and
- ! establishment of an Electoral Roll Technical Council, made up of ten politically impartial professionals and experts, that has responsibility to oversee the comprehensive multifaceted external audits of the *Padrón* and its preparation by independent national and international firms.

Why a voters list?

Electoral administrators in all established democracies are mandated to provide "clean" voters lists for electoral events. Voters lists are used to protect the integrity of the electoral system and for various reporting functions.

Establishing a good quality list of voters is necessary to:

- ! Determine who can vote on polling day;
- ! Ensure that voters vote only once;
- ! Establish a proper count of voters;
- ! Determine the equality of boundaries used for representation purposes;
- ! Calculate election supply and staffing requirements;
- ! Manage the flow of transactions on polling day; and,
- ! Determine voter turnout.

Why a register?

The electoral system of most Western democracies rest on a permanent Voters

nine political parties (the PRD did not participate). The audits were concluded on June 30, 1994, and the results compiled and delivered to the IFE shortly thereafter. Results and conclusions described in this section are based upon summaries issued by the IFE in Press Releases dated July 8, 1994 and July 10, 1994 and a preliminary review of the external (McKinsey) audit. We did not receive the political party audit in time to analyze its conclusions. Neither did we receive the audits of the PRD, although we repeatedly requested them in order to examine their criticisms of the *Padrón*.

A. External (McKinsey) Audit of the Padrón

One of the audits was performed by a consortium of eight (three international, five national) Mexico based companies and involved investigations of computing processes, adherence to legal procedures, a sample check of 64,000 data base records and source documents against interviews of voters in their homes to determine currency and accuracy, and a resource usage evaluation that compared the number of photo-identity cards manufactured and issued to the amount of material used. This audit process was overseen by a Technical Council of ten politically independent technicians (seven with PhDs) who were responsible to the General Council of the RFE for:

- ! determining the reliability of the *Padrón* (registered voters) and *Listado Nominal Definitiva* (registered voters with a photo-identity card);
- ! identifying the causes of failures or inconsistencies that were found; and,
- ! making suggestions to the IFE General Council of corrective measures.

The companies involved in the audit included:

- ! Berumen y Asociados
- ! Bufete de Consultoría Actuarial
- ! Buró de Investigación de Mercados
- ! Grupo de Asesores Unidos S.C.
- ! A.C. Nielsen
- ! McKinsey & Co.
- ! Salles, Saenz y Co.
- ! Systemhouse de México

McKinsey & Co. acted as the coordinator of the other seven firms and was responsible for integrating the audit results and producing the final report. It is significant that the audit went much further than simply testing the quality of the list; it was designed to investigate areas of potential mismanagement and questionable or illegal practices used in the process of list creation.

addition, the material used in processing the photo-identity cards reasonably corresponds to the number that were printed and distributed. The auditors also concluded that the actions and activities of the RFE complied fully with all legal requirements and all regulations and orders issued by the General Council of the IFE and the National Commission of Oversight, a council comprised of representatives from the nine political parties. Some questions were raised regarding the vulnerability of the information systems to tampering.

Recommendations for immediate additional security measures were made, and, according to press releases, have been implemented by the IFE. Those suggestions include improved physical security and hazard protection at computing centers and more rigid control over access to the data base through the increased use of passwords.

B. Party-Sponsored Audit of the Padrón

This audit was commissioned by all of the political parties except for the PRD. Its results were accepted by seven of the nine parties, with the PDM abstaining ³ and the PRD voting against approval. Its objective was to determine (a) the level of correspondence between applications, receipts and data base records; and (b) the existence of citizens at their reported address. The methodology employed included a sample of 82,405 citizens throughout the 31 states and the federal district. The margin of error was limited to 0.63% with a 98% confidence level at the national level. These measures of accuracy and currency should provide a reliable snapshot from which to extrapolate to the entire population. The results of the party-sponsored audit as reported in the IFE press release of July 8 appear to be consistent with the conclusions of the external audit: the reliability of the *Padrón* was measured at between 96.08% and 97.62%. However, we are unable to provide our own evaluation of the party-sponsored audit because we had not received the audit itself at the time of this writing.

According to IFE, the eight sponsoring parties agreed that the level of reliability of the *Padrón* is a consequence of the timely corrective measures that were implemented by the RFE, specifically the removal of duplications, searches for similar sounding names, changes of address and changes of citizenship. The PRD representative before the National Oversight Commission, José Barberán Falcón, asked that the PRD be furnished with the results of the audit so that they could be reviewed by the PRD. According to the RFE, the PRD was provided the results of the audit, but denied the database for the audit on grounds of confidentiality.

Views of the Actors

The PRD refused to be part of the party-commissioned audit. It continues to be extremely skeptical of the activities of the RFE and claims that it has been given "no answers" and has "great doubts" about the problems it has identified with voter registration. The PRD claims that there is an error rate of 20% in the *Padrón*. Based on a survey in 45 electoral districts in four different states, the

PRD found that 9.5% of the names on the lists were "*fantasmas*" or "*ghosts*" (nonexistent persons), while 11% of "real" citizens were excluded from the lists. ("RFE Responds to PRD Arguments in May 30, 1994 Debate on the *Padrón*" in Report of IFE General Council meetings published June 10, 1994). The RFE vigorously denies the accuracy of the PRD surveys and declares that it was able to find more than 90% of the person associated with ghost names within a three day period. The RFE further suggests that the PRD is prone to extrapolate its figures on a basis that has no statistical merit and lacks the application of rigorous methodology. The RFE is concerned that the PRD is trying to discredit the entire electoral process on the basis of isolated registration errors.

The PAN and PRD are also concerned that the government may alter the final voter registration list (*Listado Nominal Definitiva*) on the eve of the elections by reducing the number of voters in areas where the opposition has historically done well. Three agreements attempt to address this concern. First, the General Council voted to post the final list in the municipal city halls between August 10 and August 20 so that citizens can check it. (*El Financiero*, 21 July, 1994). Ten days should be adequate time for this purpose.

Second, on election day representatives of the political parties at the district level will each select at random their copies of the ase

number

tendered balloting because it permits people to vote who are not on the final voter registration list, a traditional avenue of fraud in Mexican elections.

Our Analysis

The Carter Center commissioned a voters list expert and a statistician to review the information provided in the external (McKinsey) audit. Our preliminary conclusion is that the *Padrón* provides a good basis for a free election, and is a real achievement in light of the challenges faced by the RFE in compiling a list in a country as large and diverse as Mexico.

Nevertheless, we find the conclusion that the *Padrón* is provided to the parties be 97.5% reliable to the most optimistic interpretation of the data, and somewhat confusing. This is due to the fact that the criteria measured by the audit blends issues of accuracy and currency (as defined above). The audit seeks to answer the following questions: a) do the addresses on the list exist and are they located in the correct electoral section; b) do the citizens on the list exist and are they in the correct electoral section; c) what percentage of voters have received their photo credential; and d) what is the level of consistency between the source documents and the data bases? Of these, items (a), (b), and (d) answer the question of how accurate the list is. Yet, the inconsistencies identified in the audit combine issues of currency (changes of residence and deaths) with issues of accuracy (does the house or person exist). The result is a single percentage of "consistency" or reliability that is difficult to interpret.

The implications of these findings for discerning a pattern of bias or potential avenues of fraud in the list are unclear. On the one hand, the consistency rate of 78.7% indicated in the audit (where all of the data matches between the citizen interviewed, the source documents, and the computer database) is actually quite good since this reflects all those cases which met *both* of the criteria of accuracy and currency. In addition, the potential for padding the list with invented persons (*fantasmas*) appears to be quite small: only 1.9% of registered voters were not known at the address listed, some of which could potentially be nonexistent persons.

On the other hand, several important questions are apparently not answered by the data provided in the audit summary. First, among the cases of changed addresses, how many people might be registered at more than one address? (The RFE had an extensive system to check for duplicate registrations by comparing similar sounding names within a range of birthdates to combat this potential problem.)

Second, how many people are excluded from the list involuntarily? This is an issue of coverage which is not addressed in the external (McKinsey) audit. If 90% of the eligible voters are actually on the list, were the remaining 10% disenfranchised involuntarily or did they simply fail to register due to lack of interest? To answer this question would require a survey that is drawn from the

pool of eligible voters and then checks them against the list (people-to-list audit), in addition to the list-to-people audit that was carried out by the McKinsey group. A people-to-list audit would attempt to discern if there was a systematic bias either by geographic location or political preference that could constitute one form of fraud: the deliberate disfranchisement of people by excluding them from the list.

Other safeguards must protect against these two primary forms of fraud in a voter's list. The available safeguards in this context are vigilant use of indelible ink to prevent multiple voting, and the review of the final voter's list to ensure that all registered voters are in fact on the list and permitted to vote. The posting of the lists in municipalities ten days before the election therefore provides an important opportunity for voters to ensure that they are correctly listed, or to submit appeals which could later be examined to determine if there was a biased disfranchisement of voters.

Finally, we should note that, according to Dr. Carlos Almada, Director of RFE, it is not an electoral crime to vote at one's old address if that is the address on the credential and the list. Almada explained that the political parties agreed that this would be permissible because of the high mobility level of urban Mexican adults, the significant number of migrant workers, and a tendency in some sectors for voters to consider their ancestral village as home even though they may reside elsewhere.

Part 3: The Problem of Media Bias

The 1993 electoral reforms directed IFE to arrange for radio and television time for each of the parties to be paid for by the state and additional time to be paid for by the parties, but did nothing to address the problem of bias by the country's television stations in favor of the official party. On January 27, 1994, all the country's political parties and presidential candidates reached an Agreement for Peace, Democracy, and Justice in which they agreed that equal access to the media was a necessary precondition for fair elections.

A May 19 study of news coverage from January - April 1994 on *24* and *Hechos* by the Mexican Academy of Human Rights, one of the members of Civic Alliance, found that the PRI enjoyed a 3:1 advantage in total air time compared with the two strongest opposition parties, the PAN and the PRD. The coverage of presidential candidates was even more skewed with the PRI candidate receiving 3.5 times more coverage than the PAN candidate and 6 times more coverage than the PRD candidate. The Civic Alliance plans to continue monitoring newscasts for bias and report its findings to the citizenry on a regular basis. A second report based on content analysis of television coverage during June 1994 found a slight improvement in total air time given to presidential candidates, but it was still skewed toward PRI, particularly on Televisa where Zedillo received 36%, Cárdenas 11%, and Fernandez 8% of the coverage on *24 Horas*.

Distribution of Television Coverage for Presidential Candidates May 30 to June 30, 1994 on Televisa's 24 Horas



The new General Council has taken three steps to remedy the issue of media bias by radio and television stations. First, the General Council has used its moral authority to formally exhort radio and television stations to provide more equitable coverage of all political parties, particularly in their newscasts. On June 18, it reminded the owners of Mexico's radio and television stations that the right to information and the free expression of ideas are part of the Universal Declaration of Human Rights of the United Nations to which Mexico is a signatory. The General Council has also communicated the concern of various citizen organizations and parties about the lack of fairness and objectivity with regard to the coverage of the presidential candidates. The June 1994 study by the Mexican Academy of Human Rights found that when value judgements about candidates were injected into stories on Televisa's *24 Horas*, PRI candidate Zedillo was praised at a disproportionate rate of 12:1 over his closest rivals.

Second, the General Council established a commission to monitor the country's radio and television news programs for biases in coverage and report back to the General Council by June 30. The commission will continue to provide regular reports on news coverage by the electronic media to each ordinary session of the General Council, and the General Council will continue to formulate recommendations to the media to improve the fairness of its coverage of candidates and parties. The first report, based on media monitoring from June 22-28, 1994 showed that the PRI received nearly as much radio and television coverage as the eight opposition parties combined (*Miami Herald*, July 6, 1994), confirming the results of the Mexican Academy of Human Rights.

Third, the General Council plans to provide approximately two million U.S. dollars to political parties to purchase time on radio stations. A portion of this money will be allocated according to the electoral strength of each party as reflected in the

previous federal elections for deputies; the rest will be allocated equally among all parties.

According to press reports of July 8, 1994, Televisa, which has approximately 90% of the viewing audience, announced it would invite all nine presidential candidates to make three 15-minute political broadcasts which would be shown repeatedly up to a week before the elections. The programs will be shown at different times to ensure they reach

stated that it had not released any figures on advertising in the electronic media as of June 15 because it began purchasing spots on television only recently, and in addition notes that it is under no legal obligation to release its campaign expenditures until after the election. The government for its part argues that it cannot regulate the content of newscasts without seriously compromising the principle of free expression.

Part 4: Campaign Spending Limits

The 1993 electoral reforms provided for campaign spending limits for the first time in Mexican electoral history but left it up to the General Council to specify the limits as well as the formula and criteria used to derive the limits. Prior to the change in composition of the General Council, it set a limit of US\$42 million for the presidential race for each political party. To arrive at this figure the General Council set a monetary value on each vote multiplied by the number of registered voters, and adjusted for both inflation and the duration of the campaign.

Campaign spending limits for Mexico's senate and federal deputy races were approved by the local and district councils respectively. The formulas used were the same as the one used for the presidential race except that they take into account two additional factors: geographical expanse and population density. The limits for senate races range from a high of approximately nine million U.S. dollars in the State of Mexico to a low of approximately US\$426,000 in the State of Baja California Sur. The limits for federal deputy races range from a high of approximately US\$653,000 in District VIII of the State of Mexico to a low of approximately US\$45,000 in District XIX, also in the State of Mexico.

Views of the Actors

The PAN and the PRD feel that the limit of US\$42 million per presidential campaign is much too high. The PAN has stated that the official limit is eight times more than what it plans to spend on the presidential campaign. The opposition parties feel that the high campaign spending limits give the ruling PRI an advantage since it has greater access to resources.

The PAN and PRD are also worried that money used for the government's social programs will be used to buy the vote for the official party, particularly in rural areas. The PAN claims that the government is planning to spend around US\$4 billion in the two months precedi

separate envelopes; a document attesting to the opening and closing of the station and any incidents that occurred during the voting process, and any protests by party representatives. Polling stations located within the main town of the district must deliver their electoral packages immediately; those located in smaller towns have 12 hours to do so; and those located in rural areas up to 24 hours.

Though district council officials are obliged by law to read aloud the results of

not diluted prior to the start of voting. IFE responds that even if the ink is tampered with prior to the start of voting, voters will still be required to have their credentials stamped after voting, thus preventing them from voting twice.

All actors favor quick counts in order to reduce uncertainty and discourage fraud from occurring at the counting stage of the process. IFE plans to conduct a quick count in cooperation with the political parties. Close coordination will be necessary to keep secret the identity of the sample sites in order to prevent distortions in the voting pattern from occurring. How IFE plans to balance the challenge of cooperating with the parties to choose the sample while preserving secrecy at the same time is not yet clear. It will also be difficult to choose a representative sample of voting stations given the lack of reliable voting data from past elections. There is the further risk of a war of words over the results of the different quick counts and their respective methodologies that might generate confusion and question the credibility of the electoral process.

The PRD and PAN are also concerned that the high number of polling stations and their dispersed location will make it difficult to monitor the electoral process and report results rapidly, particularly in polling stations located in rural areas. They would like to see the country's 97,000 polling stations compressed into 20,000 voting centers. They claim that this could be done in such a way that the vast majority of the citizenry would only be 3 to 4 kilometers away from their polling stations. The matter was proposed to the IFE General Council by Citizen Councilor José Woldenberg, and was discussed at length during the Council's June 18, 1994 meeting. No conclusion was reached, and the General Council unanimously requested that the political parties study the feasibility of such a change. The government believes that modifying the location of the polling stations at this late date could generate confusion and discourage voter turnout. If IFE recommends consolidation of polling stations, formal action by the Chamber of Deputies to amend the Electoral Code will be required.

Part 6: National Observers

The 1993 electoral reforms contained the first law on election observation in Mexico. National observers were to be accredited by IFE as individuals, not as organizations and were required to take a training course given by IFE. The observer must not have been a member of any political party in the three years prior to the election. The law did not guarantee that national observers would be given access to the voter registration list or other information prior to the election. In our last report we noted that this was the most restrictive observer law of which we were aware.

The 1994 reforms improve the picture for national observers significantly. Both individuals and organizations can now be accredited by IFE as national observers. IFE will accept training given by the national observer groups as equivalent to its own training course. Observers should not have had a leadership position in a political party at the municipal, state, and national levels

complained of a severe shortage of funds that is hampering their work, particularly their studies of the electoral process. They also noted that they are battling against the clock with only two months remaining for the elections.

Part 7: International Observers

The 1993 electoral laws said nothing about the role of international observers. The 1994 reforms, however, empowered the General Council to invite "foreign visitors" to observe the electoral process and establish the guidelines under which foreign visitors were to operate. On June 23, 1994, the General Council issued a set of guidelines regarding foreign visitors. The following groups or individuals are welcome to seek accreditation by the General Council as foreign visitors:

- ! representatives of international agencies;
- ! regional or continental agencies;
- ! legislative organs of other countries;
- ! private institutions and nongovernmental organizations defending human rights and/or working on electoral and political issues;
- ! specialized groups providing electoral assistance; and
- ! foreign personalities known for their contribution to peace and cooperation in human rights and electoral matters.

No observer group may be acting for monetary gain.

Political parties and national observer groups may choose to invite various international observer groups if they wish, but IFE will not issue any invitations to any group in particular. Organizations and individuals seeking accreditation as foreign visitors by IFE have until July 30, 1994 to do so and need to complete a prescribed form for that purpose. This is the most bureaucratic process for accreditation of which we are aware. Foreign visitors will have the right to meet with the election authorities and the representatives of political parties in order to obtain information and documents. The General Council will assist foreign visitors to the extent that it is necessary for them to do their task adequately as defined by the law. International visitors will have the right to observe all phases of the electoral process. They will be identified by badges. They are expressly prohibited from interfering in political matters or obstructing the work of the electoral authorities, parties, or candidates, and are exhorted to conduct themselves in a "impartial, serious, and responsible" manner. Violators of these restrictions will have their observer credentials confiscated and will be reported to the Ministry of the Interior for possible deportation.

In addition, the government asked the United Nations Electoral Assistance Unit to provide technical assistance to national observer groups. The UN itself commented that it would not consider mounting a formal observer mission given the late decision to invite foreign visitors, the size of the country, and the fact that

and the continued skepticism of the Mexican voters have produced a fluid and potentially volatile atmosphere surrounding the upcoming elections.

The two major opposition parties indicated that while the rules were now in place for a free and fair election, they questioned whether the political will exists to implement and enforce them. They questioned the ability of the new IFE General Council to exert any real control over a hierarchy of thousands of election officials in the time remaining before the election. They pointed to continued bias in media coverage that favors the PRI, the cost of advertising that makes it difficult for them to compete, and vast disparities in financial resources among the parties. The PRD in particular remained concerned about the reliability of the voter registration list even after the results of the audits were known. Therefore, neither the PRD nor the PAN were prepared in June to say definitively that they could accept the election results.

In our 1993 report, we separated the electoral issues into first-order issues necessary to have a meaningful election and second-order issues desirable to have a good election. First-order issues include (1) the political parties must have a chance to communicate their message to the people free of intimidation; (2) eligible voters must have an opportunity to register and cast their vote in a secret ballot (implying a good registration list, but especially one that is not politically biased); (3) the count must be fair and accurate; (4) opposition poll-watchers and independent monitors should have complete access to every stage of the vote and count; and (5) effective power must be transferred to the winner.

Second-order electoral issues include (1) a fair, but not necessarily equal, distribution of campaign resources; (2) equitable access to the media; (3) an agreed-upon formula for distributing state resources to the parties in a transparent way; and (4) an independent and impartial election administration.

First-Order Issues

Our analysis of the electoral process as of June 1994 finds that there has been substantial progress on some of the first-order issues, particularly with regard to the technical aspects of the election. The crucial issues in past Mexican elections have related to the voter registration list and voting process and count. The Federal Electoral Registry (RFE) has mounted an impressive and costly effort to purify the voter's list and deliver new tamper-proof credentials to 90% of the eligible voters. The coverage of the voter's list (the percentage of eligible voters actually registered) is thus comparable to most Western democracies. The reliability of the list also depends on two other criteria, however: currency and accuracy. Our preliminary conclusion is that the *Padrón* provides a good basis for a free election. Nevertheless, we find the conclusion that the *Padrón* is 97.5% reliable to be the most optimistic interpretation of the data. It is also confusing because it mixes the two criteria of currency and accuracy.

The opposition parties have identified two possible avenues for fraud related to the list. The McKinsey audit addresses one of those issues: the potential for

An uneven playing field can be detrimental rather than advantageous to the ruling party in some cases. But in Mexico it reinforces the image of the PRI as controlling the process, and discourages voters from thinking that the election will matter or their votes will count.

This is expressed in the fears of intimidation of voters by employers, trade union leaders, or government officials; fears of intimidation on election day, such as the visible presence of the military in the streets, that will curtail voter turnout; fears of locally-based fraud and intimidation in isolated areas without observers; and fears of post-election violence.

These fears all reflect the skepticism of the Mexican populace toward the ruling party's commitment to competitive elections. They reflect a prevalent view expressed to the delegation that certain elements of the ruling party and privileged elite will go to almost any length to prevent a defeat at the polls, and therefore a loss of power and privilege. As one government official commented to the delegation, people can say they believe in the electoral rules and procedures, but then they turn around and say they expect fraud.

These attitudes raise a troubling question: beyond the issue of a free and fair election, how meaningful is an election in which a plurality of voters doubts that their votes will count? Will those voters who lack confidence stay away from the polls or vote other than their true choice because they believe their vote will not be respected? If that is the case, even the most technically beautiful election will not reflect the will of the people.

We believe there has been substantial progress in creating the conditions for a free and fair election. Nonetheless, the continued distrust of nearly half of the voters raises questions about whether the elections will be *meaningful*. The wait-and-see attitude of the PAN and the highly suspicious attitude of the PRD further raises the question of whether the results will be accepted by all the major parties.

We recommend a set of actions that can help deal with the problem of credibility.

Recommendations:

- I. Improving Credibility
 1. To build credibility, additional debates should be held involving the three major presidential candidates. Of all the factors affecting public confidence, the presidential candidates' debate appears to have had the most positive effect.
 2. The leaders of the three major political parties should reach out to each other and toward the people to help build confidence in the process by: (a) jointly filming public service announcements on the need to vote and how to vote; (b) discussing ways to ensure that the results will be announced

soon after the election and that the transition would be as smooth as possible.

3. IFE should conduct an extensive civic education campaign to explain the procedures and safeguards, and identify the location of each voting site, which in turn should help raise confidence in the process.
4. First-Order Issues
5. The final voters list should be posted by *casilla* in the ten days preceding the election to allow voters to confirm both their inclusion on the list and the location of their *casilla*. This should also help political parties and observers determine if there is any systematic exclusion of voters from the list.
6. Ensure a rapid and efficient transmission and announcement of unofficial results on election night. This will help greatly to alleviate suspicion and maintain calm.
7. Quick counts, or parallel vote tabulations, are important instruments to verify official results and to provide early information about voting trends. We believe that exit polls, on the other hand, should be avoided. They are unreliable in a climate of suspicion and they will create a negative atmosphere if voters think they are being watched.
8. We commend the political parties' efforts to organize party representatives to be present in every *casilla* (voting site). To the extent that this is not feasible for each party, we recommend a coordinated strategy to ensure that there are at least two parties represented in each *casilla*.
9. National observers should undertake a mobile strategy on election day to cover as many *casillas* as possible, making a special effort to have representation at every polling site where there are no opposition pollwatchers.
10. International visitors should be publicly welcomed by political party leaders to overcome an ambivalent and sometimes antagonistic climate. The UN should coordinate international visitors to the extent possible to ensure balanced coverage of the entire country.
11. To offset lingering concerns about multiple voting, the ink should be guarded until election day and samples tested publicly immediately before distribution to ensure that it has not been tampered with. A cleanser may be desirable to clean and dry fingers before they are inked. Party representatives and observers should be especially vigilant to determine if voters' fingers are properly inspected and inked.
12. Second-Order Issues
13. The role of state and district officials is vital in determining the electoral results. In the future, additional dist

15. Political parties should make voluntary public reports of revenues and campaign expenditures before the election even though the law requires reporting only after the election.

CONCLUSION

In our 1993 report, we concluded that Mexico has two roads available - one leading to a new formula for dividing power, the other leading toward full respect for the secret vote and acceptance of the uncertain outcome that is a part of the democratic process. A negotiated outcome would lead down the first road and could delay the search for democracy.

The rules have been put in place for the second road -- a secure vote -- but continued distrust of the process combined with an increased focus on post-election negotiation detracts from a free election. Those interested in post-election scenarios may want to contribute to a political opening, but in fact, their perspective of negotiated power-sharing arrangements or street protests represent a new variation on an old theme of depriving the people of a chance to choose their government in a secret vote. Unless confidence in the electoral process is raised before August 21, the vote may be technically clean, but will not necessarily represent a meaningful election.

Because we have followed closely the electoral process for several years and because the Council aims to promote democracy, peace, and hemispheric cooperation, we want to be present for the August 21 elections. We will not field an election team like those we have sent to other countries. Instead, we will send a small team that will coordinate with others and will reinforce the efforts of Mexican observer groups and all those working to make these the freest elections in Mexican history, not tainted by manipulation or fraud, and to reassure Mexican voters that the international community supports their right to exercise their free choice through the ballot box.

APPENDICES

Appendix 1: List of Meetings

Mexican Civic Monitoring Groups

Sergio Aguayo, Mexican Academy for Human Rights/ Civic Alliance

Gina Batista, ACUDE

Francisco Cano Escalante, ACUDE, Council for Democracy

Julio Faesler, Council for Democracy/ Civic Alliance

Clara Jusidman, ACUDE

Luz Rosales, Citizens Movement for Democracy

Citizen Councilors

Santiago Creel

José Agustín Ortíz Pinchetti

Ricardo Pasos

José Woldenberg

Party of Democratic Revolution (PRD)

Amalia Garcia, Secretary of International Relations
Javier Gonzalez, Secretary of Electoral Affairs
Porfirio Muñoz Ledo, President of the PRD/ Senator
Ricardo Pascoe, Advisor to Cuauhtémoc Cárdenas

June 1994 missions to assess Mexico's electoral reforms, and directed Council's Nicaragua election office and has observed election in Haiti, Guyana, Panama, and ~~Cuba~~ ~~Cuba~~.

Hon. Peter Stollery, Representative of Council member former Canadian prime minister Pierre Trudeau. Elected House of Commons 1972, 1974, 1979, 1980; Chairman, Government Caucus 1976-78; Appointed to Senate of Canada by Prime Minister Trudeau, 1981; Founder and First Chairman, Canada-Latin America Parliamentary Group.

Mr. Joaquín Daly, representative of former Peruvian president Fernando Belaunde Terry. Former official of the OAS, and electoral consultant to The Carter Center. Participated in the Council mission to witness Mexican observers in the July 1992 state elections in Michoacan and Chihuahua, and in the Council's election observation mission in Panama in 1994.

Dr. Vikram Chand, Watson Fellow in International Relations at Brown University; specialist in Mexican politics and democratization. Participated in Council mission to assess electoral reform in Mexico in September 1993.