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Ph.D. Dissertation

**When, where and under what conditions are election  
results accepted? A comparative study of electoral  
integrity**

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**Statement**

I hereby declare that this thesis has not been and will not be submitted in whole or in part to any other University for the award of any other degree.

Signature:

## Summary

When votes are cast in an election and a winner is declared, people can accept the result, they can challenge it or they can turn against democracy. This thesis seeks to understand why in some cases elections are accepted while in others they are challenged and their outcomes rejected. Conventional wisdom holds that when elections are held according to international standards, acceptance will follow. I challenge this notion. As experience shows, sometimes even elections classified as free and fair evoke protests, while less technically perfect elections are sometimes widely accepted.

So, when, where and under what conditions are election results accepted? And what can we do to increase their credibility? There are many aspects that can influence this but I focus on three main areas that deserve especial attention. A first research phase relies on Qualitative Comparative Analysis. It shows that holding free and fair elections is necessary but not sufficient for the acceptance of election results. Two other factors are needed: a) political parties need to support electoral institutions and b) election results need to be transparent. A second research phase uses multilevel regression to explore the first of these factors in greater detail. Findings show that including political parties in the appointment of the members of the electoral management body has a positive impact on election credibility. A third research phase consisting of a small N structured comparison focuses on election results. It shows that having visible and inferable results contributes to preventing and mitigating post-election protests. In short, an election not only has to be “free and fair” but also needs the legitimacy and credibility obtained when political parties support the main election institution and when results are clear, widely available and completely beyond doubt.

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## 1. CHAPTER 1: INTRODUCTION AND STRUCTURE OF THE THESIS

### 1.1 Relevance and aim of the study

When votes are cast in an election and a candidate or a party is declared winner, losers can react in three different ways: they can accept election results, they can challenge the results, or they can turn against democracy (Lago and Martinez i Coma, 2016). The acceptance of results can be illustrated by graceful losers conceding defeat after razor-thin margins, by shrugs of resignation after the opponents have obtained clear victories or by candidates simply accepting their fate in a process they see as common and natural. Al Gore and Hillary Clinton come to mind but with them thousands of democratic politicians have embraced the verdict of the ballot. Challenging election results can come in the shape of a judicial claim, a boycott or a post-election protest. On the other hand, the clearest example of turning against democracy is illustrated by a coup d'état.

This thesis seeks to understand why in some cases elections are accepted while in other cases they are challenged and their outcomes rejected, as outlined by the main research question: *When, where and under what conditions are election results accepted?* And derived from this, *what can we do to increase the credibility of electoral institutions and processes?* First, this research will map and describe the extent of election challenges around the world. Second, the thesis seeks to find out which factors contribute to the acceptance of election results. Third, once identified, these conditions are analysed with the objective of developing practical solutions and informing policy for strengthening electoral processes and institutions. At the heart of this research question lies the legitimacy and the very survival of elections and democracy. When people believe that elections have been free and fair and election results are accepted, stability follows and democracy is strengthened. People express their preferences at the ballot and go on with their day to day activities. Governments



are formed and new laws are enacted. However, when people do not believe that elections have been free and fair, the opposite occurs. In the words of Kofi Annan (Global Commission, 2012:3):

*“When the electorate believes that elections have been free and fair, they can be a powerful catalyst for better governance, greater security and human development. But in the absence of credible elections, citizens have no recourse to peaceful political change. The risk of conflict increases while corruption, intimidation, and fraud go unchecked, rotting the entire political system slowly from within”.*

To have credible elections, we need to have elections with integrity. Electoral integrity relates to “international commitments and global norms surrounding elections, endorsed in a series of authoritative conventions, treaties, protocols and guidelines (...) [which] apply to all countries worldwide throughout the electoral cycle, including during the pre-electoral period, the campaign, on polling day, and its aftermath” (Norris, 2014: 9). Using the Electoral Integrity Project’s and other scholars’ measurements of the concept (Elklit and Reynolds, 2005; Norris, 2014), electoral integrity is composed of 49 indicators clustered into eleven stages reflecting the entire electoral cycle. These eleven stages range from the laws regulating the election, to electoral procedures, to the drawing of election boundaries, to the enrolment of voters, to the registration of candidates and political parties, to the coverage provided by the media, to the access to political donations, to the voting process, to the counting of votes, to post-election challenges and protests to the performance and impartiality of electoral authorities.

All of these aspects are important for the integrity and credibility of an election. However, are all of these components equally important? Should they be assessed together or should some elements need to be assessed individually? Which components deserve more attention? The answer to these questions depends on the phenomena we are interested in analysing. For

this research the main aim is to have elections with credibility and to prevent post-election conflict. In line with this, participants in the *5<sup>th</sup> Global Electoral Organization Conference (GEO): Credible Elections for Democracy*<sup>1</sup> recognised that while the electoral cycle is composed of multiple phases, “four main areas were identified to group possible acts of violence resulting directly from the organisation of elections” (GEO, 2011:15). These areas are: the legal framework, the lack of trust in Electoral Management Bodies (EMBs), the administration of the electoral process, and the election results stage. This is not surprising, as during an election cycle these are key, pivotal moments which can ensure the election process stays on track or tips and derails, with the possibility of generating conflict.

This research will look at *the role played by EMBs, the administration of the electoral process and the election results stage*. The fourth area, the legal framework, will not be analysed. This is because the regulations governing an election are too broad, covering all areas surrounding an election. The legal framework is not related to any one component of the election cycle, but to all of them, which makes it difficult to pin down. As a result, any study on the rules of an election has to focus on a specific aspect regulated by that framework, be it the rules governing campaign finance, access to media or party registration. Sarah Birch, for example, studies the manipulation of the rules of the electoral game and focuses on the design of the electoral system. In particular she analyses the impact of proportional representation systems on confidence in elections, finding that these systems are more highly rated than others as they contribute to having a level playing field (Birch, 2008).

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<sup>1</sup> The 2011 GEO Conference was hosted by the International Institute for Democracy and Electoral Assistance (International IDEA) and the Independent Electoral Commission of Botswana in partnership with the Association of European Election Officials, the Electoral Commissions Forum of Southern African Development Community Countries, the Electoral Institute for Sustainability of Democracy in Africa, the Federal Electoral Institute of Mexico, the International Foundation for Electoral Systems, the United Nations Electoral Assistance Division, and the United Nations Development Programme. The three day event included 273 participants, including EMB senior officials and staff from 51 countries (GEO, 2011).

## 1.2 The structure of the thesis

### 1.2.1 Introduction and setting the scene

This introduction presents the main research question, along with the purpose and significance of the study. It highlights the importance of electoral integrity and focuses on the main conditions that will be studied and analysed in order to provide an answer to the question. It then outlines the general structure of the thesis. *Chapter 2* sets the scene for our research. Most importantly, it shows the relevance of the study and its findings for improving electoral integrity. It offers an overview of challenged elections around the world and shows us that election challenges and protests also occur in democratic regimes. Democratic elections are not free from malpractices and therefore need to be strengthened for their results to be accepted. This is important as the main aim of this thesis is not only to understand when, where and under what conditions election results are accepted, but to prescribe appropriate policies that follow logically from the findings. In providing an overview, the chapter asks: how often around the world are elections challenged? Are challenges more likely in authoritarian or hybrid regimes or are they equally likely in democratic settings? How often do challenges lead to protests? And are these protests peaceful or violent? Do they occur in democratic countries as well? Findings indicate that contested elections also occur in democratic countries. The data also challenges conventional wisdom which argues that having a good quality election is enough for it to be accepted by citizens and other stakeholders.

The chapter then seeks to understand why people challenge election results and sometimes turn to the streets. All elections, as a titanic human and logistical exercise, experience problems and can also be subject to a number of forms of malpractice. This affects their credibility and can lead to having challenged election results. Therefore, as the chapter

outlines, improving the integrity of elections is paramount. There are a number of ways to do so this research focuses on the three aspects identified as the main areas that group possible acts of violence resulting from an election (GEO, 2011): *the overall administration of the electoral process, the role played by EMBs and the election results stage*. Then the chapter makes the case for their importance in the study of the election confidence and the acceptance of election results around the world.

First, the way elections are managed has been considered by practitioners and scholars as a key process that contributes to the credibility of an election (Elklit, 1999; Elklit and Reynolds, 2002; Mozzafar and Schedler, 2002; Norris, Frank and Coma, 2014; Maserumule, 2015). It is argued that when elections are developed according to international standards, acceptance will follow. However, sometimes even elections classified as free and fair are challenged and protested, while not so technically perfect elections, have been widely accepted. The 1994 post-apartheid election in South Africa comes to mind.

Then, the chapter makes the case for going beyond the good administration of the election and looking at other factors, in this case the role played by EMBs and by the election results stage. Factor Analysis of the Perceptions of Electoral Integrity (PEI) Index confirms the importance of these two areas for the integrity of elections. First, electoral institutions play a central role in the organization of the election and therefore it is very important that they are seen as impartial and credible arbiters. For this reason, literature has studied a number of aspects that can strengthen their integrity and credibility. These include their organizational structure, their functional capacity and their work ethos (Norris, 2015). This research focuses on the structural element of EMBs. In particular, I study the relationship between EMBs and political parties and analyse whether support from political parties to EMBs matters for electoral credibility. I hypothesize that party support has a positive impact on confidence in electoral processes. Second, I look at transparency in election results. This stage is directly

linked to the outcome of the election and because of its timing, duration and format it is instrumental in the acceptance of results and for preventing or reducing post-election protests or violence. This research focuses on the transparency of election results as a determinant of the elections' success and literature has yet to explore the relevance of this component.

Chapter 3 reveals that literature has so far not focused on the role played by these three key areas. First, the chapter offers an overview of the origins of the scholarship in elections and describes the recent 'electoral integrity agenda, focusing on what can be done to mitigate problems when elections fail to meet international standards and global norms. It then outlines two main fields of study that contribute to this agenda. The first is the micro level study political behaviour. This research strand studies how a number of factors such as context, institutions, experiences and individual characteristics -including socialised norms and values- are expected to shape citizens perceptions and attitudes towards political and electoral institutions. However, as the chapter argues, this research is not a study of public opinion. Instead, this research is interested in how certain institutions contribute to the credibility and acceptance of an election. There is a second research strand more aligned with this: the macro level study of systems and institutions. This field has helped to understand which types of electoral systems, institutions and procedures are associated with the credibility of elections. However, the chapter also shows that this research has so far not systematically analysed the impact of the main factors analysed in this dissertation (political support to election bodies and transparency of election results).

### **1.2.2 Methods and literature**

*Chapter 4* details the different methodologies used to analyse the role played by the three main areas under study (support of political parties to EMBs, the overall administration of the electoral process and transparency in the election results stage). The research is inspired by

mixed methods. This approach traditionally uses different methods to study the exact same data. This is not the case in this research, as the three methods used do not explain the same dependent variable. While the QCA section (Chapter 5) focuses on the acceptance of election results, the quantitative chapter (Chapter 6) addresses credibility of elections and the small-N analysis (Chapter 7) focuses on post-election protests. However, the methods do complement each other and measure related phenomena. And when findings from different methodological approaches are broadly consistent they enhance the robustness of the research claims. This is relevant since at the end, the goal of the research is to understand why election results are accepted.

For answering these questions, therefore, the research involves three different phases, involving three different -but complementary- methodologies. The first phase involves the use of multivalued Qualitative Comparative Analysis (mvQCA). This set theoretic method analyses all presidential elections in Latin America between 2000 and 2015 and seeks to identify which conditions are necessary and/or sufficient for the acceptance of election results. QCA is an intermediate method that borrows from both Large-N and Small-N methods allowing to analyse cases systematically while having a deep understanding of them. QCA formalises qualitative comparative methods and helps identifying which conditions and which combinations of conditions lead to an outcome (in this case the acceptance/rejection of election results). There are four different configurational comparative methods (crisp-set Qualitative Comparative Analysis (csQCA), fuzzy-set Qualitative Comparative Analysis (fsQCA), multi-value Qualitative Comparative Analysis (mvQCA) and generalized-set Qualitative Comparative Analysis (gsQCA) (Thiem, 2014). For the purposes of this study, mvQCA was selected as the most appropriate type. In particular, this research hypothesizes that there are five conditions which contribute to the acceptance of election results: democratic consolidation, the closeness of an election, the support of political parties for

electoral institutions, the overall quality of the election and the transparency in election results. As discussed above, it considers the three aspects identified as the main areas that group possible acts of violence.

Then, the research drills down and studies some of the conditions individually. Phase two focuses on the support of political parties for electoral institutions, and specifically on the inclusion of political parties in the appointment of EMB members. The research proposes four types of EMB models, depending on the level of participation of political parties in the appointment of their members. Then, it tests the extent to which these four categories affect trust in electoral processes. This is done through binary logistic and multilevel regression of results from the Parliamentary Elites of Latin America (PELA) survey. Binary logistic regression is used to estimate the effect of the different levels of support of political parties for the EMB. These methods are appropriate given the size of the sample, as it is appropriate for testing multiple variables and as the independent variable – a four point scale - requires such a research design. Then in order to have more robust findings, and considering the hierarchical structure of the data, the research employs multilevel regression.

Phase three focuses on the third critical area under study, transparency in election results. It studies the role of transparent election results in the credibility in elections, and specifically the prevention of post-election protests. For doing so, it conducts a small-N paired focused comparison of the 2006 and 2012 presidential elections in Mexico. Both elections were followed by protests. But while the 2006 post-election protests were widespread, protracted over more than two months and involved a civil disobedience campaign and a sit it, the 2012 protests were significantly smaller and short lived. The research hypothesises the difference between these two cases can be attributed to the degree of transparency of election results, controlling for other possible factors. Small-N paired focused comparison was selected in order to obtain a more in depth knowledge of the cases and of the causal mechanisms at

play. As the focus is to understand the details of how transparency works for preventing or reducing post-election protests, this was selected as an appropriate method.

### 1.2.3 Empirical findings

We then move into the empirical chapters of the thesis, which describe and analyse these key variables and their impact on the confidence in elections and the acceptance of their results. As mentioned, the overall quality of election administration, the role of EMBs and the election results stage have been identified to group possible acts of violence in an election and are especially relevant for having a successful electoral process and an accepted outcome (GEO, 2011). . Chapters 5, 6 and 7 study these factors in detail.

*Chapter 5* addresses the role of all of these factors in the acceptance of election results. In particular, it seeks to answer the question of *When, where and under what conditions election results are accepted?* Conventional wisdom holds that good election administration is enough for the acceptance of election results. In particular, this view states that if most aspects of election administration are sound and if the election in general is considered “free and fair”, then the acceptance of results by citizens and political parties will follow automatically. This chapter seeks to challenge this view and in addition to analysing the role played by election administration it considers other factors that as we have already learnt are relevant for the success and credibility of an election. Specifically, the chapter looks at the role played by five conditions: democratic consolidation, the closeness of an election, the support of political parties for electoral institutions, the overall quality of the election and the transparency in election results. In order to test the effect of these independent variables on the acceptance of election results, I use multivariate Qualitative Comparative Analysis (mvQCA), which identifies which are the necessary and sufficient conditions for both the acceptance and rejection of election results. This is



especially helpful as it allows knowing if having a good quality election is sufficient for the acceptance of election results or if there are other factors at play. I focus on presidential elections in Latin America between 2000 and 2015. Results show that none of the key conditions by themselves lead to the acceptance of results. Rather, it is a combination of conditions that can lead to this. More importantly, in the face of close elections –which are more challenging- results show the critical importance of having political party support for electoral institutions and transparent election results. This helps explain why many democratic elections in spite of being hailed as “free and fair” by election observation missions are sometimes rejected and followed by post-election protests and even violence. This is confirmed by a second QCA model, which tests the importance of these conditions beyond Latin America. By considering elections held in Africa, Asia and Europe in the same period of time (2000 to 2015) the model shows that the findings can travel to other contexts.

*Chapter 6, To include or not to include? Party representation in electoral institutions and confidence in elections: A comparative study of Latin America* focuses on the role of EMBs. It addresses the debate regarding EMB autonomy from political parties and seeks to find out which EMB model is best for having confidence in elections. There are two models for ensuring the impartiality of an EMB, which is needed if the process through which candidates and political parties are elected is to be considered legitimate. These are the “expert” model, where management of elections is delegated to experts at arm’s length from political parties, and the “multi-party” model, where political parties nominate their own representatives to sit on the board of the EMB. There is no agreement on which of these two models is the best for the credibility of elections (Molina and Hernandez, 1999; Estevez, et. al, 2008; Hartlyn, et al, 2008 Birch, 2011; Ugues, 2014; Rosas, 2010; Tarouco, 2016). This chapter examines the extent to which the support of political parties for EMBs matters. I hypothesise that political

parties, as the main object of regulation of EMBs, must be consulted for all election related activities, including –and especially- in the appointment process of the members of the electoral institution.

In this chapter, the inclusion of political parties in EMBs is measured by a four point scale of EMB models depending on the level of participation of parties in the appointment of their members. The levels are: EMBs with no participation from political parties; EMBs where political parties have an indirect role in the appointment; EMBs where some members are party representatives and others are selected by another method; and EMBs where all members are political party representatives. Results show that although it may be advantageous to include political parties in the appointment process of the EMB members, not all forms of inclusion yield the same level of benefits in terms of confidence in elections. In particular, confidence in electoral processes is significantly higher where political parties have an indirect and a partial direct role in the appointment of the EMB members, compared to those where parties do not participate in the appointment process. This is demonstrated through logistic and multilevel regression of results from 5,261 questionnaires to legislators in the Parliamentary Elites of Latin America (PELA) survey.

*Chapter 7, Free and fair, but also visible and inferable: the role that election results play in post-election protests*, focuses on election results, another of the key conditions identified for having a successful election. It analyses the role of transparency in results for preventing and mitigating post-election protests. It compares the 2006 and 2012 presidential elections in Mexico which experienced different levels of protest. After the 2006 elections, runner up Andres Manuel López Obrador (AMLO) rejected the results, called fraud and asked his supporters to protest the electoral process and its outcome. Around one million people flooded into the streets just in Mexico City, with r big protests in other cities around the country. The protest in Mexico City became a civil disobedience campaign and turned into a

sit down blocking one of the city's main avenues, Reforma, and paralysing the city for two months. AMLO called for a constitutional convention and was self-proclaimed Mexico's "legitimate president". The 2012 elections were also followed by protests, albeit of a much smaller scale. In this case, AMLO again runner up in the election, challenged election results once more. However, his call did not have much echo. The millions of 2006 were thousands in 2012. Protests only lasted a few days instead of months. AMLO did not proclaim himself legitimate president. I argue that the degree of transparency in the election results stage in both elections explains this variation. The degree of transparency is measured using Michener and Bersch's (2013) minimal definition, which considers two basic conditions, invisibility and inferability. .. Using these indicators I analyse three devices used by Mexico's Federal Electoral Institute (IFE) in both 2006 and 2012 elections to process and communicate election results: the programme of preliminary election results (PREP), the quick count system, and the district count (the official tabulation and communication of results). This is studied through a small N focused comparison which allows conducting a structured, systematic and guided data collection and analysis process. Results show that transparency in election results has an impact on the extent of post-election protests. Election results which are clear, accurate, widely available, and easy to understand and transmitted/announced in a timely fashion contribute to positive perceptions of the election results and the electoral process and therefore can prevent and mitigate post-election protests. This explains the much smaller scale, scope and duration of protests after the 2012 election. The same thing cannot be said about the 2006 election, where lack of transparency lead to one of the worst post-election crisis Mexico has ever lived.

Finally, chapter 8 summarises the results of the three complementary research phases/methodology and the lessons learned in the research. From here, it provides

recommendations for policy makers and election officials. It also presents potential future research avenues.

## 2. CHAPTER 2: ELECTORAL INTEGRITY AND CHALLENGING ELECTIONS: SETTING THE SCENE

### 2.1 Introduction

When reading the news it is not rare to find out that an election somewhere around the world was challenged and followed by protests and violence. Most of these news stories come from countries classified as authoritarian or as hybrid regimes. This view is also supported in scholarly literature arguing that losers' consent is more likely in democratic countries (Lago and Martinez i Coma, 2016). This is the "loser-friendly" concept, which follows Przeworski's (1991) view that in a democracy losers choose to comply with the results as elections are free and fair and therefore allow them sufficient chances of winning in the future. Waiting is more profitable than rebelling.

However, election challenges also occur in democratic regimes. Democratic elections are not free from malpractices and therefore are not safe from being challenged. Even long-standing democracies such as the United States, Canada and Britain are vulnerable to flawed elections (Norris, 2014). So, how often around the world are elections challenged? Are challenges more likely in authoritarian or hybrid regimes or are they equally likely in democratic settings? How often do challenges lead to protests? And are these protests peaceful or violent? Do they occur in democratic countries as well? This chapter will give an overview of the extent of post-election challenges in the world. It will describe the frequency of election challenges as well as identify if these challenges were followed by protests, and if these were peaceful or violent. Second, it will try to explain why these challenges occur, especially in democratic countries which are supposed to be free of these issues. Third, it will describe all the types of issues and malpractice that can affect the integrity of an election. Finally, it will focus on the three key

conditions analysed by this thesis and make the case for their importance in the study of election confidence and the acceptance of election results around the world.

## **2.2 The Perceptions of Electoral Integrity Index**

To measure electoral integrity and losers consent around the world, I use data from the Perceptions of Electoral Integrity Index (PEI), version 4.0. This is a survey which gathers the perceptions of experts on the integrity of elections, understood as the extent to which the conduct of elections meets “international standards and global norms (...) endorsed in a series of conventions, treaties, protocols and guidelines” (Norris, Frank and Martinez i Coma, 2013:9).

There are a high number of alternative sources for measuring the quality of an election and its components, including mass surveys, media reports, legal analyses, election forensics and Election Observation Mission reports. However, none of these sources are relevant for the purposes of this chapter – and for answering questions such as how often elections are challenged around the world and how often do these challenges lead to protests. The main reason these sources cannot be used relates to their lack of depth, global coverage, and specialization. For instance, mass surveys can give us a general assessment by a big number of citizens about the conduct of the election. However, these surveys do not analyse the specific components of the election and are limited as respondents might not be well acquainted with many technical aspects. Election observation missions on the other hand, do provide an in depth understanding of the electoral process and its components. This is as increasingly observers are being deployed not only for election day, but as part of a long term team that monitors aspects ranging from campaign media to post-election disputes. However, the problem here lies in the lack of coverage, as there is no single organization that observes all elections around the world (Martinez i Coma, Norris and

Frank, 2015). Then, using media reports can be useful for obtaining information about irregularities, fraud and violence, but these are limited as their selection and partisan bias has been widely documented. Finally, election audits are useful for assessing the performance of electoral procedures and staff, as well as to detect problems in certain activities, such as in the processing and tabulation of election results. However, they cannot be used for global comparisons as they are usually implemented in a single country or even at the constituency level (Alvarez, Atkeson, Hall, 2012).

Therefore, for the purposes of this chapter an expert survey covering all countries worldwide throughout the electoral cycle is especially relevant. The PEI Index allows us to systematically compare how far the conduct of elections around the world meets international standards and norms and to measure and assess the different components in an election. The PEI index covers all national elections (parliamentary and presidential) held in independent countries, excluding microstates with a population of less than 100,000. In its latest version, the PEI index contains information gathered from about 180 elections held in 139 countries from 1 July 2012 until 31 December 2015. In particular it monitors the quality of the elections around the electoral cycle – covering the pre-election period, the campaign, election day and the post-election phase – as suggested as best practice by the United Nations (2016). It is based on 49 indicators grouped into eleven stages, ranging from electoral laws to the impartiality of electoral authorities.

Moreover, this assessment is done by experts with deep knowledge about elections. PEI defines experts as political scientists (or scientists in a related discipline) who have demonstrated knowledge about elections in a specific country. In particular, this is identified by 1) membership of relevant research groups or relevant professional networks; 2) publications, including books, scientific articles or conference presentations in the field of elections or 3) employment in a university as a lecturer/ professor or researcher. For each

election, the Electoral Integrity Project identifies roughly 40 experts per country, both domestic and international people for balance (Norris, et al., 2016). PEI version 4.0 had a response rate of 29%, obtaining responses from a total of 2,080 experts.

Is this expert survey reliable? From the pilot study in 2012, the results of the PEI have been tested, showing substantial external and internal validity. In order to test its external validity, the PEI has to be compared with independent sources of evidence, such as other expert datasets created by scholarly projects. For instance, comparing the PEI index 4.0 with Varieties of Democracy (V-Dem's) assessment of the quality of electoral democracy, yields a high correlation ( $R=.83^{***}$ ,  $N127$ ) (Norris, et al., 2016). This is not the only case. It has been reported that correlations between the PEI Index and other related measures – including flagship indices such as the Economist Intelligence Unit measure of Electoral Processes and Freedom House's measure of Electoral Processes- are also quite strong and significant (Norris, et al., 2016). In regards to internal validity, OLS regression analysis was used to predict whether the index varied by the characteristics of the experts. Several factors proved significant (sex, length of time living in the country) while others “reassuringly” were not (chiefly political ideology but also age and education) (Norris, Frank and Martinez i Coma, 2013).

This, however does not mean that there are no issues surrounding the PEI Index. First of all, we have to consider that not all types of electoral experts are taken into account. The Index focuses solely on people with an academic background who have held positions at universities or published on elections or politics about a specific country. Other experts, such as election officials without academic experience, are left out. Second, the number of available experts varies from country to country. This of course, depends on the size of the country but also on its resources and access. As a result, while there is a surplus of experts



for certain countries (the United States and Mexico, for example), there is a deficit for countries such as Cape Verde and Mali.

Nonetheless, the PEI Index is a very useful tool for measuring electoral integrity. In contrast to other data sources, it allows us to have a global, comprehensive and systematic comparison of the quality of elections around the world. It allows us to measure and describe individual components - from pre-election to post-election- and it is conducted by people with deep knowledge on the topic. Moreover, it is quite reliable, with results similar to other democracy and election measures and with a strong consistency amongst its experts' assessments. And more importantly, by focusing on the quality of elections and by considering aspects such as post-election challenges and the existence of peaceful and violent protests after the election, it allows us to answer the questions outlined at the beginning of this chapter.

### **2.3 Challenging elections around the world-**

As stated, this research uses data from the Perceptions of Electoral Integrity Index (PEI), version 4.0 to identify and describe post- election behaviour around the world. To measure this, I use indicator 10-1 on the PEI survey, which asks experts a few weeks after a national election has taken place if parties or candidates challenged the election results. Answers go from 1 (strongly disagree) to 5 (strongly agree). Therefore, lower scores indicate cases where parties did not challenge the election results while higher scores indicate results were very much challenged. To clarify this, the following examples are illustrative. On the higher end of the scale we have the Burundi 2015 presidential election, which scored 5 in the measure. Since independence Burundi has experienced a series of military coups that have weakened democratic procedures and institutions. After a devastating ethnic based civil war in the 1990s

a new constitution was approved in 2005. Under this constitution elections were held in 2005 and 2010, with the opposition boycotting the latter after protesting the very flawed May 2010 local elections. Since then, the government has cracked down on opposition members in what has been labelled a “restricted political atmosphere” (Polity IV, 2010). In this context, President Pierre Nkurunziza –despite a controversy about his eligibility- decided to run for a third term in office. This caused protests, violence, a coup-attempt and increased attacks on the opposition. 17 opposition parties boycotted the election while the UN Secretary General and regional leaders asked for elections to be postponed (IBT, Telegraph, 2015). Elections were held regardless, with Nkurunziza winning reelection with 69.41% of the vote. Violence and unrest have continued after re-election, with deaths on both sides. In December, a new rebel group, Republican Forces of Burundi, was formed with the purpose to oust the President (Al Jazeera, 2015). The 2013 elections in Venezuela score 4.29 in the scale. In power since 1999 and after surviving a failed coup in 2002, a recall referendum in 2004 and after abolishing terms in office, Hugo Chavez passed away in March 2013. Then, presidential elections were held to appoint his successor. In these elections, Nicolas Maduro, former Vice President and interim president after Chavez’ death, obtained a razor thin victory with 50.66% of votes over opposition leader Henrique Capriles who received 49.07% of votes. With this razor thin margin (1.49%) Capriles rejected the results, claimed the process was marred with irregularities and demanded a full vote recount (El Pais, 2013). Venezuela’s National Electoral Council (CNE) confirmed Maduro’s victory. The opposition took to the streets to protest and attacked several buildings of Maduro’s political party. Protestors clashed with government forces, leaving 7 dead and dozens injured (El Mundo, 2013). On the other side of the scale we find cases of countries where election results were not challenged. An example of this is the 2015 election in Canada (with a score of 2 in this measure), where voters gave an unexpected but decisive victory to the Liberal Party under Justin Trudeau. This election was

ranked 20<sup>th</sup> best among all 180 elections covered so far by the PEI, and 5<sup>th</sup> for elections in 2015, providing “an example of a contest generally well administered around the whole electoral cycle” (Norris et al, 2016:41). A similar example is the 2014 election in Costa Rica (with a score of 1). This election was characterised by a “high level of professionalism and technical capacity” (OAS, 2014: 5) and was the first election conducted after the new 2009 election code introduced a number of procedures to strengthen the organisation and management of the electoral process (OAS, 2014).

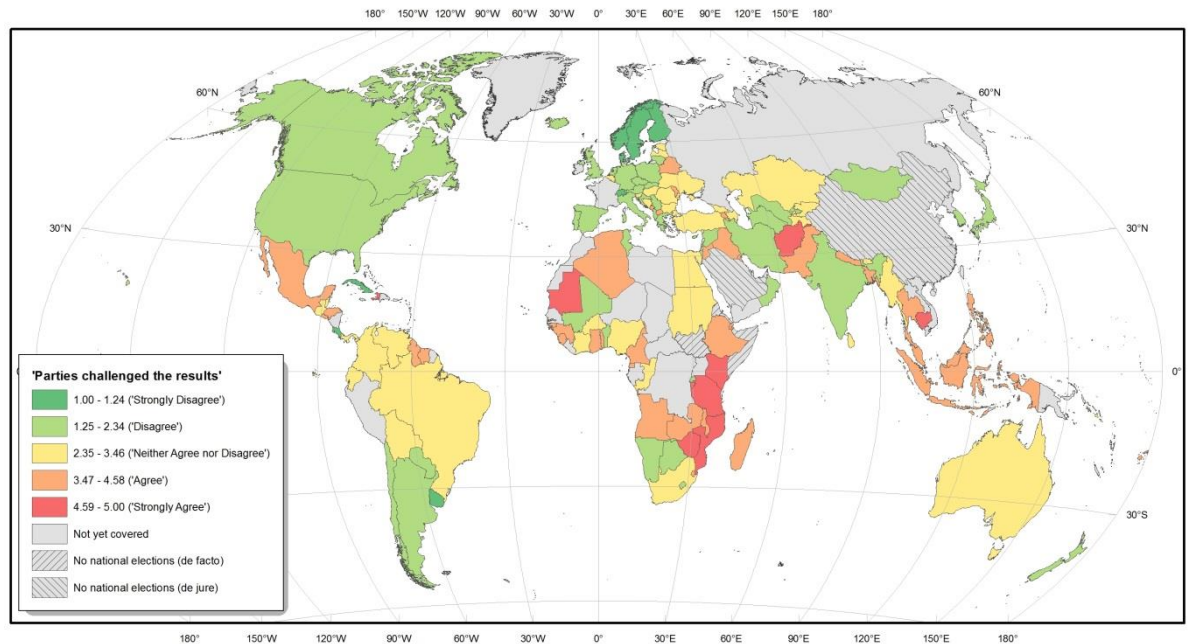
Figure 2.1 presents these results by country. It shows the “challenge of elections” score by country on a world map, using standard deviation for the different categories<sup>2</sup>. As the map shows, challenging election results is quite a routine phenomenon, with Africa, the Middle East and South East Asia being the regions where this is more common. It is not a coincidence that these three regions, on average, have the lowest scores on the aggregated PEI Index for 2012-2015<sup>3</sup>. In Africa, for example more than half of the states in the survey have low integrity scores, with countries such as Congo Republic, Djibouti, Burundi, Equatorial Guinea and Ethiopia which have some of the lowest ratings around the world (Norris et al, 2016).

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<sup>2</sup> The cut-off points are chosen so that the step for each category is one standard deviation wide. The middle category stretches from -0.5 Std. Dev. To +0.5 Std.Dev. and encompasses about 38% of all the data.

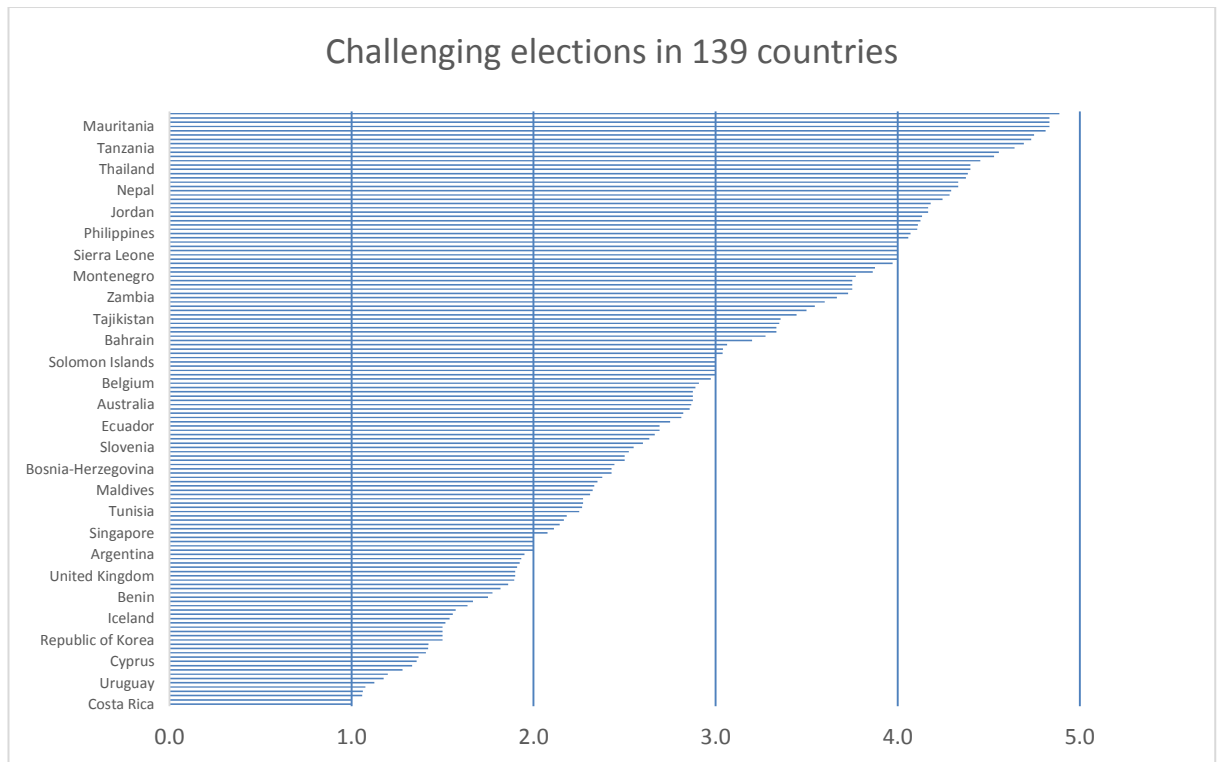
<sup>3</sup> The 4.0 version of the PEI Index shows that the regional average of integrity on a 1-100 scale is 47 for Africa, 49 for the Middle East and 56 for Asia Pacific. (PEI presents an average for the entire Asia Pacific region. However, excluding countries from Oceania and East Asia from the sample yields an average for South East Asia of 47/100.)

Figure 2.1. Elections challenged around the world. 2012-2015



Then, Figure 2.2 allows us to see the performance of individual countries by using their mean absolute values. Countries such as Finland, Costa Rica and Switzerland obtain low scores as parties and/or candidates do not challenge election results. Not surprisingly, these countries are consistently ranked most highly by the PEI Index, with scores of 86, 80 and 79 out of 100. On the other upper side of the graph, we find countries such as Kenya, Mauritania and Cambodia where election results are very much challenged. Kenya has a legacy of violence in elections while Mauritania and Cambodia are both authoritarian regimes. Again this is not a surprise as all three countries rank poorly in the PEI index, with scores of 41, 44 and 32, respectively.

**Figure 2.2 Challenging results around the world. Scores per country: 2012-2015**



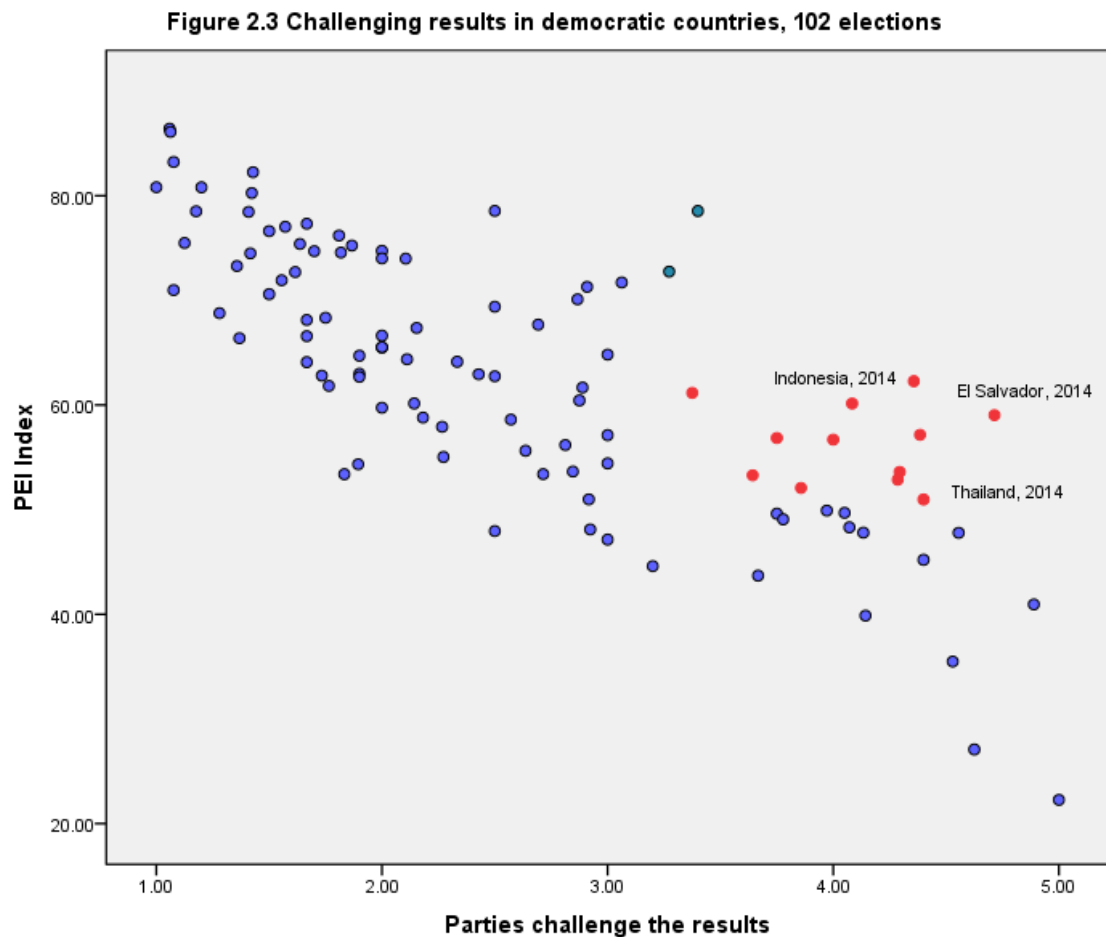
Note: For illustration purposes labels are shown for just a sub-set of the 139 countries

### 2.3.1 Challenging election results in democracies

However, as we can also tell from figures 2.1 and 2.2, elections are not only challenged in non-democratic countries or hybrid regimes. Parties and candidates also challenge election results in democratic regimes, and sometimes even in well-established democracies. Figure 2.3 below considers elections that take place only in democratic countries (a country is considered democratic if it scores 6 or higher on the Polity IV rating of political rights)<sup>4</sup>. It lists a total of 102 out of the 180 elections included in the PEI 4.0 survey and presents a scatterplot with 2 key indicators. First, it presents the mean score of challenged results on a 1

<sup>4</sup> Polity measures three components related to the democratic quality of a regime: executive recruitment, executive constraints and political competition. It also records special conditions, including periods of factionalism, interregnum, interruption and transition and change events, such as autocratic backsliding, executive auto-coups, revolutionary change, state failure and coup d'état. More information on Polity IV at: <http://www.systemicpeace.org/polity/polity4.htm>

to 5 scale. Scores between 3 and 4 represent “challenged” elections, while mean scores between 4 and 5 correspond to “highly challenged” elections. Second, it shows the electoral integrity score for that election (on a 1 to 100 scale), with higher values corresponding to elections with high levels of integrity.



First of all, as we can see (illustrated by cases located in the bottom right section of the plot) election results are also challenged in democratic countries. Data shows that election results were challenged in 34 out of 102 elections (measured by an election challenge score above 3-‘neither agree nor disagree’). Then, elections where highly contested in 18 cases (mean scores 4 and 5 - agree and strongly agree). More importantly, we find that several elections

were also challenged in spite of having moderate or high electoral integrity scores<sup>5</sup>. These cases have been highlighted in red to show that elections are challenged in spite of having good quality (PEI scores above 55).

In particular, I labelled three of these cases to illustrate the point. A first example is the 2014 presidential election in Indonesia, where runner up Prabowo Subianto of the Great Indonesia Movement Party claimed massive cheating and challenged the election results, declaring the election unconstitutional. These claims diverge from a high PEI score of 60.14 for that election, and also collides with the opinion of most national analysts, which deemed the election credible and inclusive (Nelson, 2016). The 2014 presidential elections in El Salvador and the 2014 general elections in Thailand are related examples. These two elections obtained moderate to high scores in terms of their integrity, but were nonetheless challenged. And, in the case of Thailand, elections were unfortunately marked by violence and followed by a political crisis and a coup d'état by the armed forces (BBC, 2014). As of October 2017, the military junta is still in power as fresh elections have not been held. A detailed account showing PEI and election challenge scores for all 102 elections in democratic countries can be found in Table 1 in the appendix.

### **2.3.2 Challenging results and post-election protests**

As Lago and Martinez i Coma point out (2016) when votes are cast in an election and a candidate or a party is declared winner, losers can react in three different ways: they can accept election

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<sup>5</sup> The PEI index considers scores ranging from 0 to 100, where 100 is the highest score possible for a particular country. Scores above 70 points are considered “very high” in electoral integrity; scores from 60 to 69 are for countries or elections with “high” integrity; 50 to 59 is “moderate”; 40 to 49 is “low”, and scores below 40 points on the PEI Index are considered cases of “very low” integrity. (Norris et al, 2016)

results, they can challenge the results, or they can turn against democracy. In turn, challenging election results can take many forms, including both legal and extra legal action (Chernykh, 2013). First, a party can take legal action by filing a petition to another electoral body or the judiciary and ask for a recount or even to cancel or nullify election outcomes. Second, a party can choose to go for extra-legal action and can decide “staging a post-electoral mass protest, refusing to recognize the newly elected legislature by not taking its seats or even boycotting the second round of elections (Chernykh, 2013: 1362).

Challenging election results can lead to post-election protests. These protests can be peaceful and lead to election reform and to broader changes to the political and economic system of the country. At the same time, however, such protests can become violent and can have important consequences for the political stability and for the advancement and consolidation of democracy in the country (IDEA, 2010; Chernynk, 2013). How prevalent are challenged elections around the world? And how often do they lead to protests?

In addition to measuring whether parties or candidates challenged the election result, the PEI 4.0 survey considers experts’ evaluations of the existence of post-election protests. The survey contains two indicators. The first measure asks whether the election lead to peaceful protests, using a scale going from 1 (the election did not lead to peaceful protests) to 5 (the election lead to peaceful protests). The second asks whether the election triggered violent protests, also employing a five point scale. Using election-level data from the PEI Index, (Table 2.1, first row) we find that 45% of all elections conducted worldwide between between 1 July 2012 and 31 December 2015 were challenged by parties and/or candidates (81 out of 180 elections). Then, 23% of elections worldwide were followed by peaceful protests (42 out of 180 elections) and about 8% of them triggered violent protests (15 out of 180)<sup>6</sup>. In the smaller universe of democratic countries, the frequency of challenged elections and elections followed by protests is lower, but still relevant.

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<sup>6</sup> This is obtained considering answers equal and greater than 3 on the five point scale used by the PEI survey.



Table 2.2 (second row) illustrates this: 33.3% of democratic elections are challenged, 20.6% are followed by peaceful protests and 5% by violence. Table 2.2 focuses on challenged elections. Out of all challenged elections worldwide within the period of time covered by the PEI Index (81 in total), 48.1% were followed by peaceful protests while a worrying 17.3% lead to violence. Amongst democratic countries, 55.9% of challenged elections lead to peaceful protests and 14.7% ended in violence.

**Table 2.1. Challenged elections worldwide and in democratic states.**

Elections	Challenged	Peaceful protests	Violent protests
All elections 180	81 (45%)	42 (23%)	15 (8.3%)
Democracies 102	34 (33.3%)	21 (20.6%)	5 (4.9%)

**Table 2.2. Percentage of challenged elections leading to peaceful / violent protests.**

Elections	Peaceful protests	Violent protests
All elections 81	39 (48.1%)	14 (17.3%)
Democracies 34	19 (55.9%)	5 (14.7%)

## 2.4 Challenges and election malpractice

The tables above show us that a considerable percentage of challenged elections lead to protests that sometimes turn violent. Why is this fairly common? Why do people challenge election results and turn to the streets? If we look at news headlines after any election around the world we will find an answer to these questions. Stories highlighting long queues, tired poll workers, poorly designed ballot papers and confusing voting machines are quite common. Beyond Election Day,

reports on gerrymandering, illegal campaign finance, unfair news coverage and government manipulation of results are just some of the many issues that elections face across the world.

It is safe to say that all elections –regardless of where they are held- experience problems. On the one hand, these problems have to do with governments, political parties, candidates and other actors actively trying to manipulate the electoral process and its outcome for their own or their parties' interest. This has been labelled as “electoral malpractice” and takes three main forms: the manipulation of the legislative framework of elections, the manipulation of the choices of individual voters or the manipulation of the administrative process of voting (Birch, 2011). These malpractices include gerrymandering, disenfranchisement, the improper use of state resources in campaigning, violating caps on campaign spending, bias in media coverage, vote buying and voter intimidation and coercion, amongst others. Moreover, as Birch also indicates (2011), manipulation can go beyond these three main areas and can occur both before the start of the electoral process and after its conclusion. The manipulation of the timing of elections and the illegal financing of party war chests fall in this category. On the other hand, not all problems in an election are about wrongdoing. In these cases, irregularities are unintended and have to do more with human or technical errors and mistakes or a lack of resources. Ballot miscounts by tired or poorly trained election officials (or working at night with poor lighting conditions), bad quality in voting ink, flawed logistics for distributing election materials or an out of date electoral roll are just some examples of this. This is in line with a second classification stating that problems regarding the integrity of the election can be of first and second order (Norris, 2013). First order problems are commonly related to major violations of human rights and large scale fraud, illustrated by actions such as the imprisonment of opposition leaders and voter coercion by security forces, while second order problems are about “more mundane issues of maladministration, lack of technical capacity or human error” (Norris, 2013:566).

Regardless if they are intended or unintended, first or second order, all these types of malpractices can have important consequences. In fact, “electoral malpractices (...) are intrinsically important as

the lynchpin of liberal democracy” (Norris, 2014: 7-8). First, they can modify the outcome of the election (this of course, depends on the closeness of the race and the extent of the malpractice). Second, they can affect the quality of future elections. For example, if not addressed, gerrymandering and malapportionment will remain a problem for the future. Third, they can affect the credibility and legitimacy of the regime and its institutions and shape how people see democracy (Elklit, 1999; Birch, 2011; Norris, 2013). Finally, malpractice usually leads to challenged election results. Irregularities and flaws in elections can translate into frustration and anger and lead to unrest and violence (Birch, 2011).

## **2.5 Strengthening elections**

How can we prevent conflict and violence? Living in a democracy increases the chances that elections will not be challenged. In democracies with free and fair elections losers are more likely to comply with the results as they believe they will have a sufficient chance to win in the future (Lago and Martinez i Coma, 2016). Democracies are self-reinforcing. However, this is not enough. As shown above, democratic countries also experience episodes of protests and violence.

Therefore, the focus must be on strengthening the integrity of electoral processes. This has been highlighted as important for the acceptance of an election by both scholars and practitioners (Lopez-Pintor, 2000; Mozzaffar and Schedler, 2002; Birch, 2006; IDEA, 2006; Norris, 2014; Lago and Martinez i Coma, 2016). Electoral integrity is an overarching concept which encompasses many different aspects that occur before, during and after Election Day (Norris, 2013). However, as outlined in the introduction, this research will focus on three aspects that have been identified as the main areas that group possible acts of violence resulting from an election (GEO, 2011). These are the overall administration of the electoral process, the role played by EMBs and the election results stage.

### 2.5.1 Election administration

First, this thesis focuses on the quality of election administration. Scholars and practitioners agree that the quality of an election is key for its success and credibility. In one of the first scholarly works on the topic, Robert A. Pastor (1999) presents election administration as “the missing variable” for explaining the causes and consequences of democratic transitions. In his view electoral procedures are “no simple matter” and have a political side to it, which is very delicate. Technical problems or even rumours of irregularities can easily lead to boycotts, protests and violence, especially in emerging democracies. After this first work, a number of studies have shown that the quality of an election has a positive impact on its acceptance and on the support and legitimacy of democracy and that of the political system (Elklit, 1999; Elklit and Reynolds, 2002; Mozzafar and Schedler, 2002; Norris, Frank and Coma, 2014). In short, “the way elections are managed can either make or break a democracy” (Maserumule, 2015:85). For practitioners there is also a rare unity when it comes to highlighting the importance of this aspect. Good examples of this are election observation reports. Usually statements and reports from intergovernmental institutions such as the European Union, the Organization of American States or the African Union or from non-governmental organisations such as the Carter Centre link the success and acceptance of an election to meeting international standards of electoral integrity, to being “free and fair” or to having technical accuracy in the conduction of the electoral process. For instance, the 2010 mission of the Centre for Electoral Advice and Promotion (CAPEL) to the 2010 presidential elections in Colombia indicated that “the election was developed according to international standards (...) which resulted in a decrease in violent acts” (CAPEL, 2010). Then, on the 2012 report on the Ghanaian elections, the Commonwealth secretariat mentioned that “the [2008] elections were found to have been conducted in an open, transparent and inclusive manner, and were therefore considered credible.” (Commonwealth, 2012: 6). Similarly, elections which are not

clean and where there is significant fraud fall in the category of flawed or failed elections and are linked to contestants rejecting election results and even to violence and instability.

However, election administration is not the only factor behind the acceptance and credibility of an election. Sometimes, elections classified as “free and fair” have been followed by protests and even riots, while elections with technical flaws have been widely accepted. An example of this is the 1994 elections in South Africa. In January that year, the recently created Independent Electoral Commission (IEC) had less than 4 months to hold the country’s first ever democratic election. For the first time ever, the election would include all South Africans over 18 years of age, a sixfold expansion of the electorate from the apartheid years. The task was daunting. In addition, there were many other technical challenges. There was no voters roll, no voter cards and as most of the country had never experienced an election before, there was no record of suitable places to set up polling stations (Mawson, 2010). It was a completely new experience, an experiment almost. On top of that, white extremists opposed the electoral process and conducted acts of violence. On Election Day, there was a shortage of ballots in many polling stations, which also experienced long queues, leading to discontent and fatigue from both voters and poll workers. Complicating matters further, it was discovered that a computer hacker had accessed the counting and tallying system (Elklit and Reynolds, 2000). Nonetheless, in spite of these “technical flaws (...) results were (...) generally accepted by all—voters, parties, and international observers” (Elklit and Reynolds, 2000:25). These technical and administrative shortcomings were overcome and results were accepted because of three main factors. First, these elections had Nelson Mandela, a very credible figure and a key symbol of struggle against apartheid. Second, the IEC had a good relationship with political parties and was trusted by them. The IEC set up national, provincial and local inter party liaison committees, where all political parties were represented and were able to discuss matters pertaining to the election and voice their concerns (Mawson, 2010).

Third, the level of transparency in the election allowed creating an atmosphere where the outcome was trusted. The IEC had an open policy of information for voters and political parties, giving them insights into what was going on, which made them more likely to accept EMB decisions more willingly (Elklit and Reynolds, 2002). In the words of Judge Johann Kriegler, who directed the Independent Electoral Commission, “we had the worst administration you can imagine (...) but we had the political will and we were legitimate. That’s what you need. If you haven’t got a Mandela, you’re in trouble” (Mawson, 2010:1).

### **2.5. 2 Beyond election administration: electoral institutions and electoral results**

As the South African example shows, not everything is about the good administration of an election. Therefore, this research focuses on two other more specific aspects highlighted by the findings of the 5<sup>th</sup> Global Electoral Organization Conference as critical for preventing violence and for the successful conduct of an election. These are the role played by EMBs and the election results stage. This research gives especial attention to these two areas and seeks to explain their contribution to having accepted and credible elections.

Factor Analysis of the PEI Index confirms the importance of these two areas for the integrity of elections. In particular, the Principal Component Analysis shows that although all of the 11 dimensions of the electoral cycle measured by the PEI<sup>7</sup> contribute strongly to the underlying dimension of integrity, “Vote Count” and “Electoral Authorities” are the highest. In the PEI Index the dimension “vote count” is related to election results, including indicators for vote count and the announcement of election results without undue delay. On the other hand the “electoral authorities” measure is related to the role played by EMBs and includes measures of the impartiality, transparency and performance of the election authorities. These two areas

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<sup>7</sup> The 11 dimensions in the PEI are: electoral laws, electoral procedures, voting district boundaries, voter registration, party and candidate registration, media coverage, campaign finance, voting process, vote count, post-election and electoral authorities. (Norris, et al, 2015)

have the highest loaded scores in the analysis, which means they are especially critical for electoral integrity, as shown in the Component Matrix below (Table 2.3).

**Table 2.3 Component Matrix. Principal Component Analysis (PEI Index).**

Component Matrix <sup>a</sup>	
	Component
	1
1-4i. Electoral laws index (20-100), imputed	.810
2-5i. Electoral procedures index (25-100), imputed	.926
3-4i. Voting district boundaries index (20-100), imputed	.720
4-4i. Voter registration index (20-100), imputed	.847
5-6i. Party and candidate registration index (20-100), imputed	.866
6-6i. Media coverage index (20-100), imputed	.758
7-6i. Campaign finance index (20-100), imputed	.876
8-9i. Voting process index (20-100), imputed	.878
9-6i. Vote count index (20-100), imputed	.927
10-5i. Post election index (20-100), imputed	.811
11-5i. Electoral authorities index (25-100), imputed	.943

Notes. Extraction method: Principal Component Analysis (a. 1 components extracted). One underlying dimension extracted (Eigenvalue=8.019; % of Variance 72.9). Bartlett's Test of Sphericity yields significant results ( $p < .001$ ).

### *2.5.2.1 The role of EMBs: party support and inclusion*

Electoral Management Bodies are a central component of the democratic system. They are not only key institutions for the delivery of elections but also play a major role in democracy building and consolidation. In the words of Lopez-Pintor, they are *institutions of governance*, “dealing directly with the organization of multi-party elections and indirectly with governance and the rule of law” (Lopez-Pintor, 2000:13). First, EMBs perform a number of functions to ensure that elections are conducted with integrity and according to widely accepted international standards. Of course, no two countries are identical but typically EMBs are in charge of functions such as the registration of voters, the design and implementation of electoral procedures, the organization and logistics surrounding voting day (from the delivery of election materials and the installation of voting centres to the training of polling clerks), the vote count and the announcement of results. Moreover, in some countries EMBs have acquired additional functions, such as the drawing of electoral boundaries/constituencies (like a number of EMBs in the Americas), overseeing campaign finance (Federal Electoral Commission in the US) and even the management of parties’ and candidates’ access to radio and television (Mexico’s National Electoral Institute). Second, EMBs can contribute to the legitimacy of the electoral process and to that of the political system. In the third wave of democracy, EMBs played very important roles in re-establishing democracy and in guaranteeing that elections are acceptable to all parties involved, including factions that once fought each other in civil wars and other conflicts. Even consolidated democracies like the US, the UK and Australia have in recent years set up EMBs for the conduct of credible elections (as late as the year 2001 with the establishment of the Electoral Commission by Parliament in the UK).

It is therefore very important that the electoral institution acts and is perceived to be impartial and credible, so that electoral processes are recognized as legitimate (Birch, 2011; Magaloni,



2006; Miller, 2005; North & Weingast 1989). When an EMB is credible, the election and its outcome are credible and accepted. However, when citizens, political parties and others mistrust the electoral institution, the entire process can be challenged. An example of this is the general mistrust of the Philippines Commission on Elections (COMELEC), which contributes to tensions and creates an atmosphere that is more likely to lead to violence (IFES, 2004). In the 2004 elections, for example, 249 election-related violence incidents, including 468 casualties were reported (Rimban, 2011). As will be detailed on chapter 6, another key example is the 2007 elections in Kenya, which ended with significant post-election violence. This was mostly due to the doubts surrounding the impartiality of the Electoral Commission, whose members were appointed only shortly before the election day and without consulting most political parties.

EMB credibility is critical for the acceptance of election results (Maserumule, 2015: 85). For this reason, literature has focused on a number of aspects that are considered to strengthen election administration. These include the organizational structure of EMBs, their functional capacity, and their administrative ethos (Norris, 2015). With regards to the EMB structure, the focus has been on comparing and analyzing the advantages of three main types of electoral bodies: the governmental model, where elections are organized by the executive branch of government at the national or local level; the independent model, where the management of elections is done by an agency which is institutionally independent and autonomous from the executive; and the mixed model, which involves two levels or components, a supervisory agency that is independent from government and an implementation body which is part of a national or local government (such as a ministry or local authorities) (ACE, 2016; IDEA, 2006). Within this field, other studies analyse the autonomy of EMBs not from government but from political parties. A second condition that is believed to have an influence in the quality of elections is functional effectiveness and state capacity. This highlights the

importance of the EMB's administrative capacity and its ability to manage and organize an election effectively and professionally with as little flaws as possible. Adequate managerial, technical, legal, human and financial resources are needed for conducting a successful election (Norris, 2015). A third condition that has been analysed by literature is the administrative culture or ethos of the EMB and its staff. This is related to the values that influence the way officials in the EMB see their work and how they perform. Values such as impartiality, efficiency, transparency and legality rather than clientelism and patronage have been found to have a positive impact on public service delivery.

Although there are many conditions that are believed to have an impact on the quality of elections and their credibility, in this research I focus on the structural element of EMBs. I study the relationship between EMBs and political parties and analyse whether support from political parties to EMBs matters for electoral credibility. I hypothesize that party support has a positive impact on confidence in electoral processes. This support can take a number of forms. In Chapter 5 I focus on the general support to EMBs by political parties, identified as expressions of trust and acceptance of the electoral institution and its top staff, while in chapter 6 I focus on the participation of political parties in the appointment of EMB members. Political parties are at the heart of an election and have a unique position to either support or reject the election. If political parties have a role and a voice in the appointment of the EMB members it is more likely that they will have a good relationship with the institution and it is more likely that they will support its activities and decisions. On the other hand, when political parties are excluded and their concerns are not heard, it is more likely that they will criticise the EMB and its decisions. This exclusion can also provide them with grounds to question the impartiality of the EMB and lead them to challenge the entire electoral process.

#### *2.5.2.2 Election results: transparency for credibility.*

The election results stage is very important for the credibility of an election and it's one of the most sensitive areas in the electoral cycle. First, this stage, encompassing the counting, verification, communication and announcement of results usually lasts only a few days or even hours. As a result, it gets more attention than other stages that unfold during longer periods of time, such as voter registration, which can be a continuing and lengthy process. Second, this stage occurs immediately before candidates, parties, media and citizens in general find out who are the winners of the election. In a way, this stage is directly linked to the outcome of the election and therefore it is used by many as an indicator of the overall quality and integrity of the entire process. Third, in modern democracies, the format of the results stage is that of a horse race, with constant and abundant information showing who is ahead and who is behind, by how much, and how can this potentially change or not in the next few hours or even minutes. Charts, graphs and estimations of the actual and projected results for each candidate or political party are a key part of this process. This allows people to examine the election more closely and contributes to a state of heightened excitement. Therefore, because of its duration, timing and format, the electoral results stage can play a very important role in the acceptance of election results and in preventing or reducing post-election protests or violence (especially if the climate is tense and results are close). The success of this stage is crucial for the entire process to work.

The importance of the election results stage is considered in a number of books and guidelines directed towards democracy and electoral assistance practitioners. For instance, the Venice Commission's code of good practice in electoral matters highlights that the transmission of results is a vital matter whose importance is often overlooked (Venice Commission, 2002). As a result, it suggests that – as other stages of the electoral cycle – it should be characterised by transparency, impartiality and independence from political

manipulation. In particular, it indicates the transmission of both preliminary and final results should be conducted in an open manner, and within short time limits, especially when the political climate is tense (Venice Commission, 2002). In a similar fashion, the Deepening Democracy report by the Global Commission indicates that transparency, inclusiveness and accountability in the tabulation of results can improve confidence and diminish post-election volatility (Global Commission, 2012: 26). In the same way, as stated by the International Obligations for Elections guidelines, “the respect for the free expression of the will of the electors (...) relies on fair, honest, conscientious and transparent management of counting and tabulation activities” (IDEA, 2014b).

Reports also highlight more practical aspects of the management of election results. The International IDEA Handbook on Electoral Management Design points out that the credibility of an election is weakened when the election results stage is flawed. As the handbook points out this was the case in Belarus and Ukraine in 2004 and Ethiopia in 2005, with important delays in the communication and announcement of election results and where the public was not able to access the vote count data (IDEA, 2014). A similar situation occurred in Kenya during the December 2007 presidential elections, where the ECK delayed announcing the results by two days, which lead to protests by the opposition and post-election violence (Global Commission, 2012).

Several factors contribute to having good election results and thus a credible election. From the guidelines and cases above we can see that the public has to have effective access to information and that this information must be widely available and published in a timely fashion. More specifically, from the counting and tabulation of votes at polling stations and/or central offices to the official release of results, all citizens as well as candidates, political parties, authorities and the media must have constant access to the information offered by the progressive vote count and to the preliminary and final results. Moreover, this information

must be clear and simple, with disaggregated information down to the polling station level, easy to understand and use and verifiable in an independent manner by third parties, be it observers, political parties or independent audit agencies.

At the core of these factors there is something that is very important for having an election with credibility: transparency. Transparency has been embraced recently by a number of national and international organisations in their effort to improve governance and public service delivery. Access to information and disclosure have now been recognised as key elements so that governments and public institutions can improve their performance and become accountable to the public (UNDP, 2010; Open Government, 2015). Transparency has also become an important standard in election administration. It has been recognised as “a basic good practice for all EMB activities” (IDEA, 2014: 23) and is one of the key elements that “ensures the proper administration of the election process” (Venice Commission, 2002: 26). Transparency can help identify irregularities in EMB processes, misconduct from EMB officials and fraudulent practices. At the same time, it can protect the EMB, its staff and its activities from unfounded allegations and perceptions of fraud. As a result, transparency can improve citizens’ perceptions of the integrity of the electoral process. When elections are open and inclusive and when information is made public in a timely fashion, confidence follows. Support for elections and election institutions increases when electoral rolls can be accessed by the public and political parties, when procedures for candidate registration are clear and when campaign finances are audited. On the other hand, suspicion and doubts increase when information is delayed or obstructed, when procedures are not verifiable and when people are kept in the dark about EMB decisions. The effects of transparency in the realm of election results are similar. When results are transmitted in a timely fashion and these are widely available, easy to understand and accurate, speculation is prevented and parties and citizens are persuaded to accept election results. This way transparency can

“clarify the political scene, foster the acceptance of results and leaves little room for uncertainty and rumours” (Lopez Pintor, 2000: 81)

In this research, I study the relationship between election results and election credibility. In particular, I analyse the role of transparency of the results in preventing post-election protests. This is explored through a comparison of the 2006 and 2012 presidential elections in Mexico. Through a paired comparison of these similar systems I attempt to show how the differences in the degree of transparency in several activities of the election results stage affected the level of post-election protests. The transparency in election results is assessed using Michener and Bersch’s (2013) minimal definition, which considers that transparency must have two essential conditions: visibility and inferability. I argue that transparency in results can contribute to improving perceptions of the integrity of the election and increase the cost for actors wanting to reject election results. With transparent results (when results are transmitted in a timely fashion, and information is complete, simple, widely available and verifiable) speculation and rumour are substituted by clarity and conviction. Uncertainty dissipates and this can contribute to prevent or mitigate post-election conflict.

## **2.6 The aim of the thesis**

Elections are big complex operations involving thousands of different activities and people. Therefore it is quite common that they experience problems from their inception to the announcement of the official results. Even long established democracies are vulnerable to irregularities and malpractices. As a result, it is fairly common that election results are challenged. In turn, these challenges can catalyse into protests which are not always peaceful. An antidote for this and for increasing confidence in electoral processes is strengthening their integrity. Although electoral integrity involves many different processes and activities, this thesis focuses mainly on three key aspects: election administration, the

role played by EMBs and the election results stage. These have been identified as areas that group possible acts of violence in an election and therefore require a more careful attention. First, a Qualitative Comparative Analysis (QCA) will assess if these and other conditions have an impact on the acceptance of election results. Second, the quantitative analysis will drill down and focus on the role played by EMBs, showing the importance of including political parties in these bodies. Third, a Small-N paired comparison will highlight the important role of transparent election results. With these lessons, EMBs and other key election stakeholders will be better prepared to meet election related challenges and organise and deliver better elections. The ultimate goal of this research then is that these findings are incorporated into policy for strengthening the integrity and credibility of elections, and with this, contribute to democratization and the legitimacy and stability that a country needs to pursue its development.

### **3. CHAPTER 3: THEORETICAL FRAMEWORK**

#### **3.1 The emerging scholarship on election administration**

Democracy, as a widespread political model, is a very recent phenomenon. According to Freedom House, in 1974 only 39 of the countries in the world (27 per cent of a total of 150) could be considered as having regimes where citizens could elect their governments democratically (Diamond, 2000:1). In contrast, by 2016 125 countries (64 per cent of a total of 195) were considered electoral democracies (Freedom House, 2016:9). Consequently, elections are a fairly new topic of analysis. Before the third wave of democracy most countries in the world did not hold free and fair elections and certainly did not have election commissions or similar institutions in charge of organising national elections. Moreover, even in long established democracies, the field of elections has been quite recent. In the United Kingdom it was not until the year 2000 that the Political Parties, Elections and

Referendums Act setting out the creation of an Independent Electoral Commission was passed. In turn, in the United States, this topic arguably only gained significant attention after the 2000 presidential election, which represented a “wake-up call to elected leaders, public officials and election scholars” (Atkeson and Saunders, 2007:655). However, and in spite of this increased attention, the US still does not have a commission in charge of organising elections around the country. The Federal Election Commission is only responsible for administering and enforcing the statute that governs the financing of federal elections (Federal Election Commission, 2017).

As a result, the study of elections has only recently been incorporated as part of a comparative politics research programme. It was as late as 1999 when Robert A. Pastor proposed a research and policy agenda on the role of the administration of elections in explaining the success and failure of democratic transitions. Then, in 2000, Rafael Lopez-Pintor suggested undertaking future research on the impact of Electoral Management Bodies (EMBs) on different governance areas, including election quality and trust. Finally, many others (Elklit and Reynolds, 2002; Mozzafar, 2002; Lehoucq, 2002; Birch, 2007 & 2008) have proposed endeavours on the effect of election systems and administration on the legitimacy of new and established democracies. More recently, the “electoral integrity” agenda (Norris, 2013) has focused on when elections meet international standards and global norms and when they fail to do so and what can be done to mitigate these problems (Norris, 2013).

### **3.2 Fields in the study of electoral integrity**

Several strands of research contribute to the electoral integrity agenda, derived from two key intellectual traditions which are especially relevant for this study. These are the micro level study of public opinion and political behaviour and the macro level study of systems



and institutions. The former focuses on people's political and electoral behaviour. It studies the micro-level where a number of factors such as context, institutions, experiences and individual characteristics -including socialised norms and values- are expected to shape citizens' perceptions and attitudes towards political and electoral institutions. On the other hand, the latter address the macro-level of electoral systems and institutions. This includes studying the effect of diverse election components ranging from proportional representation systems, to campaign funding to types of EMBs and the use of election related technologies.

These two areas contribute to understanding which factors contribute to the integrity and credibility of electoral processes. However, in spite of their contribution to the field, they do not address the main research question and do not analyse the conditions identified as key elements for the acceptance of an election and its outcome. First, this is not a study on public opinion. Therefore, I do not attempt to analyse how perceptions are shaped or to uncover which factors influence individual perceptions and attitudes. This type of research is useful for understanding aspects such as levels of satisfaction with democracy, patterns in electoral participation in different age and gender groups and likelihood of voting given certain personal experiences and values. The growing research on 'loser's consent' is a good example of the value of this research strand. Second, instead of trying to explain electoral behaviour, this research is interested in how certain institutions contribute to the credibility and acceptance of an election. Therefore, the macro-level study of comparative systems and institutions –where the level of analysis goes above the individual - is especially relevant. However, as this chapter will show, this research has so far not systematically analysed the impact of the main factors analysed in this dissertation (political support to election bodies and transparency of election results).

### 3.2.1 Micro-level: Shaping citizens' perceptions.

A first group of scholars focuses on citizen's perceptions and attitudes and how these are important for the legitimacy of the political system and its institutions (Nadeau and Blais, 1993; Anderson et al., 2005; Estrada and Poire, 2007; Ugues, 2010; Kerr, 2013; Wolak, 2014). In particular, this approach is centred on citizens' views and how these are shaped by individual, institutional and contextual factors. Therefore these factors range from personal determinants including education, ideology and partisanship to how experiences such as winning or losing an election and different institutions can shape people's beliefs. In this view, voters' perceptual lenses are what matters for election credibility. This research strand is useful for understanding public opinion and how it is shaped. This, in turn, is also important for understanding some of the drivers of support to the legitimacy of the political system and its institutions.

#### *3.2.1.1 Individual, institutional and contextual factors and political support*

A number of individual and contextual factors can shape citizens perceptions and support for the political system and its institutions, ranging from personal characteristics (such as partisanship, ideology), to the country's political context.

Estrada and Poire (2007) for example examine the closely fought and highly challenged 2006 presidential election in Mexico. Studying the determinants of voting behaviour and trust in elections they conclude that certain individual and political characteristics maximise citizens' potential for protest. These determinants are low levels of education, high levels of partisanship, extreme ideological views, specific socio-demographic characteristics and support for a specific candidate. For this same election, Antonio Ugues (2010) focuses on the determinants of public opinion on Mexico's Federal Electoral Institute (IFE), the main body in charge of organising elections in the country. As Ugues points out, citizens'

attitudes on electoral governance institutions matter for the acceptance of the process and for the legitimacy of the regime (Ugues, 2010). The study reaches several conclusions. First, it confirms the existence of a winner/loser gap where citizens who identify with the winning candidate have more positive evaluations of Mexico's electoral institution. Then, and most importantly, Ugues finds that citizens' trust in IFE is shaped by their partisan identities (i.e. citizens who identified with the winning party –PAN– are more likely to believe IFE), their opinions of the two main candidates (i.e. citizens with a positive opinion of AMLO are more likely to doubt IFE) and their views on democracy (i.e. respondents who believe Mexico is a democracy have greater trust in the reliability of IFE).

Institutions can also shape citizens' attitudes and perceptions. Kerr (2013), for instance, studies the role of institutions in determining citizens' confidence in elections. He suggests that performance evaluation of election and election-related institutions have a strong effect on citizens' election quality perceptions. These institutions not only include the EMB but also the police, the military, the judiciary and anti-corruption agencies. Regarding EMB performance, the study examines citizens' evaluations of two dimensions: capacity and autonomy. Capacity refers to the effectiveness and efficiency of an institution while autonomy is the ability to make independent decisions without being controlled by third parties, including the government. Testing these for the 2007 Nigerian election, he finds evidence that the performance of the military, the anti-corruption agency and, especially, the election commission is associated positively with citizen's perceptions of election quality (Kerr, 2013). As for the two dimensions of EMB performance, research shows that evaluations of autonomy (in this case of Nigeria's Independent National Election Commission –INEC), have a stronger effect than evaluations of capacity on perceptions of election quality.

Finally, other scholars look at how specific experiences determine citizens evaluations of their institutions and processes. Wolak (2014), for instance, focuses on the effect of campaign experiences on citizens' evaluations of the fairness of the election. Campaign experiences vary depending on the different levels of engagement of the people as well as the places and situations they are exposed to. In the US context, it is not the same to live in a battleground state than to live somewhere less. Furthermore, while some people might be very involved in the campaign, as activists, for example, others can be less attentive and might not even vote. From this, Wolak argues that experiencing a competitive campaign will contribute to perceiving an election as fair. This is as competitive campaigns signal citizens that there are real decisions to make, give greater opportunities for political voice, and allow learning about the views of others (Wolak, 2014: 207). Using data from the 1996, 2000 and 2004 US National Election Studies, results showed that the electoral fairness evaluations of winners and losers are moderated by experiencing a competitive campaign.

### *3.2.1.2 Losers consent and political support*

One of the main focuses of this research strand is the study of the winner/loser gap and the importance of 'losers' consent' for the legitimacy of political systems and institutions. According to this view, winning and losing in an election are very different experiences which shape people's beliefs about the election and the political system. While winners are naturally satisfied with the process and the outcome by which their candidate or political party was elected, these feelings are not so clear for losers. Winning and losing have different short and long-term consequences. Being on the winning side in an election in its immediate aftermath is equated to joy and happiness. Then, voting for the winning candidate can lead to satisfaction with the electoral process that helped to produce that outcome. Finally, and with some nuances depending on the type of political system, the winners' views and needs will be included and reflected in the policies and discourse of the

new government. On the other hand, losing can bring about instant sadness, disappointment with the process and exclusion from government policies for the next few (and in some cases, many) years. In the words of Nadeau and Blais, “losers’ support is less obvious (and) requires the recognition of the legitimacy of a procedure that has produced an outcome deemed to be undesirable” (Nadeau and Blais, 1993: 553). Losers’ consent is very important for the maintenance and survival of the system. It is in the hands of losers to accept the outcome and to decide if they want to play the game next time (Anderson, et al. 2005). If they do not, the stability of the political system could be at risk. This is especially true as losers are often more numerous than winners<sup>8</sup>.

Therefore, it is very important to understand how and why losers decide to accept defeat and support the decision of the election and the system in general. In one of the first studies on the topic, Nadeau and Blais (1993) decided to study the role of participation in losers’ consent. For this, they studied the 1988 Canadian general election, where the Conservative Party won the election by obtaining only 43 per cent of the total votes and where the issue of signing a Free Trade Agreement (FTA) with the United States seriously divided public opinion. This complicated election was chosen for study as in it losers were a majority and as, according to the authors, consent is harder to obtain in the face of an intense campaign. Electoral participation is expected to enhance consent as it has been demonstrated to have a legitimising function. In particular, it contributes to the sense that authorities are responsive to citizens, even when these are temporarily dissatisfied with the government in turn or its policies (Nadeau and Blais, 1993). In this study, consent to the

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<sup>8</sup> Anderson et al. point out that, for example, of all governments formed in the 21 most stable contemporary democracies between 1950 and 1995, only 43.8 per cent were actually voted for by a popular majority, the rest were elected by pluralities. This number increases when only taking the percentage of eligible voters instead of the percentage of votes cast. (Anderson, et al, 2005: 8)

outcome is identified when citizens recognise the fact that the winning party has the right to proceed with the trade agreement with the US. Findings suggest that the overall level of consent to the election was quite high, with 76 per cent of respondents agreeing with the mandate of the Conservative Party. However, as expected, there were big differences between winners and losers, with the consent of the former reaching 93 per cent and only 58 per cent among the latter. The findings indicated that although the most powerful source of consent is in fact winning the election, electoral participation – measured by voter turnout - can enhance the consent among losers.

In a later work Anderson et al. (2005) analysed the 'losers' consent' phenomenon in greater detail and explored the individual and contextual factors that shape it. A main argument is that the winning-losing distinction has serious implications for the stability of the political system. It is the attitudes and behaviours of losers which will determine if defeat is conceded peacefully and gracefully or if it will not be admitted at all. Winning and losing shape people's beliefs and actions but these can also be modified by other factors. In this study, the authors focus on individual-level attitudes, types of institutions and context that may shape the negative effect of being a loser in an election.

First, individual level differences matter for how citizens view the system. "Not all losers are created equal" (Anderson et al., 2005: 73) and their personal political characteristics can influence the effect of winning and losing. In particular, the study evaluates the effect of partisanship and ideology, as they are "lenses through which individuals interpret the political world around them". Results indicate that both 'lenses' act as amplifiers of the winner-loser effect. Second, winning and losing is also shaped depending on a country's political context. Losers are not the same in established democracies than in new democratic regimes. By examining losers' consent in these different contexts, the authors find that although losing has a negative effect across all systems, its effect is larger in new

democracies and transitional regimes. This is as in these countries losers have not played the democratic game for a long time and therefore have not yet learned to lose. Third, political institutions also have an impact on citizen attitudes and behaviours. Different institutions can shape how much people lose and therefore can influence losers' perceptions. Findings show that institutions that limit the negative consequences of losing (such as being excluded from power and from policy making) relieve its negative effects. Consequently, electoral systems that are more proportional, political systems where power is shared and arrangements such as federalism can make losers lose less and help them be less negative towards the system. At the end, what matters is that losers continue playing the game.

This strand of literature is good at identifying and analysing all the individual, institutional and contextual factors that shape perceptions of elections and the political system. Because of this research we now know that certain experiences, characteristics and traits contribute to a positive perception of electoral processes and institutions. And taking into account the opinions of citizens is very important. Citizens' attitudes towards electoral institutions and political systems matter for the acceptance of the process and can "provide us with a sense of the level of legitimacy of a democratic regime" (Ugues, 2010: 496).

However, this research is not interested in studying public opinion. Citizens' views are only one side behind the acceptance of election results. And although this literature has made a great contribution in this respect, it does not address our research questions and aims. Instead of focusing on the individual level, this dissertation focuses on certain institutions which contribute to the acceptance and credibility of an election

### **3.2.2 Macro-level: Systems, institutions and procedures.**

A second school has focused on the macro-level factors that contribute to electoral integrity. This school has helped to understand which types of electoral systems, institutions and procedures are associated with the credibility of elections. However, research on comparative institutions does not analyse the conditions we have highlighted and identified as key for the acceptance of election results. First, this is because this research strand has focused on the importance of election quality from a general perspective, without taking into account the role of individual election components. Second, when focusing on specific systems, institutions and procedures this research strand has not yet systematically analysed the role played by the support of political parties for electoral institutions and the provision of transparent results in the acceptance of results.

#### *3.2.2.1 Overall Election Quality*

A first group of studies has focused on the important topic of election quality. Scholars and practitioners agree that the quality of an election contributes to its credibility and acceptance by political parties and citizens. In one of the first works on the subject, Robert Pastor (1999) identified electoral administration as one of the key variables that have been missing in explaining the causes and consequences of democracy. Until then explanations had focused on variables such as the level of economic development (Lipset, 1963) or the type of civic-political culture (Tocqueville, 1838 and Weber, 2001), amongst others. The focus was broader and it was assumed that in democratic countries with high levels of economic development elections were not an issue. However, since Pastor, and for scholars after him, the 'administration' aspect of elections came to play a central role in the development and consolidation of democracy.

Elklit (1999), for example, argues that the quality of elections is a positive step for the democratization process. This is as a "fully legitimate electoral regime – which might later



develop into a more complete (...) liberal democracy – requires an electoral process acceptable to all major stakeholders” (Elklit, 1999:31). Moreover, Elklit and Reynolds (2002) show that in new democracies, a high perceived legitimacy of the electoral process has a positive impact on the legitimacy of its outcome and thereby also on supporting the process of democratic transition and consolidation. To complete this view, Mozzafar and Schedler (2002) point out that effective electoral governance is necessary for having credible and legitimate democratic elections.

What do we mean by election quality? Does this concept relate to the ‘administration’ aspect of elections, or is it a broader concept, encompassing activities beyond the technical? Does it exclusively relate to the electoral process or does it also involve aspects taking place before the process starts and much after election day? Does it revolve around elections or does it also consider a broader set of political institutions working and interacting to secure sustainable processes and outcomes?

In fact, there no single definition of ‘election quality’ or even consensus around the concept. For example, Mozaaffar and Schedler (2002) use the concept of ‘electoral governance’ to explain the “set of activities that creates and maintains the broad institutional framework in which voting and electoral competition take place” (Mozaaffar and Schedler, 2002:7). In turn, Elklit and Reynolds consider ‘election quality’ from a different perspective, “as the degree to which political actors at all levels and from different political strands see the electoral process as legitimate and binding” (Elklit and Reynolds, 2005:189). Finally, others conceptualise ‘electoral integrity’ as “agreed-upon international conventions and global norms that apply universally to all countries worldwide and cover each stage of the election cycle - the pre-election period, the campaign, election day itself and the post-election period” (Norris, Frank and Coma, 2013:128). In fact, Carolien van Ham (2014) identifies more than twenty different conceptualisations (from 1978 to 2013) of what she labels as

‘election integrity’. This is as definitions of ‘electoral integrity’ can differ in three aspects: whether the concept is defined positively or negatively; whether it is defined according to universal standards or particular conditions; and whether it is taken as a concept or as a process (van Ham, 2014).

Resulting from the lack of a single, unified concept, there is also an extensive debate about how to measure the concept (Kelley and Kolev, 2010) and therefore many ways to do so. In short, the plurality of conceptualisations has led to a plurality of assessments of election quality. This is true even if we only focus on scholars who share the same conceptualisation and see election quality from a positive and process-based perspective. Amongst these, there are those who simply provide a description of the different components of the electoral process (Mozzafar and Schedler, 2002) and those who establish more formal methods for evaluating its quality (Elklit and Reynolds, 2005; Kelley and Kolev, 2010; Bland, Green and Moore, 2013; Norris, Frank and Coma, 2013). All of them use different data and measures.

First, there are differences in the number and type of components of election quality. Mozzafar and Schedler (2002) indicate that electoral governance involves three different levels: rule making, or the design of the basic rules of the electoral game; rule application, or the implementation of those rules in the organization of the election; and rule adjudication, or the certification of results and the resolution of disputes. These levels are made up of 23 different elements, which one must consider when assessing an election. In turn, Elklit and Reynolds (2005) suggest a more empirical approach and propose an analytical framework for measuring the quality of elections. This framework is constituted by eleven steps that range from the legal framework of the election to post-election procedures. Each step includes from three to ten questions, which add to a total of 54 questions that work as indicators. The main difference between these works lies not only

on the evident fact that the first approach considers 23 elements and the second 54, but also on their content. These two studies consist of different concepts and understandings that reflect the authors' opinion as to which elements are more salient in determining election quality. For example, while aspects such as the electoral formula, the assembly size and the franchise are part of Mozaffar and Schedler's basic rules of the game, these are not considered by Elklit and Reynolds. Moreover, we deal with two very different approaches on the topic. While Mozaffar and Schedler set out a list of the elements to consider when assessing election quality, Elklit and Reynolds include performance indicators and include more subjective aspects related to perception and to meeting certain democratic values.

Second, frameworks also differ in their scope and measurements (such as employing different evaluation indicators, scores and sources of information, amongst others). Bland, Green and Moore (2013), for instance, develop an Election Administration Systems Index (EASI) with three electoral dimensions (participation, competition and integrity) and three temporal dimensions (related to the phases of the electoral cycle). This three by three matrix includes 48 questions which are answered by national and international experts (scholars, election and international organisation officials) which come up with six scores, one for each dimension. These are not combined into a single country score. In the pilot study of this method, each country gets a score for each dimension (e.g. Nigeria gets a 0.43 pre-voting score and a 0.65 competition score). Norris, Frank and Coma (2013) develop a Perceptions of Electoral Integrity (PEI) Index that relies on 11 dimensions of the electoral cycle and 49 items. This index standardises answers by experts (in this case, domestic and international experts on the politics and elections of a country) and gives a 1 to 100 general average or score of electoral integrity for each country (e.g. In the latest report, Ukraine gets a score of 51 and the United States gets 62 (PEI, 2016). Kelley and

Kolev (2010) introduce the Quality of Elections Dataset (QED) based on annual US State Department Reports on Human Rights Practices. It includes measures on election quality as well as on other election aspects (such as details on the type of election) and political system characteristics (freedom of association and freedom of speech, for example). Regarding election quality, the dataset includes variables based on overall assessments and categories of irregularities in an election. In this study, a country gets a 1 to 3 score for 'overall election quality' (Where 0: acceptable; 1: ambiguous; and 2: unacceptable).

This plurality of definitions and frameworks for the evaluation of election quality poses a challenge to the study of electoral credibility. As we can see all of these indices measure 'election quality' in general and none focus on its specific components. An overall assessment of election quality or electoral governance can be useful for some types of research, such as evaluating the integrity of a specific election or comparing a group of elections. For this, for instance, the EASI and the PEI Index might be useful. Then, depending on the aspect or aspects we are interested in we can go for one or the other. The EASI, for instance, might be better for analysing the degree of competition before an election (e.g. financing and media rules), while the PEI would prove more useful for measuring and comparing the performance and impartiality of the electoral authority. On the other hand, the QED data set - which covers elections from 1975 to 2004 - is a better tool to analyse a larger sample of elections and comparing across time (The PEI for instance only covers elections from 2012 to date).

In fact, a key problem with existing frameworks is that most of them take a 'check-list' approach and only provide, if anything, a very brief description of their constitutive elements. So far, only Elklit and Reynolds (2005) take into account the relative importance of their eleven election components and categorise them as 'essential', 'important' and 'desirable' according to their 'rule of thumb' question: "if this element fails, will that cause

the catastrophic breakdown of the electoral process?" (Elklit and Reynolds, 2005:198). Then, they give the components a different weight for established and fledgling democracies. Therefore, what might be 'essential' for a new democracy might not be as necessary for an older and well-established polity. For scoring, the value of a component is multiplied by three if considered 'essential', two if 'important' and one if 'desirable'. The scores are standardised and a 0-100 performance indicator score is produced. Then, this score is allocated to specific country elections (i.e. through their methodology the 2011 Denmark election obtains a score of 93, while the 2002 election in Zimbabwe gets a 41). In spite of its positive contribution, this weighting system does not allow to individually analyse each of the components. This framework takes all of its eleven steps and arranges them according to their importance for each type of democracy. Consequently, once they are categorised, the components in each of the three groups weigh the same. In established democracies, for instance, 'voter education', 'campaign regulation' and 'post-election procedures' are all equally 'desirable' factors. Then, if we are interested in testing the impact of a specific election component (for instance, the election results stage) then this framework (along with other existing indices) is not appropriate.

Therefore, while concepts and measurements of election quality can be useful for evaluating if an election meets international standards and how it compares to elections in other countries, this literature is not adequate for assessing the role played by specific components. First, not all the different definitions of election quality include the components we are interested in. Second, even if some indices do include our conditions of interest, they are loosely described and therefore it is not possible to analyse their individual impact. Third, and in relation to this, these indices have been produced for assessing the overall quality of an election and not the role of its specific components.

#### *3.2.2.2 Systems, Institutions and Procedures*

A second group of macro-level studies has focused on how specific components can contribute to electoral integrity and credibility. This school has made important contributions to the field of elections analysis and has helped to understand which types of electoral systems, institutions and procedures are associated with the credibility of elections. However, this school has not focused on certain critical aspects (such as the support of political parties to electoral institutions, quality in election administration and the provision of transparent results) that can lead to the acceptance –or rejection – of election results.

A first strand of this research has rightly noted that certain types of systems can influence the credibility of the electoral process. In one of the first works in this area, Molina and Hernandez (1998) developed a study on the credibility of elections in 8 countries in Latin America. They acknowledge that if elections are perceived as fraudulent by the citizenry – even if they are objectively clean - they can affect the stability of the political system. Therefore, they focused on analysing system factors linked to the level of trust of the population on the ‘honesty’ of an election (Molina and Hernandez, 1998:1). In particular, the factors identified are the the degree of institutionalisation of the political party system (with institutionalised, non-institutionalised and transition hegemonic party systems) the effective number of political parties and the composition of the electoral management bodies. The authors suggest that having non-partisan electoral institutions and an institutionalised party system leads to higher levels of election credibility. The effect of the number of parties is not conclusive.

More recently Sarah Birch (2007; 2008) has studied the relationship between electoral systems and confidence in electoral processes. In a first piece, Birch analysed the relationship between the type of electoral system and electoral integrity, with a focus on electoral malpractice. Birch argues that the type of electoral system (SMD, single-member district or PR, proportional representation) shapes incentives for conducting electoral

misconduct. She argues that whereas in SMD systems (where people vote directly for individuals) candidates stand to benefit more from manipulation, in PR systems (where people vote for party lists) political parties will protect their reputation to win an election and thus will try to prevent and sanction manipulation. Furthermore, she argues, manipulation is more efficient under SMD “because of the well-known tendency of SMD systems to magnify the success of large parties” (Birch, 2007: 1539). From a sample of 24 post-communist countries, she finds that single-member electoral districts in plurality and majoritarian systems are more closely associated with election misconduct. Proportional representation systems are less likely to be the object of malfeasance.

Birch builds on this in a more recent study (2008) where she explores the role of electoral systems that promote a 'level playing field' in the perceptions of electoral fairness. The main hypothesis is that those institutional structures that promote and level the playing field enhance the confidence in electoral processes. Two such institutions are PR systems, which allocate seats according to parties' proportion of the vote, and the public funding of political parties, which seeks to ensure that all participants have an equal chance to contest an election (Birch, 2008: 308). From a comparative analysis of 28 elections, she concludes that as they level the playing field during an election, both of these institutions contribute to a positive perception of the process. She also demonstrates that the formal independence of electoral management bodies is negatively associated to the confidence in the conduct of elections.

Other scholars have focused on how different models of election systems influence the conduct of elections. In an early work on the subject Fabrice Lehoucq (2002) compares the classical model where elections are organised by the executive and certified by the legislature to the more recent approach where elections are organised by independent institutions (electoral tribunals and commissions). For Lehoucq, when two different groups

are in control of the executive and legislative branch, or “in a world without parties” (Lehoucq, 2002:31), the classical approach works at its best. Each branch of government acts independently of the other, there is mutual monitoring and elections are accepted. However, when political parties come into play the story is a bit different. This is as political parties always wish to maximise their power (Lehoucq, 2002: 32). Parties are naturally drawn to increasing their grip on power and will use state resources, undermine the opposition and commit electoral fraud in order to do so. Especially in presidential systems, they will seek to control both branches of government. When this happens and incumbents retain state power, the classical theory breaks down. Elections will not be fair and the opposition will be excluded, which can lead to protests, revolts or even insurgencies. However, this consequence of the classical approach can be averted when election governance is delegated to an autonomous third party – an election commission - that organises the election and settles electoral disputes. By presenting a number of historical examples from the US and Latin America, the author shows that this depoliticised model eliminates the conflict surrounding elections and generates consent around election outcomes, strengthening confidence in elections.

Other studies focus on the influence of electoral institutions in having credible elections. For instance, Hartlyn, McCoy and Mustillo (2008) study the impact of electoral management bodies (EMBs) on the quality of elections in Latin America and seek to find out which type of EMB works best. As highlighted, “studies and comparative analyses (...) have pointed out to the centrality of professional, permanent and autonomous EMBs for the conduct of successful, credible elections” (Hartlyn, McCoy and Mustillo, 2008: 78). However, this argument has yet to be tested. Therefore, through a quantitative analysis of elections in 19 Latin American countries, the authors measure the impact of the independence of EMBs in the probability of having an acceptable election (understood as a procedurally fair and



technically sound election). In particular, they analyse the degree of both partisan independence and formal-legal institutional independence in election institutions. The former relates to the partisanship of the EMB and its members (including single party dominated, mixed and independent EMBs) and the latter to the nature of the appointment process and of the tenures in office. Results indicate that the type of electoral institution does impact the quality of elections, with independent, professional EMBs being “much more likely to oversee acceptable elections than one-party-dominant EMBs (and) close to being a sufficient condition for successful elections” (Hartlyn, McCoy and Mustillo, 2008: 89). In some cases, however, party-mixed agencies may also contribute to a trusted and successful result.

Rosas (2010) expands on this research by analysing how different EMB types affect the levels of confidence in elections among citizens and the elite. Also by studying Latin America, the research explores whether autonomy in EMBs generates different perceptions in two distinct groups, citizens and political parties. In this case, EMB autonomy comprises both formal-professional and partisan autonomy. Professional autonomy refers to EMBs with independent experts, while partisan autonomy means that political parties are excluded from the selection and appointment of EMB members. The empirical analysis suggests that, in general, higher formal autonomy is positively associated with higher levels of trust in elections (Rosas, 2010). Then, findings point that while politically autonomous EMBs increase levels of confidence amongst political parties, this effect is “muted” in relation to citizen attitudes.

Similarly, Barreda and Ruiz Rodriguez (2013) test the different factors that influence trust in electoral institutions. One of these factors has to do with their institutional design (other factors are categorised as the political-electoral context and the political culture). This includes variables on EMB specialisation and autonomy. Specialisation distinguishes

between electoral institutions which concentrate both administrative and judicial functions and those models where there are two different institutions for this (typically an electoral commission and an electoral court). Autonomy has two dimensions. The first refers to the autonomy from other state branches, where electoral institutions that can be challenged in their decisions against another body (such as the courts) are considered less autonomous. The second dimension is linked to partisanship, and is measured by the existence of a formal link between political parties and electoral commissioners or judges. All these variables are calculated for 18 Latin American democracies and are then evaluated through a Qualitative Comparative Analysis (QCA). The QCA provides the different combinations of variables that lead to high and low levels of trust in EMBs. Results show that EMBs with high levels of trust share two characteristics: they are autonomous in so far as their decisions cannot be challenged against another institution (as it might give an impression of suspicion) and they operate in countries with high levels of institutional trust (understood as high confidence of citizens in key system institutions).

A third strand of research has studied the effect of different election procedures on election confidence. Studies in this area have developed mainly in the US context, specifically ever since *Bush v. Gore* in 2000. After this contentious election, attention has focused on strengthening some of the processes, activities and technologies of elections, especially during election day. Alvarez and Hall (2008) point out that confidence in the electoral process is based on procedures that guarantee security and transparency. They propose the idea of a 'chain of custody' where, like in criminal and judicial procedures, electoral items are preserved and kept secure throughout the process. In particular, it is ballots that need to be kept secure, from their production to their transit to the local office to the certification of results. By giving testimony of every link and by setting up standard operating procedures (SOPs), the chain of custody is robust and everyone can have the

certainty “that the ballots cast are the official ballots and the count is correct” (Alvarez and Hall, 2008: 829), thus having confidence in the integrity of the voting process. Research by Classen et al (2013) focuses on the impact of voting technology on voter confidence. They study the variation in voting technology in two counties in Ohio (Summit County, which uses optical scan technology and Franklin County, which uses direct-recording electronic voting machines - DREs) and its direct and indirect effects on voters’ perception about having a fair election. They find that optical scan voters were more confident in having a fair election than DRE voters. Interestingly, however, they found that optical scan voting also has a negative indirect effect. Its users reported having worse voting experiences (e.g. more complicated method, longer queues, etc.) than DRE users. In another test, the authors highlight that those who reported having a pleasant experience on election day (shorter queues, positive encounters with poll workers, etc.) had more confidence in the voting process. The conclusion is that decisions about voting technology should not only focus on the equipment but on all of its possible consequences. Voting experience is also studied by Atkeson and Saunders (2007). By conducting a survey in two congressional districts in New Mexico and Colorado, they show that the “local factor” of direct voting experience influences voter confidence. Results show that citizens who enjoyed the voting method and found the ballot easy to understand and their poll workers helpful, are more confident that their vote is counted as intended. Similarly, Hall, Monson and Patterson (2009) examine the experience of voters with poll workers and how this affects their confidence. They conclude that poll workers, as street-level bureaucrats, affect the quality of the voting experience and voter confidence in the outcome. From four surveys in Utah and Ohio, they find that rating the job performance of a poll worker as excellent contributes to produce high levels of confidence. They also examine how this varies across

demographic groups but this type of analysis is only relevant for the next section of this chapter, which deals with individual aspects that affect voter confidence.

This literature has made important contributions to the field of election credibility. Now we understand which systems, institutions and procedures can increase confidence in an election, and thus increase its chances of being accepted by citizens and political parties. First, at the system level, we now know that a highly institutionalised party system can lead to higher levels of election credibility. We also know that proportional representation systems are less likely than single member districts to provide incentives for manipulation. Second, we now have a better understanding of the role played by institutions. We know that institutions that contribute to having a level playing field, such as proportional representation and the public funding of political parties, increase citizens' trust in the electoral process. In addition, we know that in a world where political parties exist, independent election commissions eliminate the conflict between executives and legislatures. Moreover, we now have clues on which types of election institutions work best and improve confidence. Finally, we have good empirical work – especially after the 2000 presidential election in the US - revealing that certain procedures (the chain of custody of election materials, voting technology and poll workers, amongst others) can influence the credibility of electoral processes.

### *3.2.2.3 Research on political parties and election institutions and transparency in election results*

In spite of the wealth of research on the systems, institutions and procedures that affect the credibility of an election, there have been to date only very few studies on issues related to the relationship between political parties and election institutions and to the transparency in

election results. Moreover these studies have not focused directly on the issues this dissertation is interested in study.

First, current research on political parties and electoral institutions has focused on a number of aspects that impact the credibility of Electoral Management Bodies and elections. Specifically, it has focused on different aspects of their institutional design such as their level of independence and autonomy (Hartlyn, McCoy and Mustillo, 2008; Barreda and Ruiz Rodriguez, 2013; Rosas, 2012). In general, results show that electoral commissions that are independent from other branches of government and are staffed by professional individuals are more trustworthy. Moreover, it has been also shown that, in some cases, partisan autonomy (a high level of autonomy occurs when political parties are not directly represented in the electoral institutions) may also contribute to having a higher confidence in elections (Rosas, 2012; Ugues, 2014; Tarouco, 2016). However, research has also shown some of the advantages of having political party representation in the election commission (Estevez, et. al, 2008). In fact – and as will be shown in detail in chapter 6- research has not shown any definitive and conclusive evidence on which of these two models is best for the credibility of elections. The question of party representation is still unanswered. Moreover, this existing research focuses on levels of independence but not on the benefits of including political parties in EMBs or in having a good relationship between parties and EMBs.

Second the study of transparency in elections has been mostly contained in guidelines and handbooks. Moreover, research has only begun to study the impact of transparency in electoral processes from a more systematic approach and has been muted in the role it plays in the election results stage. A number of international norms, agreements and guidelines highlight the importance of transparency for the conduct of elections. In fact, International IDEA's *International Obligations for Elections* provides a catalogue of all the

responsibilities that UN member states have ratified relevant to elections. Drawing upon treaties like the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and mechanisms such as UN General Assembly resolutions, this volume emphasises the importance of transparency for holding genuine elections. In addition to international law, a number of guidelines such as International IDEA's *Handbook on Electoral Management Design* and Venice Commission's *Code of Good Practice in Electoral Matters* hold that transparency is a key guiding principle for elections and EMBs and that it should be present in the organisation of elections and in activities as diverse as campaign funding, electronic voting, judicial proceedings, vote counting and the transmission of results (Venice Commission, 2002; IDEA, 2006; 2014).

Then, existing research has not looked at the election results stage. It has mostly focused on the role of election monitoring and at specific technical measures for increasing transparency. First, research has analysed the effect of election monitoring by different international and domestic organisations (Simpser and Donno, 2012; Hyde 2008; Hyde 2010; Ichino and Shundeln, 2012; Kelley, 2012). These include the participation of international organisations such as the European Union (EU) and the Organisation of American States (OAS), non-governmental international organisations such as the Carter Center and the National Democratic Institute (NDI) and a myriad of national and local civil society organisations. This group of studies has found that the transparency that comes with monitoring is helpful in reducing some types of fraud and irregularities that mostly occur during election day (Hyde, 2010; Simpser and Donno, 2012; Sjoberg, 2013). As an example, for the 2004 Indonesia presidential elections, Hyde (2010) conducted a randomized field experiment showing that the presence of election observers contributes to election quality by influencing election officials to follow regulations in regards to the duration of election day. Similarly, Ichino and Shundeln (2012), argue that the presence of

domestic observers in voter registration processes in Ghana displaced fraud. In addition, studies on the topic have looked at specific policies for increasing transparency in elections, including the drafting of standards for conducting election audits (Democracy International and International Foundation for Electoral Systems, 2015), the use of crowdsourcing systems to verify the accuracy of election results (Arias, Garcia and Corpeño, 2015) and implementing fraud reducing technologies such as transparent ballot boxes (Sjoberg, 2013). In addition, literature has also compared EMB performance by looking at their degree of transparency and accountability (Garnett, 2015), amongst others.

### **3.3 Micro and macro limitations**

#### **3.3.1 The gap in the scholarship**

However, there is still much to be done. The literature so far has only provided a partial answer to the question *“When, where and under what conditions are electoral results accepted?”* Research is still incomplete. First, this is as within the field of elections, the study of electoral governance and election credibility is just emerging. Second, and related to this, there are certain factors which have not yet been sufficiently explored and analysed and which are critical for this study.

A first group of scholars has focused on the micro-level of citizen’s perceptions. It has identified how different values, ideology, education and experiences shape views and attitudes. These studies have been useful for understanding how different groups in a society view their institutions and their level of support for them. This, however, is not a study of public opinion. It goes beyond the individual level and focuses on certain institutions that can contribute to the acceptance and credibility of an election. A second group of scholars –centred on the macro-level study of systems and institutions - has tried to find answers to this. However, it has not yet addressed our key factors of interest. A first

strand of this research has analysed elections and their quality but has done so from an overall perspective. Different frameworks and indices help us compare the quality of elections in the world and across time, but unfortunately this does not allow for the study and analysis of individual components, such as the election results stage. Then, a second strand of this research has indeed focused on specific aspects of an election and how these can contribute to election quality and credibility. These aspects range from proportional representation systems to solid chains of custody and the use of optical scan machines for voting. However, this rich and emerging scholarship has not yet studied the role played by the two conditions identified by this study as key for the acceptance of election results: political party support for electoral institutions and transparency in election results. Moreover, research on these main two conditions is still incomplete. Research on political parties and electoral institutions has mostly focused on issues of EMB independence –with inconclusive evidence - and has not focused on the issue of party support. Then, work on transparency has mostly focused on its normative importance in elections in general. Moreover, research on the subject has mostly looked at the role of election monitoring or at certain specific measures for increasing transparency-such as see through ballot boxes-, without studying the role of transparency in the election results stage.

### **3.4 An underlying assumption: strategic actors**

In short, this research is not interested in demonstrating how public opinion is shaped or which factors shape support to political institutions and processes. It is rather interested in certain institutions that contribute to the integrity of an election. Of course, these institutions do have an impact on individual perceptions and attitudes. For instance, clear, timely and accurate election results contribute to having a more positive image of the election. However, the aim of this dissertation is not analysing how institutions shape perceptions.



Rather, the goal is having strong institutions that bolster election credibility. With strong and credible institutions even political losers –as research shows, the least likely group to support an election and its outcome- will find it difficult to reject election results.

This is supported by an underlying assumption. This research assumes that political actors play a very important role in determining whether an election outcome will be accepted or not. First, this is because political parties are key stakeholders in the electoral process. Most, if not all of their activities are regulated by election laws and bodies, including their own survival. Election regulations determine the constituencies where parties campaign, their candidates' finances and access to media and their possibilities of challenging an unfavorable result. Ultimately, election laws can influence their chances of winning and losing. Second, political parties play a key role in communicating with citizens and therefore can have a great deal of influence in public opinion and mobilizing the public (Dalton, 2006; Seltzer and Zhang, 2010; Leeper and Slothuus, 2014). The importance of political actors is reflected in the core chapters of the thesis. In chapter 6 I focus on the support of political parties for electoral institutions. I base my analysis on the University of Salamanca's Parliamentary Elites of Latin America (PELA) survey, which obtains information from politicians –specifically legislators-. Then, in chapter 7, I study the role of the election results stage in election credibility. And while the main focus is best practices for increasing transparency in the transmission and communication of results, I also show how this influences the behavior of political actors –in this case of the losing presidential candidate.

The theoretical base for this assumption is rational choice theory. I assume political actors are rational and have specific goals that guide their activities. These goals can be modified by events that shape their attainment probability (Warwick, 1990). Actors consider risks and costs and ultimately, choose a course that maximizes their utility (Rogowski, 1974; Mongin,

1997). And, as outlined by Rogowski (1974), this also includes political decisions about support for the government.

In rational choice theory, politicians seek decisions that provide them and their parties with the greatest expected benefit, and this can sometimes mean challenging an election and its results. Malpractice is not the only reason why candidates and parties reject elections. The rejection of election outcomes can be rational and in fact part of a wider political agenda. First, as Hernandez-Huerta (2015) argues, challenging electoral outcomes can be a negotiation strategy. In his view, in presidential democracies losers do not necessarily dispute results to protest or challenge fraud but to have a better position to negotiate political spoils and other benefits with the new government. Second, calling fraud can be used to contest broader problems rather than to address election related issues (Eisenstadt, 2004).

Election results can be challenged because of actor's strategic considerations, and not necessarily because of fraud. And a way to prevent or mitigate this is by having institutions and procedures that work properly and beyond any doubt. Good election institutions not only ensure free and fair elections, but also increase the cost of rejecting results. In short, strong institutions mean that actors get less ammunition for their strategic moves. An example of this is having transparent election results. When results are complete, timely and verifiable, they can create an atmosphere of certainty and can remove any suspicion, especially when results are really close. When citizens and political parties can access the results, and these are accurate and clear, they can know for themselves that elections were genuine (Global Commission, 2012). On the other hand, when election results are not transparent, doubts and confusion increase. In this context, delayed, complex or missing results can easily be used as part of a political strategy. Having an EMB which is supported by political parties is equally important. If political parties do not have a good relationship

with the EMB they will not support its policies and activities. Moreover, when parties are involved in EMBs they have a say in its decisions and it is likely they will see EMB decisions as their own, therefore increasing the chances of the election and its results being accepted.

The following chapters will provide a more detailed account of each of these factors in the acceptance of election results. Chapter five will address the role of all these conditions by answering the question “when, where and under what conditions election results are accepted?”. Chapter six will then focus on relationship between political parties and EMBs and its effect on the confidence in electoral processes. Chapter seven will then focus on the role of transparency in election results in post-election protests. Chapter eight will combine the findings from the three core empirical chapters and draw lessons for legislators, policy makers and election officials for strengthening the integrity of elections. But first, chapter four will outline the methodology employed in each of the three main research phases of this thesis.

## **4. CHAPTER 4: METHODOLOGY**

### **4.1 Three research phases and three methodologies**

The aim of this research is to contribute to the theory and practice of electoral integrity. For contributing towards this, this dissertation seeks to address two main themes: i) when, where and under what conditions are election results accepted? And, derived from this: what can we do to increase credibility in elections? To answer these questions, this research will involve three different research phases. The first phase will develop a multivalue Qualitative Comparative Analysis (mvQCA). Two QCA Models conduct a systematic analysis of key factors (democratic consolidation, political party support for electoral institutions, quality of elections and transparent election results) and allow us to

identify which configurations, or specific combinations of factors, lead to the acceptance of election results. More specifically, it will reveal which conditions are necessary and/or sufficient for accepting election results. Phase two consists of a regression analysis (binary logistic and multilevel regression) analysing the effect of political party support for Electoral Management Bodies –measured through their participation in the appointment of the EMB members - on election credibility. Phase three is a small-N paired focused comparison which addresses the role played by transparency in the election results stage in mitigating post-election protests. The three methods will strengthen and complement one another. At the end, the objective behind this combination of methods is to enhance our insight on the acceptance of election results, on election credibility and on some of the key factors behind this.

#### **4.2 Inspired by mixed methodology**

Mixed methods research is a third methodological movement in the social and behavioural sciences that has enabled us to bridge the differences between the two main research paradigms (the positivist paradigm, underlying quantitative methods, and the constructivist paradigm, which underpins qualitative research), (Tashakkori and Teddlie, 2003). The debate between these two approaches, historically focused on philosophical issues such as the nature of reality and establishing causality, has now given way to a more pragmatic approach that combines whatever methods are most appropriate for a study (Tashakkori and Teddlie, 1998). Nowadays, instead of using one single methodology, research can rely on a combination of methods to enhance our knowledge of a particular research problem. The present study is inspired by mixed methodology. Although the methods used do not study exactly the same data, they do complement each other. The idea behind this is to improve our understanding of why elections results are accepted and what makes elections credible by combining different methods. When findings from different methodological

approaches are broadly consistent they enhance the robustness of research claims. The dissertation opens with a Qualitative Comparative Analysis (QCA) which in itself is a qualitative method that provides the initial results. This first analysis is more general and covers five key conditions for the acceptance of results. Then the research integrates quantitative and qualitative methods to improve and strengthen our knowledge of the findings obtained by the QCA. The quantitative study focuses on one key condition across a number of Latin American cases and the qualitative research elaborates a paired comparison of two cases within a single country, Mexico. In short, the study first generates macro level information which is then refined by more specific studies using diverse techniques.

As a result, this research design allows for a degree of triangulation, which is one of the key advantages of mixed methods research. As outlined by Tashakkori and Teddlie (1998) triangulation involves using different methods and data to study the same phenomena within the same study or in complementary studies. The term comes from navigation and implies using various references to pin point more exactly the position of an object (Smith, 1975). Following this metaphor, triangulation can lead to having more robust, complete and valid results. First, combining methods allows complementing their strengths while overcoming their limitations. Second, multiple and independent measures, when their results are congruent, can give us a more robust and complete understanding of the phenomenon (Jick, 1979). Finally, “triangulation in action” (Jick, 1979) means cross checking and getting external validity for our findings.

The study design only allows for a certain degree of triangulation as its component phases do not measure the exact same phenomenon. While the QCA section focuses on the acceptance of election results, the quantitative chapter addresses credibility in elections and the small-N analysis focuses on post-election protests. However, the three methods do

measure related phenomena. As a result, the findings of one chapter become more suggestive when seen in the light of the evidence produced by the other chapters. This combination of methods therefore can produce greater confidence in the results. This is especially true as both the quantitative and small-N chapters support the findings of the more general QCA chapter.

### **4.3 Three research phases**

#### **4.3.1 QCA: acceptance of election results**

The first substantive chapter (chapter 5) asks when, where and under which conditions election results are accepted. In particular, it first develops one mvQCA model focusing on 48 presidential elections held in Latin America between 2000 and 2015 and looks at the five following conditions: consolidated democracy, the closeness of an election, the support offered by political parties to electoral institutions, quality in the development of an electoral process, and transparency in election results. Then, in order to provide evidence of how the findings can travel and be generalised to contexts beyond Latin America, it develops a second mvQCA model, which considers 21 close elections held around the world for the same time period of 2000 to 2015.

QCA is a research method that occupies an intermediary position between small-N and large-N analysis (Halperin and Heath, 2012). On the one hand while variable-oriented or quantitative approaches are good for working with a large number of cases and producing generalisations, they do not pay special attention to individual cases or to more concrete questions relevant to the causes of specific phenomena (Ragin, 1987). On the other hand, while case-oriented or qualitative approaches do pay attention to the complexity of specific cases, they are not well suited for generalising findings (Ragin, 1987). QCA combines the strengths of these two approaches. From quantitative research, it allows to analyse a

greater number of cases and to produce generalizable results. QCA requires that each case be reduced to a series of variables which gives it an analytical character (Rihoux and Lobe, 2009: 224). Moreover, as in qualitative research, in QCA each individual case is significant and considered as a complex combination of properties which inform the hypotheses and theories (Berg-Schlosser, et al., 2009: 6). In sum, QCA comes out as a synthetic strategy (Ragin, 1987: 84) that borrows key strengths from both Large and Small-N research methods allowing for a thick, analytical and replicable comparative technique.

By formalising qualitative comparative methods, QCA conducts a systematic analysis of the cases. This means that we can compare across-cases and address their similarities and differences, even if the cases are only more than a handful. This allows to identify patterns and make more general statements about the cases and the relations between them. In order to do this, QCA breaks up cases into independent and dependent variables, much like in quantitative approaches. In particular, QCA transforms its cases into configurations, which represent specific combinations of factors, causal variables or conditions that produce an outcome of interest (Rihoux and Ragin, 2009). As such, it shows how different configurations of conditions can lead to the same outcome. This is referred to as multiple conjunctural causation, where 'multiple' refers to the number of possible paths and 'conjunctural' expresses that each path is made up of a combination of conditions (Berg-Schlosser, et al, 2009).

In order to do this, this is a set theoretical method based on the language of Boolean algebra, which gives it a more scientific character (Ragin, 1987:x; Rihoux and Ragin, 2009). This language is used to describe logical relations between the cases and analyse formally which combination of factors can lead to the outcome of interest. Cases are evaluated in terms of their membership to sets (supersets and subsets) (Legewie, 2013). Then, Boolean minimisation reduces the complex system of relations between variables and the outcome

to a simpler formula by eliminating redundant terms (Thiem, 2014). This allows identifying which of the conditions are necessary or sufficient for the production of the outcome, and which are superfluous. A necessary condition is always present when the outcome is present, while a sufficient condition alone does not produce the outcome (Berg-Schlosser, et al, 2009).

Conducting a QCA requires a good research design. The research needs to rigorously select the cases under study, followed by a clear identification, definition and measurement of the independent variables and the outcome that needs to be explained. First of all, as will be detailed on the chapter, for the selection of cases the QCA chapter focuses on Latin America. This is as countries in this region share a number of historical, political and even electoral characteristics that facilitate comparison. In particular, these countries have a shared colonial legacy and nowadays have presidential political systems with elections organised by independent and permanent electoral institutions. Second, the research needs to clearly identify the conditions that lead to the outcome. This has to be driven by theory and for the QCA analysis, previous research has highlighted the key role played by five variables in obtaining an accepted election (these are the type of regime, the closeness of the election, the support of political parties for electoral institutions, the quality of the elections and the transparency of results). Third, these conditions have to be clearly conceptualized and measured so that the analysis and its results are reliable.

In relation to this last point, it is important to highlight that conceptualization has been identified as one of the three key challenges in the construction of datasets for the study of democracy (Munck, 2009). Conceptualization refers to the specification of the meaning of the concept and its constituent attributes. Besides properly identifying the concept to be measured, key tasks include avoiding including too many attributes/ attributes that correspond to other concepts or excluding items that are actually part of the meaning of the



concept. For instance, several democracy indices exclude one of the key attributes of democracy as highlighted by Dahl: “participation” (Munck, 2009). Once researchers have identified which attributes will be included as components of the concept to be measured, a second challenge is isolating the ‘leaves’ on the concept by level of abstraction (the concept’s concrete attributes). This is important for having proper measurements of the attributes and for avoiding problems of conflation and redundancy. Conflation occurs when components of attributes are not placed or categorised properly under the attribute they belong to. Then, attribute components at the same level should describe mutually exclusive aspects of the concept, otherwise the logical problem of redundancy arises (Munck, 2009:22)

The conceptualisation challenge and its specific tasks of clearly identifying attributes are aimed at the construction of indices measuring democracy. In particular, these are intended as a framework for having a more solid assessment of a concept (democracy) and its subcomponents (eg. Freedom of association, freedom of the press, right to vote, fair elections, etc). Present research does not involve the definition and measurement of a concept or its constituent components. Rather, as explained above, it is about identifying which conditions can play a role in the acceptance (or rejection) of election results. Nonetheless, this does not mean that the concerns outlined above –and the tasks to overcome them- should not be taken into account when building a solid data set. Therefore, it is important that the conditions/independent variables used in our study are properly identified and isolated. In this research all five conditions are clearly defined –either as contextual variables or as distinct moments and aspects of the electoral cycle- and conceptually and empirically different from each other. Chapter five provides further details of the variables under study, their definitions and measurement.

Once the variables have been properly identified and conceptualised, data must be gathered for their measurement. For this research, data was collected on the acceptance of election results in each country and on the key independent variables under study. This qualitative data then needs to be transformed into categories and numbers for the analysis (Rihoux and Ragin, 2009). Data on cases, variables and the outcome are included in a table. Cases become rows and columns represent the conditions that help explain the outcome and the outcome itself. This raw data table is then synthesized into a more analytical truth table or “table of configurations” (Rihoux and De Meur, 2009). The truth table groups cases into subsets that share the same conditions and outcome. This “minimization” helps us identify which configurations or paths lead to the desired outcome. This is done through specialist QCA software employing Boolean minimization algorithms (Rihoux and De Meur, 2009).

Boolean minimization aims to produce a parsimonious expression that reveals which causal conditions produce the outcome. First, all configurations with a positive outcome are minimized by the software. Then, all configurations linked to a negative outcome are minimised. The results are formulas that give a path or a combination of conditions (which groups several cases) associated with the presence or absence of the outcome. However these formulae are still quite complex. They are labelled “descriptive” formulas as they do not go much beyond the observed cases (Rihoux and De Meur, 2009). For this reason, logical remainders are included in the minimisation process. These are logically potential cases which have not been observed empirically. By assuming that these remainders exist (simplifying assumption) the software is able to produce a more parsimonious formula. This formula tells us which combination of conditions lead to the desired outcome, in this case the acceptance of election results.

#### *4.3.1.1 QCA variants*

There are four different configurational comparative methods. These are crisp-set Qualitative Comparative Analysis (csQCA), fuzzy-set Qualitative Comparative Analysis (fsQCA), multi-value Qualitative Comparative Analysis (mvQCA) and generalized-set Qualitative Comparative Analysis (gsQCA) (Thiem, 2014). 'Crisp set' is the first type of QCA to be developed and it is the most widely used. It was developed in the 1980s by Charles Ragin who adapted Boolean algorithms to his own research for simplifying complex data structures and identifying patterns of multiple causation (Rihoux, De Meur, 2009:33). This technique uses conventional Boolean sets which require that all the variables have only two possible values to identify the presence or absence of a given condition. Here, a set is comparable to a binary variable where cases are either non-members or full members of a group, true or false, and therefore coded as '1' or '0' (Halperin and Heath, 2012; Rihoux, De Meur, 2009).

Multi-value QCA (mvQCA) originates from csQCA and shares its basic principles and aims to explain an outcome by simplifying complex data. This method differs from csQCA as it moves beyond the use of dichotomies to have a more flexible structure for classifying or coding cases. Therefore, instead of taking two possible values ("0" or "1"), variables can take multiple values ("0", "1", "2", "3", etc.). These multiple values can be useful, for example, for a more detailed coding of the data or to incorporate scale categories into the research.

Qualitative Comparative Analysis can also be conducted by using fuzzy sets. Fuzzy set QCA (fsQCA) also seeks to unravel causality through set theoretic relationships but does so in a different way. FsQCA is based on a "diversity-oriented approach" where "diversity exists not only in the different configurations of set memberships that social phenomena exhibit but also in the degree to which they belong to such sets and configurations" (Ragin, 2000: 149). This means that while crisp set and multi-value QCA allow cases to take one of

two values, or one out of three or four categories (dichotomies and multichotomies, respectively), in fsQCA cases can take an unlimited number of values and have partial membership in the different sets. This results in a possible number of infinite configurations, which, in contrast to other QCA variants, does not allow constructing truth tables (Tiem, 2014). Membership scores are part of a scale that ranges from 0.0 to 1.0 (allowing to have values such as 0.25, 0.5, 0.9, etc.) and are useful for more fine grained data, such as the literacy rate or the GDP per capita in a country.

Finally, there is a fourth type of QCA, denominated generalized-set Qualitative Comparative Analysis (gsQCA). Thiem (2014) argues that crisp, multi-value and fuzzy set QCA are in fact not so different and can be included as part of a broader type of QCA, gsQCA. For this, he advances the concept of multivalent fuzzy set variable, a variable which includes features of all existing QCA variable types. As a result, this type of variable helps solving the problem of inaccurately classifying cases that, for example, have partial membership in different sets. In addition, this more general type of variable allows the construction of truth tables that was not possible under standard fuzzy-sets. However, although GsQCA includes all three previously existing QCA methods, it must be noted that it can also be identified as a variant on its own, with its own technique and notation.

#### *4.3.1.2 QCA and the acceptance of election results*

QCA is selected as an appropriate methodology for understanding when, where and under what conditions are election results accepted. First, this technique is appropriate for methodological reasons. QCA is especially well suited for small and intermediate-N designs (Ragin, 1987; Rihoux and Ragin, 2009) with medium sized samples. The cases selected for this research are 48 elections in Latin America and then, for the second QCA model, 21 elections around the world. This number is limited for using quantitative research methods,

which require a number of cases sufficiently large to enable robust inferences. At the same time, the number of cases in this research is quite large for conducting small-N analyses, which involve the comparison of few cases, typically two or four and not exceeding more than a dozen or so (Halperin and Heath, 2012). Working with 48 or 21 cases would imply doing many paired comparisons which complicate making a systematic analysis.

Small-N and large-N analysis offer some advantages but also present some shortcomings for answering our research question. On the one hand, small N studies allow for an in depth analysis of case studies and allow to understand the context of the cases selected, leaving out neither the particular nor the general (Halperin and Heath, 2012). Moreover, they are useful as a source of theory and for linking theories to evidence (Keman, 2011). However, this method has some weaknesses that limit its usefulness for our research. Most importantly, with small N studies the problem of selection bias is always a risk. As is well known in the political science discipline, the cases we choose affect the answers we get (Geddes, 1990) and this is more likely to occur when we analyse just a few cases. When cases are not selected carefully, results can be biased and misleading. In addition, this risk is always present and it is more difficult to arrive to more generalizable results from only a small number of cases. This is connected to the issue of weak external validity. While small N gives us a good understanding of the mechanisms at work in the cases under study (internal validity) we also lose the power to extend our findings to other cases not included in the research (external validity). On the other hand, large N studies do not focus on the details of individual cases but rather abstract from these particular instances to seek general description (King, et al, 1994). This is referred to as “thinness” (Coppedge, 2002). By employing statistical techniques, large N reduces concepts into variables and therefore we lose the thickness of the cases, or their complexity and context. Measurements and numbers replace in depth analysis.

As an intermediate method, QCA solves some of the issues related to these other research methods. Small-N and large-N are not suited for discovering the necessary and sufficient conditions for the acceptance of election results. First of all, the focus of small-N on a few number of cases makes it hard to reach generalizable conclusions. Using this technique would be useful if the aim of the chapter was to gain an in depth knowledge and compare the differences and similarities of a few cases. However, the aim is to know the conditions that contribute to the acceptance of election results. Given this scope, one could argue that a quantitative comparison would be appropriate. However, the chapter is also interested in understanding each case individually and especially in identifying and discovering the specific causal mechanisms that lead to the acceptance of the electoral outcome. The interest lies in knowing not only the associations or relationships between variables but how these operate in a given context.

This is the core reason why QCA was selected as an appropriate method. In short, the interest of the research is to find out which configurations generate the outcome. In particular, I aim to discover the causal path or paths that lead to the acceptance of results (multiple conjunctural causation). I hypothesise that election results are accepted not only when we have good quality elections, but rather that other factors are at play. In other words, I look at the conjuncture or combination of conditions that can lead citizens and political parties to accept election results. This calls for a method that follows a set-theoretic logic and allows identifying all the causally relevant conditions that produce an outcome. In fact, the aim of the research is to demonstrate a set theoretic hypothesis: that quality in the development of an election is not enough for its acceptance. Therefore, it is especially relevant to find out both the necessary and sufficient conditions behind the outcome. This makes QCA, a set-theoretic method with an in-depth understanding of cases and causality, ideal for this research.

The QCA variant that is more suitable for answering this question is multivalue QCA (mvQCA). The QCA variant that is more suitable for answering this question is multivalue QCA (mvQCA). This method, although derived from csQCA, it differs from it as it moves beyond the use of dichotomies to have a more flexible structure for classifying or coding cases. Therefore, instead of taking two possible values ("0" or "1"), variables can take multiple values ("0", "1", "2", "3", etc.), which are more useful for a more detailed coding of the data. In csQCA variables can only take two Boolean values (1 or 0) and therefore options are limited. For example, with csQCA an election can only be either completely free and fair or not. However reality is more complex and we require more values for classifying the quality of an election (what if for example, an election has some problems, but these are not sufficient to change the outcome/the will of the people). Therefore CsQCA was discarded as it does not capture properly the richness of each condition. MvQCA option is more relevant for the analysis.

After applying mvQCA to the research question, the analysis finds the configuration that shapes the outcome and unveils which conditions are necessary and sufficient. Results show that there are two paths that lead to the acceptance of election results. The first path requires a consolidated democracy and a high quality election that meets international standards, provided that election results are not close. The second path that leads to the acceptance of results requires political parties that support electoral institutions and transparent results (regardless of having a close election). If election results are close, then their acceptance requires more than a good election and a democratic context. So, contrary to conventional wisdom, for results to be accepted, elections not only have to be of good quality. Political party support and transparent results are also needed. Therefore, whenever one of these conditions is not met, results are rejected.

### 4.3.2 Quantitative analysis: The role of political party support

#### *4.3.2.1 Quantitative studies and the level of participation of political parties in EMBs*

The findings provided by the QCA analysis reveal there are two paths that lead to the acceptance of electoral results. In particular, they show that elections are accepted when there is support of political parties for the electoral institution and transparent election results. Then, in order to improve our insight on these conditions, in the subsequent chapter (chapter 6) I decide to focus on one of them: the political party support for electoral institutions. The aim is to drill down on this condition for the acceptance of results and analyse its influence. For doing so, the chapter hypothesises that party support, identified by the participation of political parties in the appointment of the members of the Electoral Management Body (EMB), is important for achieving confidence in elections. The research uses an innovative four point scale to identify the level of participation of political parties in the appointment of the EMB members. These four categories are: EMBs where political parties have no role in the appointment of their members; EMBs where parties have an indirect participation; EMBs with partial direct participation of political parties; and EMBs with full direct participation. This is demonstrated through large-N analysis of results from the Parliamentary Elites of Latin America (PELA) survey, in particular from 5,261 questionnaires from 18 Latin American countries from 1997 to 2015.

Large N studies use quantitative analysis to look for patterns in a large number of cases. This method has many advantages. First, it is based on the analysis of many cases, which reduces the risk of selection bias and allows us at the same time to reach more robust conclusions. Large enough samples can cover the entire population of interest and as a result allow generalisations and have a strong degree of external validity. Second, this type of analysis is useful for testing different hypothesis and systematically examining the impact



of many variables in an outcome (Halperin and Heath, 2012). It is also helpful to unravel how all these variables interact with each other. Large N methods examine relationships between variables and can evaluate which of these influence the outcome and how much so. They can consider alternative and complementary explanations and rule out those that are not relevant for the outcome.

As a result, this methodology is ideal to explore if political parties play a role in election credibility. More specifically, it is especially suited to determine if there is a relationship between the participation of political parties in EMBs and confidence in electoral processes. First, a quantitative study is appropriate for the size of the sample, which consists of a survey of 5,261 congressmen and women from Latin America. Second, quantitative methods allow having and testing multiple variables, which is especially relevant for this research. As expected, many other factors besides party support for EMBs have an influence in election credibility. These are included as variables and controls in the research and include, amongst others, the level of economic development, corruption and a number of other factors associated with the ideology and perceptions of individual members of congress. Third, the key independent variable in the study is presented as an innovative four point scale, showing different levels of participation of political parties in the appointment of EMB members. With this design, only with a quantitative approach can we know the relation between each of these levels and the outcome and if there is some sort of trend between them. It is expected that greater participation of political parties in EMBs yields greater confidence in electoral processes. For estimating this, this research employs binary logistic and multilevel regression through three different models.

It is important to note that the dependent variable used in this research (confidence in electoral processes) is a slight departure from the variable used in the QCA study (acceptance of election results). Using confidence in electoral processes as an outcome

variable allows covering a longer period of time and a larger number of electoral processes per country. Whereas the QCA study focused on specific election processes (for a total of 48 individual elections for the first model, and 21 for the second), this new variable from the PELA surveys allows having information from many more elections. The five waves under study cover all elections from most Latin American countries from 1997 to 2015. Moreover, the survey question asked is *'How much do you trust the last electoral processes that have taken place in [country]?'<sup>9</sup>* Therefore responses to this question are not limited to a single election event, but rather constitute an average of the perceptions of the last few elections in a country.

#### *4.3.2.2 Binary logistic and multilevel regression*

First, this research employs binary logistic regression to estimate the effect of the different levels of support of political parties for the EMB on the credibility in electoral processes. This is a type of multiple regression that allows analyzing binary outcomes from continuous or categorical predictors (Field, 2013; Pampel, 2000). This method was chosen as the dependent variable in the research takes the form of a dichotomous indicator (1= confidence in electoral processes, 0= lack of confidence in electoral processes). The original form of this variable was a Likert 5 point scale, ranging from minimum confidence (1) to maximum confidence (5). However, this presented a problem of interpretation. The appropriate method of analysis for categorical outcomes is ordinal logistic regression, which considers the effects of the explanatory variables for each of the categories in the scale. Therefore, results would have shown the odds of the different explanatory variables of achieving category 1, 2, 3, 4 or 5 of confidence in electoral processes. To illustrate this, using this method would show us how likely it is to get a level 2 confidence in electoral

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<sup>9</sup> For some cases, the question asked is: 'How much do you trust the electoral processes that have taken place in [country] in the last decade?'

processes when, for example, political engagement is intense and constant or when there is high support for democracy. This is not very intuitive. We are not interested in understanding the effect on category 2 or category 3 (besides, it is difficult to identify the difference between category 1 and 2, or 2 and 3) but if the variables have an effect on confidence in electoral processes or not. For this reason, the dependent variable was dichotomised (1= high trust in electoral processes, 0=low trust in electoral processes) and a binary logistic regression was employed.

Binary dependent variables are not suited for traditional multiple regression and pose problems of interpretation. Traditional multiple regression assumes that probabilities take a straight line for the values of an independent variable, but this is not true for dummy dependent variables. As a result, two main sorts of problems are faced, the first one being conceptual and the second statistical in nature (Pampel, 2000). The conceptual problem is that dummy dependent variables violate the assumptions of linearity and additivity found in traditional multiple regression. In linear models, the regression line extends upward and downward indefinitely and therefore can produce values that exceed the two limits of a binary variable, 0 and 1. This means ending up with probabilities below 0 and above 1, which make no sense at all. Moreover, with binary outcomes the influence of all the variables is non-additive (Pampel, 2000). This means that the effects of the independent variables are interactive and change depending on the levels of other variables. This is relevant for our study as we expect all variables to interact. For example, we do not expect that the effect of having no participation of political parties in EMBs is identical regardless of other independent variables like economic development and corruption, which can also contribute to explain the phenomenon of having confidence in electoral processes. In contrast, in traditional multiple regression the effects stay the same regardless of the influence other variables might have. Second, there are also problems of statistical

inference as ordinary multiple regression rests on normality of distribution and homoscedasticity and binary outcome variables violate these assumptions. With only two values in dummy variables, 0 and 1, standard errors will be incorrect and significance test are invalid (Pampel, 2000).

The use of odds ratios in logistic regression is especially suited for our research. Due to the nature of dichotomous dependent variables and its issues of nonlinearity, probabilities need to be transformed into odds (Pampel, 2000). Odds tell us the probability of an outcome occurring given the levels of the independent variables. Traditional probabilities predict the likelihood of an event occurring or not occurring. In contrast, odds express the likelihood of an event occurring relative to the likelihood of a non-occurrence (Pampel, 2000; NCRM, 2016). This is extremely useful when some of the independent variables have different levels or categories and are nominal or ordinal, as these can be compared (NCRM, 2016). This is done through reference categories against which we can compare. In this research, for example, odds can tell us if EMBs with full direct participation of political parties are more or less likely than EMBs where political parties have no participation to yield confidence in electoral processes. In this case EMBs with no party involvement are the reference category.

In this thesis Models 1 and 2 are single level models that employ logistic regression. Model 1 tests if the participation of political parties in the appointment of the EMB is more likely than EMBs with no party participation to yield higher levels of confidence in elections. For doing so, I take the four point scale used to identify the levels of participation of political parties in the appointment of EMB members and convert it into a dummy variable where “1” represents countries where parties participate in the appointment process and “0” represents countries where parties do not have a role in this. The latter is taken as the reference category. Model 2 expands on this and tests the effect of the four different levels

of participation of political parties in the appointment of the members of the EMB. In this model the reference category used is also “No participation of political parties in EMB appointment”.

Then, in order to have more robust findings, this research employs multilevel regression. This type of regression is an extension of the linear model and allows analysing data that is structured hierarchically. This occurs when data is presented at more than one level where cases are nested within a context. This structure is employed as individuals interact with their social contexts and as a result are influenced by them (Hox, 2002; Field, 2012). In this research, it is the different Latin American countries that act as a contextual variable for individuals. Individuals, in this case the congressmen and women interviewed by the PELA survey, live and work in different countries and therefore are exposed to different backgrounds and values. Congressmen are nested within their national units. This is defined as a two-level hierarchy. Individual is the variable at the bottom of the hierarchy, or level 1 and the country is the variable at the upper level, or level 2. As a result, this type of regression allows incorporating country-level characteristics and estimating relationships across levels (Field, 2012; Lee, Gabarino and Lerman, 2007; Wong and Mason, 1985). The multilevel regression thus considers data taken from the 5,261 questionnaires to legislators from 17 countries and four survey waves, which produces a total of 47 dyads or country-waves, which constitute the unit of analysis for Model 3.

As a result, multilevel regression allows factoring in contextual variables. When contextual variables are present in the analysis this leads to dependency in the data, which means that individuals at the bottom of the structure are influenced by the context at the upper level. Multilevel regression can analyse dependent data, thus solving the assumptions of independence and independent errors of traditional linear models (Field, 2012). In hierarchical levels individuals are influenced by their countries. As such, individuals from a

particular country will be more similar to each other than they are to individuals from another country. This, naturally, has an effect on the outcome and this can be estimated through multilevel modelling. In addition, this type of regression allows working with models with random intercepts and slopes (which is expected in this case as slopes and intercepts can vary across countries).

Multi-level regression is used in Model 3 of the research. As it considers the structure of our data, where individual congressmen and women are nested within their national units, multi-level analysis produces more robust findings. In particular, this model tests – as in the binary logistic regression used in model 2 - the different levels of participation of political parties in the EMB appointment process and their impact in the confidence in electoral processes. Its results partially support the findings from models 1 and 2. Moreover, in this model I calculate marginal effects and the predictive margins for the four levels of political party participation in election institutions.

#### **4.3.3 Small-N comparison: the role of election results in preventing violence.**

Then, in chapter 7 we turn our attention to another of the key conditions identified by the QCA for the acceptance of an election, which is the transparency in its results stage. Specifically, this last chapter studies the relationship between election results and election credibility through a small N analysis. It analyses the role of transparency in election results in preventing post-election protests and conducts a paired comparison of the 2006 and 2012 presidential elections in Mexico. The 2006 election came to be known as “Mexico’s disputed election” (Rubio and Davidow, 2006). It was followed by massive demonstrations with more than one million protestors, a civil disobedience campaign, a two month long sit-in in Mexico City and a symbolic proclamation of the runner up as the country’s true and “legitimate president”. In contrast, the protests after the 2012 elections were considerably

smaller, short lived and did not get as much attention or support. It is hypothesised that a crucial difference between these outcomes is the degree of transparency in the communication of election results. This is assessed by comparing three mechanisms used by Mexico's Federal Electoral Institute (IFE) to process and communicate results: the preliminary election results programme (PREP), a parallel vote tabulation system and the official tabulation and communication of results. The degree of transparency was assessed considering Michener and Bersch's (2013) two essential conditions for transparency: visibility and inferability.

The Small-N analytic method involves the comparison of two or more cases. There is no fixed upper limit for the number of cases studied via this method, but no more than a dozen is the rule of thumb (Halperin & Heath, 2012). Specifically, this method is employed when the researcher needs to obtain an in-depth knowledge of significant cases and the circumstances surrounding them, in order to explain similarities and differences with a degree of precision and nuance. Historical context and the specifics of the case are both crucial variables to consider in Small-N comparisons (Ragin, 1987: 35). Small-N studies, also termed "case-oriented" (Ragin, 1987: 35) because of their focus on the details of a handful of cases rather than interpreting patterns within large data sets as is Large-N studies, are grounded in the historical interpretive method (Ragin 1987, 35). What this methodological approach offers is a comprehensive explication of the relationship between noteworthy events and other relevant phenomena (King, Keohane & Verba 1994, 43-44). One of the central aims of most case oriented approaches is: "to produce limited generalizations concerning the causes of theoretically defined categories of empirical phenomena" (Ragin 1987, 35). Small-N studies rely on detailed observations in order to inductively develop some theoretical explanation of cause and effect.

Therefore, since our aim is to unravel how transparency in election results works, a small N methodology is especially suited for this chapter of the research. In contrast to Large-N methodologies, case studies provide a 'thick' description of events and allow analysing phenomena rigorously (Caramani, 2008; King, Keohane & Verba 1994). This enables us to gain a deeper understanding of the context and to establish causality more precisely. While case studies do not allow testing many variables at once, they do work well when we are interested in one or two main causes and in fully understanding them. This is relevant when we try to answer why and how having transparency in election results can prevent post-election protests. In the QCA chapter this variable is binary and coded as either "1" when results are transparent and "0" when they are not. In contrast, the small N analysis provides a richer description of the variable, grasping its full complexity and all its nuances. This includes the careful analysis of the different stages of election results and their respective processes and systems. This 'unfolding' or 'unpacking' of the variable gives us better insight on the issue.

Having a rich description is not enough to develop good hypotheses and establishing causality. In the words of King, Keohane & Verba, "just as causal inference is impossible without good descriptive inference, descriptive inference alone is often unsatisfying and incomplete" (1994: 75). However, one way to attempt obtaining causal inference is by undertaking a structured focused comparison of the small N analysis. This is a technique which offers a disciplined way of analysing data that can yield more solid inferences. In particular, it is 'structured' as it requires writing a few questions that guide the data collection and 'focused' as it zooms in on very concrete aspects of the cases under study (George and Bennet, 2005). More specifically, it involves a controlled comparison and the systematic collection of the same information across carefully selected cases (King, Keohane & Verba 1994). In this research, five different questions are used to both identify



and measure the degree of transparency in the processing and communication of election results and to estimate their relation to post-election protests. Then, guided by these questions, I systematically draw the same information from both cases. This information is related to the processing, transmission and communication of results in both elections. Fortunately, the election results phase, as rolled out by Mexico's electoral institution, has the advantage of presenting itself naturally as a clear cut three stage sequence. These 3 stages consist of a) the preliminary results programme, b) the parallel vote tabulation system and c) the official tabulation of results.

In addition, to reach more reliable inferences, and as mentioned above, it is crucial that the cases for analysis be selected very carefully. Small N analyses by definition deal with a small number of cases and that is why selection bias is an important consideration for researchers employing comparative methods. This means that the cases can neither be so similar that comparison produces very little of interest, nor so dissimilar that comparison is inappropriate (Halperin & Heath, 2012: 209). The cases analysed in this study were selected using the Most Similar Systems Design approach (MSSD), which locates variables that differ across similar systems, accounting for the observed outcomes (Keman, 2008). In other words, this approach takes cases that share many characteristics but differ on a key independent variable that helps explain the outcome. Then, the characteristics in common are used as controls to isolate the effect of the variable that is different between the cases. For this study, since both elections occurred in the same country during a relatively short period of time, they naturally have a number of aspects in common. In particular, they are similar in terms of the country, the level of economic development, the political system and the institution in charge of running elections and processing election results. Other more specific variables are also shared. These include the overall quality of the election and the type of election campaign. These variables are the controls, hold the context constant and

therefore cannot explain the differences in the outcome. However, both elections differ significantly on how election results were processed and communicated. And this, as the main variation across the cases, should explain why the 2006 protests were massive and disturbed everyday life in the country for a period of two months while the 2012 protests were small and did not attract attention. Of course, any two cases being compared cannot be exactly the same in all aspects except for the independent variable. Such cases do not exist in real life. Admittedly, our two cases have some other differences. These are accounted for and an explanation of their possible influence is provided in chapter 7.

#### **4.4 Large, intermediate and small-N and the acceptance of results**

A number of problems and malpractices can occur before, during and after an election. Ballot boxes can be stuffed, radio and television stations can favour the incumbent disproportionately, political finance can be unregulated and opaque, electoral registers can be out of date, election observers can be banned, gerrymandering can shape districts, voting stations may have very long queues and voting ink might not be indelible, amongst many others. When this happens, the credibility of the election suffers and protests may erupt and may even have instances of violence. This is why it is important to protect and secure the integrity of elections worldwide. If any single link in the election process is broken, it is capable of undermining the legitimacy of elections and of weakening democracy (Norris, 2013).

This research does not aim to cover all of the aspects that affect election integrity. However, it does try to shed some light on some key factors that can contribute to having more trusted and accepted election processes and institutions. The research starts with the question: when, where and under what conditions are election results accepted? By conducting a QCA analysis across a number of emerging democracies we find that a good

quality election is not all we need. Specifically, when election results are close, and tensions high, two key conditions contribute to the acceptance of the results: a political party support to electoral institutions, and transparency in election results. Therefore, subsequent research focuses on two of these factors. Quantitative analysis looks at the role of political party support to electoral institutions, especially on their degree of participation in the appointment of EMB members. For doing so, it studies the opinions, background and perceptions of congressmen and women in Latin America. Results reveal which kinds of institutional designs can strengthen trust in EMBs and confidence in electoral processes. Then, small-N paired analysis compares the 2006 and 2012 presidential elections in Mexico, with emphasis on the processing and communication of election results and its impact on the level and magnitude of post-election protests. Findings detail how transparency in election results can improve the quality of the process and contribute to reduce post-election tensions and protests.

As we can see, these topics are complementary pieces of the puzzle of election credibility. As a result, the research and its structure were inspired by mixed methodology and employed a combination of methods to enhance our knowledge on a specific topic. However, and unlike in mixed methods, the different chapters in this research do not necessarily use the exact same data or variables. The QCA analysis focuses on the acceptance of election results, the quantitative analysis studies confidence in electoral processes and the small-N paired comparison concentrates on post-election protests. Nonetheless, the studies are related and in a way complement each other and allow for a certain degree of triangulation, offering several ways to look at associated phenomena. In short, by employing this combination of methods, the findings of one chapter support the findings of the other and vice versa, therefore linking better all the cogs in the machine and providing more suggestive findings.

## 5. CHAPTER 5: WHEN, WHERE AND UNDER WHAT CONDITIONS ELECTION RESULTS ARE ACCEPTED?

### 5.1. Is a good quality election enough for the acceptance of election results?

Conventional wisdom holds that having a good quality election is enough for it to be accepted. This belief, shared by many election officials, legislators and politicians around the world, argues that if all or most aspects of election administration are procedurally sound, the acceptance of results by citizens and political parties will automatically follow. For this prevailing wisdom it is only objective factors which determine the acceptance of an election. Election management and its components are the most important piece of an electoral process: election materials, electoral logistics and voting operations become the key ingredients of a successful election. Therefore, this wisdom does not pay attention to other underlying factors that go beyond the technical and logistical aspects of administration. Examples of this are the level of democratic consolidation and the support of political parties for electoral institutions. Some of these have been included in research (Rosas, 2010; Barreda and Rodriguez, 2013) but have not been used yet for explaining the acceptance of election results.

The acceptance of election results has to do with the objective performance of election administration but also with its credibility in the eyes of citizens and political parties. Therefore, research on this topic must focus both on the technical aspects of the election and also on the contextual and the subjective aspects that contribute to having a positive perception and therefore trusted election processes and results. Quality in election administration is important but alone is not sufficient for the acceptance of election results. Empirical reality shows that quite a few elections classified as technically accurate and

“free and fair” have not been accepted and have been followed by riots and protests claiming vote fraud.

Recent examples include Mexico 2006 and Zambia in 2008. The 2006 election in Mexico was observed by international organizations such as the European Union (EU), the Parliamentary Confederation of the Americas (COPA) and the National Democratic Institute for International Affairs (NDI), who praised the conduct of the electoral institutions and the organisation of the electoral process. The EU Election Observation Mission, for example, concluded that the presidential and parliamentary elections were “competitive, transparent, well administered and celebrated in an environment of respect to freedoms of expression and assembly, demonstrating the firm commitment of the Mexican citizens to the strengthening and consolidation of democracy” (EU, 2006b: 1). This overall positive assessment was shared by COPA and NDI, amongst other national and international election observation mission reports. Nonetheless, the election was followed by “protracted public demonstrations that questioned its cleanliness and the putatively partial role of Mexico’s Instituto Federal Electoral, an ostensibly autonomous electoral agency” (Rosas, 2010: 75). Similarly, the 2008 presidential election in Zambia was observed by the Electoral Institute for the Sustainability of Democracy in Africa (EISA). The EISA observation mission used the Principles for Election Management, Monitoring and Observation (PEMMO), which outline standards and best practices for the conduct of elections in the Southern African Development Community (SADC) region. Based on these standards, the mission concluded that given the circumstances that surrounded the election (a time frame of only 90 days for their development following the sudden death of President Levy Mwanawasa), it was smoothly run and “conducted in a transparent manner and in a way that allowed the people of Zambia to freely express their will” (EISA, 2010:ix). However, soon after official results were announced, this “smoothly run” election led Michael Sata, runner-up from the

Patriotic Front party (PF) to reject the election results. His followers organised protests in Lusaka and Kitwe, the two largest cities in the country, and violence and riots soon broke out (Ethiopian Review, 2008; Shacinda, 2008).

These two examples show that having a procedurally sound electoral process or an electoral process that is generally characterised as “free and fair” is not enough for the acceptance of election results. Acceptance is not only about the technical quality of the electoral process but also how it is perceived. Therefore, and especially in emerging democracies, where citizens and political parties have only experienced a few electoral contests, election quality needs to happen in combination with other factors.

This research hypothesizes that there are five conditions which contribute to the acceptance of election results. A first explanatory variable is the level of democracy, and particularly consolidated democracy. This is identified by whether a country has passed the ‘two turnover test’, where democracy can be considered consolidated when power has changed twice resulting from free elections. In consolidated democracies, parties lose elections and citizens know that even if their preferred candidate or party did not win office, the process and outcome can be trusted. In particular, in countries where democracy has become more institutionalised it is more likely that election results will be accepted. A second variable is the closeness of an election. Close elections, identified as contests where there is a 5% or less margin of difference between the winner and the runner up, increase attention, engagement, scrutiny and tension and are more likely to result in fraud allegations. When the margin is so small, it is easier for candidates, parties and the people to challenge an election. In contrast, elections won by a wide margin are less likely to be questioned and/or rejected. A third variable is the support of political parties for electoral institutions. This is identified by the trust and acceptance of the electoral institution’s top staff (i.e. Councillors or Commissioners) by political parties. If political parties support the

election administration institutions there are higher chances for them to accept election results. Fourth, we focus on the overall quality of the election. An election with quality is one where international standards for election administration have been largely met. These are elections characterised completely or generally “free and fair” by international Election Observation Missions. This variable is included, as described above, since conventional wisdom holds that high quality elections lead to accepted results. A final variable pays attention to the transparency in election results. This is as the election results stage is particularly critical for the acceptance of the outcome and where having accurate, clear and widely available results can make a difference between acceptance and rejection. When results are visible and inferable it is more likely that doubts and confusion will be dissipated and the outcome will be accepted.

In order to test the effect of these independent variables on the acceptance of election results, I use multi value Qualitative Comparative Analysis (mvQCA). This is a comparative methodology that helps discovering the different combinations that lead to a specific outcome. By doing so, QCA allows to find out which are the necessary and sufficient conditions for the acceptance of election results (and therefore also for their rejection). This is especially helpful as it allows knowing if having a high quality election is sufficient for the acceptance of election results or if there are other factors at play. My cases are 48 presidential elections held in Latin America between 2000 and 2015.

To answer the question of when, where and under what conditions election results are accepted this chapter is organised as follows. The first section considers the framework of analysis. It defines the dependent variable (the acceptance of election results) and details all the conditions expected to have an impact on it. For each variable, this section provides a description, a justification and sets out its measurement and operationalization. It also provides the research hypotheses. Section 2 briefly describes multi value Qualitative

Comparative Analysis (mvQCA) and the data and cases used in this analysis. Then, section 3 presents the results, including the “truth table” and the Boolean formulae which outline the different configurations that lead to the acceptance of results. It then interprets these results in the light of various empirical cases. Section 4 analyses whether the results from the mvQCA are generalizable to other contexts around the world and thus introduces a second QCA model looking at cases from Europe, Africa and Asia, showing consistent findings. The final section concludes.

## **5.2 Variables and sources of information**

### **5.2.1 The dependent variable: Acceptance of election results.**

When votes are cast in an election and a candidate or a party is declared winner, losers can react in three different ways: they can accept election results, they can challenge the results, or they can turn against democracy (Lago and Martinez i Coma, 2016). And while candidates and parties that accept the verdict of the ballot box are good for a democracy, rejecting election results can be potentially harmful for it. The non-acceptance of election results can take many forms and ranges from verbal expressions to legal and extra-legal actions. First, a party can take legal action by filing a petition to another electoral body or the judiciary (such as the Supreme Court) and ask for a recount, an election repeat, or to nullify election outcomes. Second, a party can choose to go for extra-legal actions and can decide “staging a post-electoral mass protest, refusing to recognize the newly elected legislature by not taking its seats or even boycotting the second round of elections” (Chernykh, 2013: 1362).

This study will focus on extra-legal action. This is as not all types of challenges are harmful for the credibility of the election or the health of the political system. First, legal actions, as part of the electoral justice system, are at the cornerstone of democracy (IDEA, 2010) and



in fact must be encouraged as conflicts must be resolved through the law. In addition, citizens, candidates, political parties and other stakeholders have the right to seek redress of grievances. Second, verbal claims, statements and declarations are not sufficient to be considered as a rejection of results. This might be part of a political strategy (Eisenstadt, 2004) and used as a way to push for electoral reform or maintain a candidate's or a political group's influence (Hartlyn, McCoy and Mustillo, 2008). What is more, it is frequently the case that "losing parties concede defeat while also making allegations that fraud was committed" (Chernykh, 2013:4).

Therefore, for this research, the rejection of elections relates to extra-legal action. This comes in different shapes and sizes. Building on Chernykh (2013), the rejection of elections and its results includes the following actions: boycotts (of the entire election or parts of it, such as the second round), civil disobedience (road blockages, occupation of public spaces and buildings, such as government and election institutions), refusal to take seats in the legislature or resignation of seats, and mass election protests (requiring the involvement of security forces). These have to be related to the election process and or its outcome. Protests, boycotts or civil disobedience held against the government or for broader or different issues are not considered as instances of election rejection.

For the purposes of this study, the acceptance of results involves expressing consent to the outcome and forgoing any of the actions described above as a way to challenge the election or its results. An election is "rejected" when there are boycotts, civil disobedience, refusal to take legislative seats and/or significant<sup>10</sup> election protests. An example of this is

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<sup>10</sup> The use of the term 'significant' election protests derives from the *Comparative Study of Electoral Systems* (CSES) data set, which, for modules 3 (2006-2011) and 4 (2011-2016) asks "To what extent was there protest following the election?" with three possible answers: "No protest", "Significant protest" and "Sporadic protests". Only significant protests are considered as instances of rejection of results as they

the 2016 presidential elections run off in Haiti, which were boycotted by all major political parties as a result of major irregularities in legislative elections earlier that year. Another example is the 2006 elections in Mexico which were followed by nation-wide protests and a civil disobedience campaign involving seizures of highways (including an international bridge with the US), blocking offices and banks and clashes with the police. Both are classified as cases of rejection. As mvQCA requires the dichotomization of variables for conducting an analysis, acceptance will be coded as “1” while rejection will be coded as “0”.

I measure the dependent variable primarily with information obtained from Election Observation Mission Reports. In addition, I rely on the following sources: *Elections in the Americas: a data handbook* edited by Dieter Nohlen<sup>11</sup>; CIA World Factbook; Pro-Quest Newspaper database. Two data sets are used to support the information from these sources. The first one is Yale University’s *National Elections Across Democracy and Autocracy* (NELDA), which uses different documentary sources that range from election handbooks and archives to data from international organisations. The second dataset is the *Comparative Study of Electoral Systems* (CSES). CSES is a common module of survey questions on political systems and elections that is implemented by the leading investigators in various democracies<sup>12</sup>.

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involve a larger and more coordinated and protracted participation. Sporadic protests are not too extensive around the time of the election.

<sup>11</sup> For the second QCA model I also rely on *Elections in Europe/ in Asia and the Pacific/ in Africa: A Data Handbook* by Dieter Nohlen.

<sup>12</sup> From NELDA I draw on responses to questions 14, 29 and 30. Item 14 asks *Did some opposition leaders boycott the election?* Item 29 asks *Were there riots and protests after the election?*, followed by Item 30: *If (yes) did they involve allegations of vote fraud?* From CSES I use items 10c and 10 d. 10c asks “*To what extent was there violence following the election?*” 10d asks “*To what extent was there protest following the election?*”

## 5.2.2 Independent Variables: Conditions for the acceptance of election results.

### *5.2.2.1 Defining the variables*

This research looks at 5 key variables: democratic consolidation, the closeness of the election, the support of political parties for electoral institutions, quality in the conduct of the election and the provision of transparent results. A clear identification and definition of these variables is required. For this reason, this research follows Munck's (2009) guidelines for the construction of a democracy data set (2009)

One key challenge in this task is the conceptualisation of the variables under study. Having a clearly defined concept with sharp boundaries is a first step for good data analysis as it affects the entire process (Munck, 2009). From there the research is able to have proper measurement and aggregation. Conceptualisation thus "provides the anchor for all subsequent decisions" (Munck, 2009:16)

Once the concept has been defined, two tasks are required. First, the attributes that make up the concept need to be identified. Not too few but not too many, avoiding minimal and maximal definitions of a concept are required. Second, once these constituent components are defined and included, the analyst must consider how these are related to each other and ensure they are properly organized by level (e.g. Democracy is integrated by a certain number of components, which in turn are made up of subcomponents or indicators). The aim is avoiding repetitions and/or overlaps. As mentioned in the methodology chapter, two key issues are conflation and redundancy.

This framework is made for the construction of indices for measuring a concept such as democracy. It is useful for clearly identifying its constitutive components, how these are related to each other, and how these are organised by levels of abstraction. And while the present research is not aimed at identifying and delimiting the constituent attributes of a

concept, it still draws from this framework for properly isolating the variables we are using and measuring as conditions that lead to the acceptance of election results –so they can be distinguished conceptually and empirically from each other-.

In this research, regime type and closeness of the election are clearly defined as contextual variables. Whether a regime is democratic or not is highly important for the acceptance of results. Democracies –and particularly institutionalised democracies- are loser friendly: in them losers wait and live to fight another day. In emerging democracies or non-democratic countries, in turn, it is more likely that citizens will protest the outcome of the election. Close election results –as opposed to elections with big comfortable margins for the winner- gather a number of characteristics that make them more explosive. In turn, party support, election quality and transparency in election results are identified as distinct moments and aspects of an electoral cycle. Party support or lack thereof, refers to the relationship between political parties and EMBs and how the latter are perceived by the former. Election quality is related to the administration of the electoral process (the logistics and organization behind an election) up to election day. Election results are linked to what happens after polling stations close and after poll workers count the votes and are related to the communication and announcement of results. Further details of the variables under study and their measurement are provided below.

#### *5.2.2.2 Democratic consolidation*

A common notion is that in a democracy, losers accept election results. In this type of political regime, citizens and candidates accept and respect the rules of the game and therefore its outcome, even if they do not agree with it. This is also supported by the fact that elections in established democracies are seen as “routine events that produce results outside the unacknowledged ‘margin of error’ that exists in all democratic elections. As a

result, democracies are “loser-friendly”. This follows Przeworski’s (1991) view that in a democracy, losers choose to comply with the results because they believe elections are free and fair and therefore they will have a sufficient chance of winning an election in the future. In a democracy candidates and citizens are graceful –or they ought to. How can one forget Al Gore’s acceptance of the United States Supreme Court ruling, even after a very close election that experienced a number of irregularities in voting. Similarly, how to forget George H.W. Bush’s 1993 letter to president elect Bill Clinton —resurfaced during the 2016 US presidential campaign–, shortly after losing the election against him and wishing him success and calling him his president (Abrams, 2016). To illustrate this point, below is an abstract of Gore’s address after the Court’s ruling:

*Now the U.S. Supreme Court has spoken. Let there be no doubt: While I strongly disagree with the court's decision, I accept it. I accept the finality of this outcome, which will be ratified next Monday in the Electoral College. And tonight, for the sake of our unity of the people and the strength of our democracy, I offer my concession.* (Barbour and Wright, 2014 : 516)

However, not all democracies are the same and not all of them can be considered systems in which parties lose elections and where everyone happily accepts elections and their outcome. Countries that have only recently made their transition to democracy are more vulnerable to coups and other authoritarian reversals. Holding a first and historical free and fair election does not necessarily guarantee that elections will be the new normal in the country. In new democracies, democracy has not yet become ‘the only game in town’ and some groups, when losing, might still consider other non-democratic ways of holding or achieving power. The transition to a consolidated democracy comes with a number of challenges (Coleman and Lawson-Remer, 2013)

On the other hand, in consolidated democracies people and elites are more likely to value democracy and to support the system (Voicy and Peral, 2012). Here, democracy has effectively become “the only game in town” (Linz and Stepan, 1996), resulting in a more mature and stable regime. Moreover, it is not only about how much participants appreciate democracy as a regime and a way of life. In consolidated democracies, actors are more likely to accept election results because of their own strategic calculations. It is actors’ rational calculations that explain their commitment to the rules of the game. In a democracy –understood as a system of uncertain outcomes – participants have sufficient chances to win future contests, which acts as an incentive for them to accept election results (Przeworski, 1991; Anderson et al, 2005; Lago and Martinez i Coma, 2016). The belief of having a chance to win in the future –that only comes with a democracy - is what makes participants ‘wait and live to fight another day’, i.e wait until the next election.

This variable is measured by using the ‘two turnover test’: democracy is consolidated when power has changed twice resulting from free and fair elections, demonstrating the commitment of political elites to be defeated by the ballot (Huntington, 1991; Bakke and Peters, 2009). In particular, a country in the sample is considered to have passed the ‘two turnover test’ after having held two free and fair elections after its transition to democracy or, if the transition has been interrupted, counting two elections after the resumption of democracy. For instance, while Peru’s transition to democracy first occurred in the year 1978, I start counting after the year 1992, when President Fujimori announced a ‘self-coup’, dissolving the legislative and judiciary branches of government with military backing.

Other measurements for democracy, including Freedom House’s ‘Freedom in the World’ (FIW) Report<sup>13</sup> and Polity IV individual country regime trends<sup>14</sup> are not used. First, this is as

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<sup>13</sup> Freedom House (2017) Freedom in the World Report <https://freedomhouse.org/report-types/freedom-world>

being classified a 'democracy' is not the same as being a 'consolidated democracy'. For instance, Polity IV considers Mexico a democracy from the year 2000. This is when the country had a historic election voting in for the first time in 71 years an opposition party into the presidency. However, all elections before that were won by the same party. While both indexes consider Mexico a democracy in the year 2000, the country would not have passed the 'two turnover' test. A democracy requires more than a single election to consolidate. Second, using these indexes risks equating democracy to holding 'free and fair' elections. Using the example above, Mexico did hold 'free and fair' elections in the year 2000 and this is an important factor for its classification as an electoral democracy by Freedom House and Polity. Therefore, the problem in using any of these indexes for measuring democracy would be one of multicollinearity as they have a big overlap with the election quality variable, measuring the extent to which elections in the country were 'free and fair' and held according to international standards of election quality.

#### *5.2.2.3 Close elections*

Close elections gather a number of characteristics that make them more likely to lead citizens and political parties to be dissatisfied with or even reject the election outcome. First, close elections as opposed to elections with big and comfortable margins between candidates are more charged with emotions and can spark high levels of anxiety among the voters (Howell and Justwan, 2013). They naturally increase voters' attention and cognitive engagement (Kam and Utych, 2011), especially when presented in a horse race format. Second, they are an indication of the competitiveness of an election (Howell and Justwan, 2013: 336). In a close election "differences of campaign resources, structural advantages, and even fraud most show themselves" (Grimmer, et. al; 2011). Every vote

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<sup>14</sup> Polity IV (2017) Polity IV Individual Country Regime Trends  
<http://www.systemicpeace.org/polity/polity4.htm>

counts and as a result all candidates with a chance of winning will increase their efforts to win it. Finally, closer races draw greater attention in the elections and their integrity (Mozaffar and Schedler, 2002; Birch, 2008). Moreover, they can accentuate the effects of electoral errors and emphasize problems with the election, as it happened in Florida for the 2000 presidential contest (Mozaffar and Schedler, 2002).

Increased attention, engagement, competitiveness and scrutiny result in a powerful combination that can derive in allegations of fraud, and in citizens and parties challenging or rejecting election results. Therefore, it is expected that elections with close results - defined as contests with results where there is a 5% or less margin of difference between the first and the second place- are more likely to lead to rejection of results. Elections with broader margins of victory are expected to be easier to accept. Information for identifying close elections was obtained from IFES' "Election Guide" Country profiles (IFES, 2014). This variable is binary and coded "1" when election results are not close (>5% margin) and "0" when results are close.

#### *5.2.2.4 Political party support*

Political parties are at the heart of an election and play a very important role in the confidence in electoral processes and institutions. First of all, parties constitute a key link between citizens and the political system (Dalton, 2006; Leeper and Slothuus, 2014). They can influence public opinion and also are influenced by it. In fact, parties adopt a "two-way symmetrical model" of public relations, where they use communication not just to influence the public, but also to understand its interests (Seltzer and Zhang, 2010). Therefore, parties and citizens can share the same views and attitudes on a number of topics. As an example of this, in a study on the credibility of elections in Latin America, Rosas (2010) demonstrates there is a high correlation between the level of trust in electoral processes



shown by political elites and that expressed by ordinary citizens ( $p= 0.52$ ). Moreover, political parties use public relations strategies to establish and maintain their relationship with the public and “produce desirable attitudinal and behavioral outcomes (that) not only have consequences for the party and its supporters, but also for the larger political-social system” (Seltzer and Zhang, 2010:26).

Second, political parties, as the main object of regulation of an Election Management Body (EMB) are at the centre of many of its processes. As a key stakeholder, political parties are in a strategic position to either support or undermine most of its decisions and activities. Boundary delimitation, voter registration, voter education campaigns, the location and staffing of polling stations, campaign oversight, and the validation of election results, amongst others, are some of the tasks carried out by EMBs that can potentially be supported – or rejected - by political parties.

Consequently, it is very important that political parties support the EMB and have a good relationship with its members. In fact, a good relationship with, and confidence from, political parties supports the programmes and policies of electoral institutions (IDEA, 2006: 202). Moreover, it has been shown that EMBs that establish inclusive and collaborative relationships with parties play decisive roles in the reduction of post-election violence (Opitz, et al, 2013). Therefore, when political parties support electoral institutions the legitimacy of the electoral process and that of the entire political system is maintained or even strengthened. However, when political parties do not support or reject electoral institutions, it is likely that electoral processes and their results will be challenged, potentially leading to instability and conflict. What follows is that if parties support electoral institutions it is less likely that they will challenge these institutions and their decisions.

Political party support is a critical factor for the acceptance of election results. Sometimes highly trusted elections can be flawed while accurate elections are rejected. On this topic, Judge Johann Kriegler, former Chairperson of the Independent Electoral Commission of South Africa, mentioned that while South Africa's "messy" 1994 election was successful, Mexico's "technically perfect" presidential election that same year ended in months of protests (Bosley, 2013). The reason behind this is that in South Africa, "incompetent but honest elections were accepted because people believed in it. And people believed in it because the electoral management bodies had the support of the political parties" (Bosley, 2013). Therefore, it will be argued that the more political support there is for election administration institutions, the higher the chances of the election and its results being accepted.

Election Observation Mission reports include a section on electoral authorities/electoral administration. This section describes their mandate, functions and composition as well as their relationship with political parties. This and other sections also illustrate the performance of the EMBs and how they are perceived by relevant stakeholders. A good relationship and support from political parties to electoral institutions is almost never accounted for. However, criticism and rejection of political parties for the national EMB never go unnoticed. This variable is identified by expressions of rejection to the EMB and/or to its top staff (EMB board members) by political parties. This includes accusations of bias in the electoral institution, of government control of the institution or of exclusion of some or all of the political parties/the opposition. For instance, for the 2006 presidential elections in Mexico, the left wing PRD party consistently accused the Federal Electoral Institute of lack of impartiality, of serving the interests of the PAN party and the government and of systematically acting against the PRD. In 2003 this major party was excluded from the Councillor appointment process in Congress, where it traditionally played a role. Not

surprisingly this party and its losing candidate rejected the 2006 election and its outcome. This variable is coded as “0” if political parties expressly reject the electoral institution and / or its top staff. Political party support, on the other hand, identified as the lack of rejection and/or by the expression of acceptance of this institution or its top staff is coded as “1”. As outlined, information regarding the support of political parties for EMBs and its top staff was taken from International Election Observation Mission Reports.

#### *5.2.2.5 Quality of elections*

An election with quality is one is identified as one where international standards for election administration have largely been met, and where errors or mistakes may have occurred but in a degree so low that they do not threaten the overall integrity of the electoral process. This means that all or most aspects in an election (voter registration, the registration of candidates and parties, campaigning, the training of polling staff, Election Day logistics and polling, amongst others) are procedurally sound. These are elections which allow competition between candidates and give citizens a real choice between several options. In essence, an election with quality is “free and fair” and is one that reflects the will of the people. The hypothesis that follows from this is that the greater the quality of an election, the greater the acceptance of results.

For the coding of this variable, I rely on assessments by informed and trained international Election Observation Missions. In particular, ‘election quality’ is presented as an ordinal variable which can take three values. This approach has been used in previous research for measuring the quality of elections. First, Hartlyn, McCoy and Mustillo’s (2008) use statements and opinions contained primarily in domestic and international observer reports for measuring the quality of elections in Latin America. For the authors, an election is acceptable if the basic elements for procedural fairness and technical soundness are

present to an important degree. An election is categorized as flawed if it presents major procedural or technical issues but these are not sufficient to change the outcome of the presidential election. A process is unacceptable if it is procedurally or technically deficient and its results do not reflect the will of the people (Hartlyn, McCoy and Mustillo, 2008). The Quality of Elections Data (QED) by Kelley (2010) follows a similar approach considering the extent of problems in an election and whether said election is acceptable, ambiguous or unacceptable. Following, Hartlyn and others (2008) I present 'election quality' as an ordinal variable with three values. This variable is coded with the lowest value, '1' if it is not free and fair, presenting significant flaws that prevent the results from reflecting the will of voters, '2' if the election is free and fair with major problems –which are not sufficient to change the outcome of the election and '3' if the election is completely free and fair or free and fair with minor problems.

#### *5.2.2.6 Transparent results*

Transparency is considered one of the guiding principles of election administration (Goodwin-Gill, 1994, 1998; Lopez-Pintor, 2000). Electoral Management Bodies and institutions related to the electoral process should promote transparency at all stages of the electoral process and be accountable to its stakeholders, including citizens and political parties (Lopez-Pintor, 2000, IDEA, 2006). Transparency can not only shed light on the activities of the election management bodies and the procedures of the election, it can also expose wrongdoings and fraud, and most importantly, it can help dispel doubts and uncertainty and strengthen the legitimacy of the election and that of the winners. In fact, without transparency, there is no way for citizens to know for themselves that elections are genuine (Global Commission, 2012)

I focus on the transparency of election results. To assess this, I follow Michener and Bersch's (2013) minimal definition of transparency, which considers two essential conditions: visibility and inferability. To be visible, information must meet two conditions. It must have a high degree of completeness, which means it should offer a full picture, without major omission; and it must be easy to locate, which translates into being easy to come across even without looking for it. To be inferable, information provided must be of high quality. This means it should possess three key attributes: disaggregation, verifiability and simplification. Disaggregation means that it should be presented as it comes, without mediation; verifiability means it should be able to be audited by third parties and simplification is related to its accessibility and user friendliness (Michener and Bersch, 2013)

When information on the results is not available or blocked, when this is not clear or is transmitted with major delays, elections are questioned and more likely to be rejected. When the vote tabulation is delayed, when results only trickle in or are postponed, tensions and suspicions increase, potentially leading to challenges and protests. In the first round of the 2010 presidential elections in Haiti, the preliminary results were widely questioned and their announcement was followed by violent protests across the country. Problems in the tabulation of votes and the review of tally sheets by the Vote Tabulation Centre (CTV) fuelled suspicions about the integrity of the process. An OAS expert mission that verified the work of the CTV concluded it could not support the preliminary results of the presidential elections (OAS CARICOM, 2010: 93). From this, the hypothesis which follows is that an election is more likely to be accepted if election results are transparent. When results are not transparent and available they can create confusion and suspicion among the citizenry and political parties. In turn, this tension can easily lead to serious challenges to the election and its legitimacy.

Transparency in election results can take three values, depending on their degree of transparency. If election results are completely transparent or if the conditions of visibility and inferability are present to a large degree they are coded with a '3'. If, for example, there are minor issues with the communication or announcement of results, such as a small delay or a short lived technical problem, results are considered as transparent and fall into this category. Then, if results are moderately transparent they are coded with a '2'. This is when election results present some issues and are only somewhat visible and inferable. Then, election results with low transparency (that are completely flawed and neither visible nor inferable) are coded as "1". This occurs when election results present major issues (information blackouts, major delays, restriction of access to parties or citizens, etc.) Examples of this include the 2006 election in Haiti, where international observers were refused access to the tabulation centre (European Parliament, 2006) and the 2009 election in Ecuador, where considerable delays in the transmission of results, lead to up to 40% of tally sheets being delayed and to different information provided by the official website and that offered to political parties (European Union, 2009). Information for measuring this variable is obtained from Election Observation Mission Reports, which typically include a section on election results. This section describes the procedures and activities for vote counting, tabulation, aggregation, transmission and announcement of results and notes any irregularities and mistakes that affect this process.

### **5.2.3 Sources of information: International Election Observation Missions.**

There are a number of methods that can help us obtain information about a specific election. These include election forensics, expert and mass surveys and even scientific experiments. However none of these methods are appropriate as they do not provide in depth information about our three key conditions of study: political party support to EMBs, election quality and the transparency of election. Only the assessments conducted by

informed and trained international Election Observation Missions (EOMs) are relevant for this analysis.

Post-election forensics check the accuracy of election results and aim to detect incorrect results arising from deliberate or unintentional malpractice, either by polling officers, election administrators or computer programmers. These are useful for ensuring the accuracy of the vote count, of voting machines, or even the accuracy of the election outcome (Dopp, 2009). However, these studies are only designed as an audit of results. With them we can check and certify if the outcome and results offered by the government or election authorities is real. However, these studies do not provide information on aspects such as the quality of the election or the transparency of its results.

Surveys can be a useful tool for obtaining information about an election. First, mass surveys are useful for assessing the perceptions of citizens about the entire electoral process and about its specific components. However, information provided by mass surveys is a bit general. Furthermore citizens are not specialists and therefore the depth we can reach with these surveys is limited as there are certain technical aspects such as campaign finance or electoral district delimitation that are difficult to grasp (Martinez i Coma, Norris and Frank, 2015). Second, expert surveys can overcome this challenge and provide more detailed and specialised information about an election. An example is the Perceptions of Electoral Integrity (PEI) Index (Norris, Frank and Martinez i Coma, 2013), which asks experts to evaluate the quality of elections worldwide by using 49 indicators grouped into the eleven components that make up the election cycle. Here, experts are defined as social scientists with demonstrated knowledge of the electoral process in a particular country (such as through publications, university employment or membership of relevant groups or networks). However, expert surveys are also limited as the information they provide is restricted to the indicators/questions contained in the survey. If the

researcher needs further and more detailed information then other methods might be more appropriate.

Election experiments allow examining the effects of interventions applied to treatment and control groups. Randomized Control Trials (RCT), for instance, can determine whether there is a cause and effect relation between certain mechanism and an outcome. The study of the impact of treatments in electoral behaviour is quite popular. Examples include analysing the impact of festivals featuring music and free food on voter turnout (Addonizio, Glaser and Green, 2016), the effect of exposing voters to candidate information during Japan's 2004 Upper House Election (Horiuchi and Taniguchi, 2007), the effect of conditional cash transfers on electoral behaviour in Mexico (De la O, 2013) or the effectiveness of robocalls in Texas (Green, Gimple and Gerber, 2012). While experimental methods are useful for estimating causal effects and testing interventions, they are not relevant for obtaining information about our key variables. Moreover, election experiments also present some limitations as treatments cannot be applied to all types of situations given ethical, material and practical considerations.

As shown above, election forensics, mass and expert surveys and election experiments are not adequate for obtaining information on key aspects surrounding an election such as the support of political parties for election institutions, the overall quality of the election or the degree of transparency of election results. While these sources are relevant when auditing results, gauging opinions and perceptions or identifying causal effects and measuring the impact of treatments, they do not provide systematic, comprehensive and in depth information about what happens before, during and after election day.

Therefore this research relies on the information contained in Election Observation Missions (EOMs) reports. First, EOMs are systematic analyses of the election and its main



components, including the three key aspects we are interested in studying. As Lean (2004) indicates, election observation in the Americas has evolved from missions consisting of a limited and mostly diplomatic international presence, to systematic and integral evaluations of the process. 'Integral' evaluations cover activities taking place before, during and after election day and include monitoring aspects such as voter registration, media coverage, voter education, EMB performance, training of poll workers, vote transmission/tabulation, announcement of election results and post-election disputes, to name a few. Second, these activities are covered in depth, which is ideal when the research requires detailed information about a specific activity or process. Third, EOMs in the Americas are becoming increasingly professional with rising resources, personnel and length of stay of observers (Lean, 2004). For example, the Organization of American States (OAS) has developed and incorporated a number of tools and methodologies for conducting a detailed, impartial and professional observation of an election. These include general guidelines such as the 'Manual for OAS Electoral Observation Missions' and the 'Criteria for Electoral Observation' along with guides for observing specific aspects such as the 'Methodology to Monitor the Integration of New Technologies in Electoral Processes' and the 'Methodology for Media Observation' (OAS, 2012d)

However, using EOMs as an information source also has some potential issues. First, as Daexcker and Schneider (2014) point out, not all election observation missions and their assessments are top quality and sometimes, for the same election, assessments by different delegations can be quite dissimilar or even contradictory. This happened in the 2004 legislative elections in Kazakhstan, where the Council of Europe (COE) and the OSCE (Organization for Security and Cooperation in Europe) criticised the election, while the Commonwealth of Independent States (CIS) minimised its irregularities. Second, and in relation to this, we can have a large number of EOMs –domestic and internal- producing

different reports for the same election. Moreover, these reports tend to be very different as EOMs vary in resources, staff and agendas.

To minimise this risk, all election observation mission reports used in this research come from organizations that have endorsed the Declaration of Principles for International Election Observation (United Nations, 2005). This Declaration, commemorated on October 2005 at the United Nations, outlines the importance of holding genuine democratic elections and sets out requirements, principles and objectives for election observation. In addition, the Declaration is accompanied by a Code of Conduct for International Election Observers. This code ensures that observers maintain strict political impartiality at all times, respect the laws of the country and the authority of electoral bodies and the integrity of the International EOM, do not obstruct electoral processes and maintain accuracy of observations and professionalism in drawing conclusions. As a result, these guidelines contribute to having more comprehensive, accurate and impartial observations.

### **5.3 Case selection**

To test the hypotheses outlined above, I conduct an analysis of presidential elections in Latin America from the year 2000 to date. This includes 48 elections in 15 countries. The case selection is explained by the following reasons:

First, the cases selected are countries from Latin America. This focus has been employed as this is a region with similar levels of democracy (all countries in the region are considered part of the “Third Wave” of democratization), and as countries in the region all have presidential political systems as well as other similar control variables (e.g. former Spanish or Portuguese colonies).

Second, this study focuses on presidential elections. In these elections stakes and engagement are high (Howell and Justwan, 2013) and they are most likely to find a low

acceptance of the outcome. Moreover, they allow controlling for the type of electoral system. Presidential elections are majoritarian games with a winner-takes-all logic. The candidate with the most votes is declared the winner and as results are not proportional; all other candidates are excluded from the spoils of office. There is only one seat available and the winner not only gets the presidential office but also gets to control the cabinet<sup>15</sup>, keeping out the losers. In short, “winners and losers are sharply defined for the entire period of the presidential mandate” (Linz, 1978:56) and the supporters of a particular contender “know that they will not be represented at the highest levels if their preferred candidate/party loses” (Howell and Justwan, 2013: 334). This exclusion, which is more present in majoritarian than in proportional and consensual regimes, leads to lower levels of system support and satisfaction with democracy amongst losers (Anderson and Guillory, 1997).

In addition, selecting presidential elections means focusing on one election, rather than on tens or hundreds of elections, as would be the case for parliamentary/legislative elections. Election Observation Mission reports for legislative contests consider the activities surrounding all the elections held in that contest. This can be a large number; depending on the size of the national Congress (e.g. The lower house in Argentina has 257 deputies while the Chamber of Deputies in Mexico has 500 seats). Therefore, it is not possible to pinpoint if a particular issue is related to one election or another. In contrast, EOMs about presidential elections only focus on that election and its components.

Third, elections in this study were all organised by independent and permanent electoral institutions. Independent EMBs are characterised by being institutionally at arms-length

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15 Although members from other political parties might be included in the cabinet, I agree with Howell and Justwan (2013) when they argue that the president and the winning political party are the main source of power within the executive branch in presidential elections.

from the executive branch and separate of the structure of the government (ACE, 2014c). This allows controlling for other institutional designs. It is also relevant for this study since in government based EMBs, it is not possible to independently assess the support of political parties to the electoral institution. Finally, cases selected are all elections where the popular will counted. As a result, for example, the 2002 presidential election in Bolivia was not included as the second round between Gonzalo Sanchez de Lozada and Evo Morales was decided by the National Congress and not by a direct popular vote.

Fourth, all elections included in this study have been monitored by international election observation missions and particularly by organizations that have endorsed the Declaration of Principles for International Election Observation (United Nations, 2005). This is as EOMs are the primary source of information for this chapter and, as discussed above, this allows relying on professional and impartial observations. In order to check for this, I used the ACE Electoral Knowledge Network, which includes a “regions and countries” section providing lists with several election observation mission reports. EOM reports included in this website are conducted by organisations who have endorsed the Declaration of Principles. However, in order not to limit the sample of reports to those available on one single website (ACE), I use all EOM reports by organizations that have endorsed the Declaration of Principles. Therefore, when existing reports were not found on ACE, I used the website of the specific organisation conducting the observation (such as the Organization of American States) to retrieve it.

The application of these criteria produces 48 elections in 15 Latin American countries between 2000 and 2015: Haiti (2000), Dominican Republic (2000), Mexico (2000), Venezuela (2000), Peru (2000), Honduras (2001), Nicaragua (2001), Peru (2001), Colombia (2002), Ecuador (2002), Guatemala (2003), Paraguay (2003), Dominican Republic (2004), El Salvador (2004), Panama (2004), Honduras (2005), Bolivia (2005),

Haiti (2006), Mexico (2006), Nicaragua (2006), Colombia (2006), Costa Rica (2006), Venezuela (2006), Ecuador (2006), Peru (2006), Guatemala (2007), Dominican Republic (2008), Paraguay (2008), Bolivia (2009), Honduras (2009), El Salvador (2009), Panama (2009), Ecuador (2009), Costa Rica (2010), Colombia (2010), Haiti (2011), Guatemala (2011), Nicaragua (2011), Peru (2011), Dominican Republic (2012), Mexico (2012), Venezuela (2012), Honduras (2013), Paraguay (2013), Venezuela (2013), Ecuador (2013), Salvador (2014) and Costa Rica (2014).

## **5.4 Qualitative Comparative Analysis.**

### **5.4.1 Data and Measures**

The above mentioned variables and their effect on the acceptance of election results are tested using Qualitative Comparative Analysis (QCA). As described in the methodology section, QCA has been characterised as a third or intermediate research approach that combines the advantages of both quantitative and qualitative research (Halperin and Heath, 2012; Ragin, 1987). As such, this approach allows having a deep understanding of cases while also being able to test variables and conduct formal analyses. Therefore, this technique can compare across cases and identify the combination or different combinations of conditions that produce certain result. Moreover, as a set-theoretic method QCA allows us to find out both the necessary and sufficient conditions behind the outcome. This is relevant for this research as it can illustrate if high quality elections are *sufficient* for the acceptance of election results or if there are other factors at play.

There are four different techniques for conducting a QCA, widely discussed in the methodological chapter. These depend on how many values the different variables take and are labelled as crisp set, multi-value, fuzzy-set and generalized-set QCA. Out of these techniques, the most appropriate choice for this research is multi-value QCA (mvQCA)

which involves ordinal variables. This allows this method to capture additional dimensions of complexity over classical binary choice models (Haesebrouck, 2016). With crisp set QCA variables need to be dichotomized and cases need to be either completely inside or outside the set. This might be useful for some variables in our study, but not for all. For instance, a democracy passes the ‘two turnover test’ or not, election results are close or not (more or less than a 5% difference between candidates) and political parties either support or reject the EMB. However, this is not the case for out other variables. An electoral process not necessarily is either completely free and fair or completely flawed and not free; while election results are not completely transparent or completely opaque, intermediate options are needed. This is where the value of mvQCA is shown, allowing for greater depth and variation. As for the dependent variable, in multi-value QCA it must be binary, which is relevant to our study. This is as although it is true that the reaction to election results can take many forms, in this case we are only interested in their acceptance or rejection. This coding is summarized in Table 5.1 below.

**Table 5.1 Description and Coding of Variables.**

Variable name /Abbreviation	Description	Coding
Acceptance of election results: ACCEPT	Announcement of acceptance of results and/or no post-election mass protests.	Acceptance of results = 1.  Rejection of results = 0.
Consolidated Democracy:  DEMOCRACY	Countries passing the ‘two turnover test’ of democratic consolidation	Consolidated democracy = 1.  Non-consolidated democracy = 0.
Close Elections:  CLOSE	Elections with a 5% or less margin of difference between the first and the second place.	Close election = 1.  Not close=0
Political Party Support:	Acceptance of political parties of the	Acceptance of the electoral institution by

PARTY	electoral institution and/or its top staff.	political parties = 1.  Rejection of the electoral institution = 0.
Quality of Elections: QUALITY	Meeting of international standards for election administration. Quality election: “Completely free and fair” and “free and fair with minor problems”. Flawed elections: “Free and fair with major problems” and “Not free and fair”.	Completely free and fair or free and fair with minor problems= 3.  Free and fair with major problems=2  Not free and fair= 1.
Transparent results: RESULTS	Transparent (visible and inferable) election results.	High transparency (completely transparent or transparent with minor issues) = 3  Moderate transparency (some issues) =2  Not transparent with major issues = 1

#### *5.4.1.1 The Data*

For undertaking the mvQCA analysis, a data table must be constructed. This table needs to include all the cases, conditions (independent variables) and outcomes (dependent variable). The first column of this table includes all cases to be analysed. The following four columns refer to the causal conditions that help explain the outcome. The outcome is included in the last column. The different rows contain the values (presence or absence) for each of the conditions and outcome. They also contain all their possible combinations. Data for this table were collected through qualitative research and then coded to illustrate the cases that meet the conditions and those that do not.

In this table (see Table 5.2 below), the first column is labelled as “ELECTION” and contains a name code for each of the forty eight elections to be analysed. The code employed is the

officially assigned ISO 3166-1 three letter english country code<sup>16</sup>, followed by the year of the election. For instance, HND2005 refers to the 2005 Honduran presidential election. Column two refers to whether a country is classified as a consolidated democracy and is labelled as “DEMOCRACY”. A country that passes the ‘two turnover test’ is identified by a “1” while countries that do not pass the test are coded with “0”. Column three contains information about the closeness of the results and is identified as “CLOSE”. Cases with ample victories are coded with a “1” and cases of close elections (<5% margin between winner and runner up) are coded with a “0”. Column four describes the support of political parties to electoral institutions and is identified as “PARTY”. Cases of political support to electoral institutions are coded with a “1” and cases where political parties do not support electoral institutions are identified by a “0”. Column five speaks about election quality and is identified by the label “QUALITY”. When an election is completely free and fair or free and fair with minor problems it is coded with a “3”; when it presents significant problems but there are not sufficient to change the outcome of the election, it is coded as “2”; and when it is not free and fair with significant flaws it is coded as “1”. “. Column six refers to the provision of transparent results and uses the label “RESULTS”. This is coded as “3” if election results are completely transparent (visible and inferable) / or only present minor issues; “2” if they are somewhat transparent with some issues and “1” if they are not transparent. Column six contains the value of the outcome for each of the forty eight elections and is labelled as “ACCEPT”. When an election is accepted, it is coded as “1”, when it is rejected it is coded as “0”.

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<sup>16</sup> United Nations (2016) Country codes: ISO 3166 [Online]: <http://unstats.un.org/unsd/tradekb/Knowledgebase/Country-Code>



Table 5.2 QCA data table

ELECTION	DEMOCRACY	CLOSE	PARTY	QUALITY	RESULTS	ACCEPT
HTI2000	0	1	0	1	1	0
DOM2000	1	1	1	3	2	1
MEX2000	0	1	1	3	3	1
VEN2000	1	1	0	2	2	0
PER2000	0	1	0	1	1	0
HND2001	1	1	1	3	2	1
NIC2001	1	1	1	3	2	1
PER2001	0	1	1	3	3	1
COL2002	1	1	1	3	3	1
ECU2002	0	1	1	3	3	1
GTM2003	1	1	1	3	3	1
PRY2003	1	1	1	3	3	1
DOM2004	1	1	1	3	3	1
SLV2004	1	1	1	3	3	1
PAN2004	1	1	1	3	3	1
HND2005	1	0	0	3	1	0
BOL2005	1	1	1	3	3	1
HTI2006	0	1	1	2	1	0
MEX2006	0	0	0	3	1	0
NIC2006	1	1	0	3	2	1
CRI2006	1	0	1	3	3	1
COL2006	1	1	1	3	3	1
VEN2006	1	1	1	3	3	1
ECU2006	0	1	1	3	1	0
PER2006	0	1	1	3	3	1
GTM2007	1	1	1	3	3	1
DOM2008	1	1	1	3	2	1
PRY2008	1	1	1	3	3	1
BOL2009	1	1	1	3	2	1
HND2009	0	1	0	3	2	0
SLV2009	1	0	1	3	3	1

PAN2009	1	1	1	3	3	1
ECU2009	1	1	1	3	1	0
CRI2010	1	1	1	3	3	1
COL2010	1	1	1	3	3	1
HTI2011	0	1	0	2	2	0
GTM2011	1	1	1	3	3	1
NIC2011	1	1	0	2	1	0
PER2011	1	0	1	3	3	1
DOM2012	1	0	1	3	3	1
MEX2012	1	1	1	3	3	1
VEN2012	1	1	1	3	3	1
HND2013	1	1	1	3	1	0
PRY2013	1	1	1	3	3	1
VEN2013	1	0	0	2	3	0
ECU2013	1	1	0	3	3	1
SLV2014	1	0	0	3	2	0
CRI2014	1	1	1	3	3	1

#### 5.4.2 Accepting (and rejecting) election results

##### 5.4.2.1 First results

###### a) Truth table

The next step in the QCA is to synthesize this data table into a more analytical “truth table”.

This is a mathematical table that uses Boolean algebra to summarise the raw information of the data table and sort cases according to their characteristics. As such, individual cases are grouped together into subsets of cases that share the same conditions and are associated to the same outcome. These combinations of conditions are known as configurations and are the basic structure of the truth table. Therefore, if two or more cases share the same configuration, they are grouped together. The purpose of this is to look for

configurations that are sufficient for the outcome and therefore to discover which paths lead to either the acceptance or rejection of election results. This “table of configurations” (Rihoux and De Meur, 2009:44) is shown below (table 5.3) and displays the 18 configurations yielded by the 48 observed cases.

Table 5.3 QCA truth table.

ELECTION	DEMOCRACY	CLOSE	PARTY	QUALITY	RESULTS	ACCEPT
COL2002, GTM2003, PRY2003, DOM2004, SLV2004, PAN2004, BOL2005, COL2006, VEN2006, GTM2007, PRY2008, PAN2009, CRI2010, COL2010, GTM2011, MEX2012, VEN2012, PRY2013, CRI2014	1	1	1	3	3	1
DOM2000, HND2001, NIC2001, DOM2008, BOL2009	1	1	1	3	2	1
MEX2000, PER2001, ECU2002, PER2006	0	1	1	3	3	1
CRI2006, SLV2009, PER2011, DOM2012	1	0	1	3	3	1
ECU2013	1	1	0	3	3	1
NIC2006	1	1	0	3	2	1
ECU2009, HND2013	1	1	1	3	1	0
VEN2000	1	1	0	2	2	0
NIC2011	1	1	0	2	1	0
SLV2014	1	0	0	3	2	0
HND2005	1	0	0	3	1	0
VEN2013	1	0	0	2	3	0
ECU2006	0	1	1	3	1	0
HTI2006	0	1	1	2	1	0
HND2009	0	1	0	3	2	0
HTI2011	0	1	0	2	2	0
HTI2000, PER2000	0	1	0	1	1	0
MEX2006	0	0	0	3	1	0

N=48 (total number of cases = 48).

In this truth table, cases are identified by "ELECTION" and variables by their uppercase labels: "DEMOCRACY", "CLOSE", "PARTY", "QUALITY" and "RESULTS". The outcome is "ACCEPT". Each row represents a configuration which contains a subset of cases with the same characteristics that lead to an outcome. The first row groups together several elections (from Colombia 2002 to Costa Rica in 2014) which were held in consolidated democracies, where political parties supported the electoral institutions, where the electoral process was of a high quality and election results were transparent. In addition the result was not close, as the margin of victory of the winner was comfortable (more than 5%). This configuration has a "1" outcome, which means that election results were accepted. The second row groups five cases (Dominican Republic 2000, Honduras 2001, Nicaragua 2001, Dominican Republic 2008 and Bolivia 2009) with very similar characteristics (not close elections held in consolidated democracies with political party support and good election quality). Here, however, election results presented some issues and were only partially transparent. Row number three (Mexico 2000, Peru 2001, Ecuador 2002 and Peru 2006) is very similar to the first row as well, with the exception that this happened in a country which had not yet changed power twice through free and fair elections. Row four (Costa Rica 2006, Salvador 2009, Peru 2011, Dominican Republic 2012) also describes a configuration leading to the acceptance of results, with strong party support to electoral institutions, high quality election and the provision of transparent results. In this case however, results were quite close. Rows five and six (Nicaragua 2006 and Ecuador 2013, respectively) show cases of high quality elections with no political party support where election margins were wide and acceptance followed.

Then, rows 7 to 18 describe paths that lead to the rejection of results. At a glance, we can see that most elections contained in these rows presented significant problems, low transparency in election results and a lack of political party support for electoral institutions.

This includes cases of elections with very low integrity and highly questioned such as the ones that took place in Haiti in 2000 and Peru in 2000 and Nicaragua 2011 (row number 17). These were held in non-fully democratic countries where political parties doubted and/or rejected electoral institutions and where the electoral process and the production, transmission and communication of results was plagued by irregularities. As a result, election results were rejected. These are, of course, extreme examples and other rows show other cases of rejection. To provide an example, in the Haiti 2011 election (row 16) although the organisation of elections improved from the first round to the second round from a technical, organisational and security point of view, the impartiality and ability of the CEP was highly questioned and there was a long delay in the tabulation and communication of results (OAS-CARICOM, 2011), leading to protests and violence.

Most importantly, this table illustrates which configurations lead to a “1” or “0” outcome. Six different configurations (the first six rows in the table, representing 34 cases: Dominican Republic 2000, Mexico 2000, Honduras 2001, Nicaragua 2001, Peru 2001, Colombia 2002, Ecuador 2002, Guatemala 2003, Paraguay 2003, Dominican Republic 2004, Panama 2004, Salvador 2004, Bolivia 2005, Colombia 2006, Costa Rica 2006, Venezuela 2006, Nicaragua 2006, Peru 2006, Guatemala 2007, Dominican Republic 2008, Paraguay 2008, Bolivia 2009, Panama 2009, Costa Rica 2010, Colombia 2010, Salvador 2009, Guatemala 2011, Peru 2011, Dominican Republic 2012, Ecuador 2013, Mexico 2012, Venezuela 2012, Paraguay 2013 and Costa Rica 2014) lead to the acceptance of election results, while twelve configurations (the last twelve rows in the table, representing 14 cases: Haiti 2000, Peru 2000, Venezuela 2000, Honduras 2005, Haiti 2006, Ecuador 2006, Mexico 2006, Ecuador 2009, Honduras 2009, Haiti 2011, Nicaragua 2011, Honduras 2013, Venezuela 2013 and Salvador 2014) produce a rejection of results. There are no logical

contradictions or contradictory configurations in this truth table, which means there are no configurations that lead to a “0” outcome in some cases and to a “1” outcome in others.

#### *b) The formulae*

The truth table provides a good first synthesis of the information. It shows which cases and configurations lead to the acceptance of results and which do not. However, it does not tell us how the different causal conditions interact to produce a result. Therefore, the configurations need to be compared to each other and then simplified so that we can identify the necessary and sufficient conditions for a specific outcome. This process is known as Boolean minimization and it is carried out by specialist QCA software<sup>17</sup>.

Configurations can be reduced to arrive at more parsimonious solutions. For doing so, QCA relies on Boolean algebra, which reduces the different configurations into a minimal formula that describes more generalised combinations of conditions that lead to an outcome (“0” or “1”). This reduction means that “if two Boolean expressions differ in only one causal condition yet produce the same outcome, then the causal condition that distinguishes the two expressions can be considered irrelevant and be removed to create a simpler, combined expression” (Ragin, 1987:93 in Rihoux and De Meur, 2009:35).

#### *5.4.2.2 Results*

This research presents its results in two steps. First, it provides the results using a ‘complex solution’. Then, a second formula will further reduce this to get a ‘parsimonious solution’. Both solutions are presented using the following notation: each variable (name in uppercase letters) is followed by a number corresponding to the specific coding of that variable (e.g. Quality {3} would refer to generally free and fair elections, quality {2} to

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<sup>17</sup> This research employed Tosmana software Version 1.302.

elections with major issues and quality {1} to elections that are not free and fair). The logical operator “AND” is represented by a multiplication symbol (\*), while the logical operator “OR” is represented by an addition symbol (+). The connection between the different variables and the outcomes (or causal link) is represented by an arrow symbol (→). (Rihoux and De Meur, 2009:35)

*a) The formulae*

*The complex solution.*

First, we ask the software to minimise the configurations contained in the truth table to a complex solution. This solution does not allow for any simplifying assumptions to be included. These are based on counterfactuals and used to theorise whether a configuration of conditions not present in the data would lead to the outcome or not (Legewie, 2013). In short, simplifying assumptions are those remainders which are not present in the data but are logically possible. Excluding logical remainders (in short, cases which have not been observed empirically), we obtained the following formulae:

$$\begin{aligned} & \text{DEMOCRACY}\{1\} * \text{CLOSE}\{1\} * \text{QUALITY}\{3\} * \text{RESULTS}\{2\} \\ & + \text{CLOSE}\{1\} * \text{PARTY}\{1\} * \text{QUALITY}\{3\} * \text{RESULTS}\{3\} \\ & + \text{DEMOCRACY}\{1\} * \text{PARTY}\{1\} * \text{QUALITY}\{3\} * \text{RESULTS}\{3\} \\ & + \text{DEMOCRACY}\{1\} * \text{CLOSE}\{1\} * \text{QUALITY}\{3\} * \text{RESULTS}\{3\} \end{aligned}$$

→ACCEPTANCE

It has four terms, separated by the notation “+” (OR), each describing a combination of conditions that lead to the “1” outcome. These terms can be read as:

*A consolidated democracy (DEMOCRACY1) AND non-close election results (CLOSE1)  
AND a high quality election (QUALITY) and somewhat transparent results (RESULTS2)*



OR

*Non close election results (close) AND political party support (PARTY1), AND a high quality election (QUALITY3) and transparent results (RESULTS3),*

OR

*A consolidated democracy (DEMOCRACY1) AND political party support (PARTY1) AND a high quality election (QUALITY3) and transparent results (RESULTS3),*

OR

*A consolidated democracy (DEMOCRACY1) AND non close election results (CLOSE1) AND a high quality election (QUALITY3) and transparent results (RESULTS3)*

*Lead to the acceptance of electoral results (ACCEPT).*

*The parsimonious solution*

This first formula is still quite complex and needs to be further minimised into a more parsimonious solution. This is a streamlined version of the complex solution which gives the minimum conditions required for the outcome (Ragin, 2007). To arrive at this, the QCA software needs to use simplifying assumptions. This brings logical remainders into the analysis. After including logical remainders the QCA software gives the following parsimonious expressions:

DEMOCRACY{1}CLOSE{1}PARTY{0}QUALITY{3}

PARTY{1}RESULTS{2,3}+

→ACCEPTANCE

This formula can be read as:

*A consolidated democracy (DEMOCRACY1) AND non-close election results (CLOSE1)  
AND no party support (PARTY0) AND a high quality election (QUALITY3)*

*OR*

*Political party support (PARTY) AND the provision of moderate or highly transparent results  
(RESULTS2,3),*

*Lead to the acceptance of electoral results (ACCEPT).*

This parsimonious solution presents the paths that lead to the acceptance of results. As we can see, no condition by itself leads to the acceptance of results. Rather, it is a combination of conditions that can lead to this. The first path shows that holding free and fair elections in a consolidated democracy is sufficient for the acceptance of results, as long as the election result is not close. This is observed in the cases of Nicaragua in 2006 and Ecuador in 2013. A second path of minimally necessary and sufficient conditions illustrates that elections are accepted when there is support of political parties for the electoral institution and moderate to highly transparent election results. This is observed in the cases of Dominican Republic 2000, Honduras 2001, Nicaragua 2001, Dominican Republic 2008, Bolivia 2009, Mexico 2000, Peru 2001, Ecuador 2002, Peru 2006, Colombia 2002, Guatemala 2003, Paraguay 2003, Dominican Republic 2004, Salvador 2004, Panama 2004, Bolivia 2005, Colombia 2006, Venezuela 2006, Guatemala 2007, Paraguay 2008, Costa Rica 2010, Colombia 2010, Guatemala 2011, Mexico 2012, Venezuela 2012, Paraguay 2013, Costa Rica 2014, Costa Rica 2006, Salvador 2009, Peru 2011 and Dominican Republic 2012. It is important to note that all of these cases, with no exception, also held elections that met international standards of election administration. However, this condition is not a part of the formula as

having a free and fair election does not necessarily lead to accepting the election. As shown by the truth table, high quality elections are sometimes followed by rejection.

It is important to mention that, although not included in the final QCA model, in my research I originally tested an additional control variable. In order to strengthen the rigour of the analysis I thought about including another variable based on rational choice theories. I decided to include a condition related to the degree of institutionalisation of the regime and its political institutions. This is potentially relevant for the analysis as it is related to the stability of the regime (Huntington, 1968; Panebianco, 1988). In this view, relationships and processes become more institutionalised and, more importantly, political organizations sacrifice their short term objectives –such as challenging an election’s results for strategic reasons- for long term goals.

To measure institutionalisation I use V-DEM’s Party Institutionalisation Index, which covers 173 countries from 1900 to 2015 and thus all the countries in the QCA model (Bizzarro, Hicken and Self, 2017). Other indices do not cover all cases selected for the QCA as they are not as comprehensive in terms of time and geographical span. The index asks ‘to what extent are political parties institutionalized’ and takes into account various attributes of political parties in a country such as level and depth of organization, coherence of party platforms and party-line voting among representatives within the legislature, amongst others. It is measured on a 0 to 100 scale, where higher scores relate to higher levels of institutionalization.

Testing this variable, however, presented two main problems, leading to it being removed from the analysis. First, there was not enough variance in the dataset. I first divided the 0-100 Institutionalization Index into 3 levels (<0.33 of institutionalisation, from 0.34 to .66 and > .66), however no cases fell in the first category. I also tried coding it as binary variable

with two values, 1 for >50 and 0 for <0, however most cases (43 out of 48) formed part of the group with values over .50. Second, and most importantly, using this control variable did not add anything to the model. Testing the model with this variable yielded the same results as the original model which did not include the variable. When 'party institutionalisation' was included in the model, the QCA software dropped it from the parsimonious formula, therefore yielding the same result as when the variable is not included (DEMOCRACY{1}CLOSE{1}PARTY{0}QUALITY{3} + PARTY{1}RESULTS{2,3}). 'Party Institutionalization' was superfluous and had no impact in the outcome. I therefore removed it from the analysis to make it more parsimonious and straightforward.

#### *5.4.2.3 Interpreting the results*

Two paths that lead to the acceptance of election results. The first path that leads to the acceptance of the outcome requires a consolidated democracy context (a country that has passed the two turnover test) along with a high quality electoral process. If an election meets these two conditions, provided that election results are not close, then it is likely that election results will be accepted. This was the case of the Nicaragua 2006 and Ecuador 2013 elections. In relation to the 2006 elections in Nicaragua, the OAS Election Observation Mission concluded that the country's electoral system is inclusive, free and fair. It also highlighted that the elections were competitive, transparent and legal (OAS, 2013a). In addition, Daniel Ortega of the Frente Sandinista de Liberacion Nacional (FSLN), obtained victory with a margin of almost 10% over his closest rival. Any doubts surrounding the composition of the Consejo Nacional Electoral (CNE) were dissipated after this comfortable result. The outcome of the 2013 general election in Ecuador was quite similar. Before the election the CNE was criticised by different election stakeholders, including the main opposition political parties. In particular, and as noted in the final report of the OAS Election Observation Mission, political parties called into question the composition of the

board of the electoral institution and raised issues about its impartiality (OAS, 2013b). However, the ample margin of victory allowed clearing all doubts. In the first round, Rafael Correa obtained 57.17% of the votes, whilst Guillermo Lasso the runner up received only 22.68%. A second round was not needed.

However, if the margin of victory is narrow, then the chances of people not accepting the results increase. If we consider the doubts about the electoral institutions in both Nicaragua and Ecuador, a narrow margin might have complicated things. Therefore, if results are close, then their acceptance might require more than a democratic context and a high quality election. The cases of Salvador in 2009 and Peru in 2011 (row four in the truth table) provide good examples of this. In Peru a very intense election campaign ended with a very narrow margin between the winner and the runner up. In the second and final round, Ollanta Humana from the party Peru Wins, obtained 51.49% of votes, while Keiko Fujimori, from Force 2011 received 48.51% of the total. This heated campaign ended peacefully, with both sides accepting the election results. This was achieved because of a very successful organisation of the election by the Oficina Nacional de Procesos Electorales (ONPE) and by the effort made to shorten the times for transferring official tally sheets and for transmitting election results (OAS, 2011). In addition, the OAS observation mission commended the work of the ONPE by keeping public opinion well informed throughout the electoral process (OAS, 2011). The Salvador 2009 election was quite similar. In this election, Mauricio Funes from the FMLN defeated Rodrigo Avila from ARENA by just 70,000 votes (a 3% margin). This could have easily led to serious challenges in what was labelled the 'most polarised and uncertain election campaign since the signing of the 1992 Peace Accords' which ended the civil war in the country (OAS, 2009:28). However, a high quality election, paired with support from political parties to the Tribunal Supremo Electoral

(TSE) and a clear and transparent communication of results played a key role in the acceptance of election results.

These last two cases give a clue about the second path that leads to the acceptance of election results. This second path occurs when there is support of political parties for the electoral institution and when election results are moderately or highly transparent. Individually, these conditions are important, but taken together, they form a necessary and sufficient combination. Then, if a given election has all these conditions present, it is very likely that electoral results will be accepted. In fact, if an election gathers these conditions it does not matter if the results were close or not. Therefore, for this path, we can interpret that this condition is superfluous to this path and does not have an impact on the acceptance of results. A good example for describing how these elements work together to produce a successful process is the Colombia 2010 election. In this election, the well-respected and trusted 9 board members of the Consejo Nacional Electoral (CNE) organised an exemplary election. Learning from the mistakes of previous elections, and especially from the March parliamentary process, they improved a number of key logistical aspects for the smooth running of the election (including the setting up of polling stations, training of polling officials and improved systems for filling tally sheets and counting). In addition, the OAS election observation mission praised the communication of election results. For instance, only two hours after the polls closed, almost 98% of the information had already been received (OAS, 2010). Finally, this election was considered the less violent in the last few decades (OAS, 2010:54). At the end, it also helped that results were decisive, as in the second round, Juan Manuel Santos from the U party obtained 69.1% of votes, in comparison to the 27.5% reported for Antanas Mockus, from the Green Party.

As indicated, when these conditions are met, little it matters that the election results were close. This can be illustrated by the Costa Rica 2006 presidential election, a closely fought

election which was accepted in spite of a very narrow margin of victory (less than 20,000 votes).<sup>18</sup> The acceptance of the election began with the high degree of support from political parties to the Supreme Tribunal for Elections (TSE) and continued with an electoral process described by international electoral observers as “orderly, free, clean and civic” (CAPEL, 2006:6). Then, a few hours after the election had ended, preliminary results (after 88.45% of stations were counted) showed that the difference between the two candidates was of only 3,250 votes. This close margin created tensions amongst citizens and political parties; anyone could win. Therefore, and in order to defuse these tensions and eliminate all possible suspicions, the TSE ordered the manual count of each and every vote from the remaining 712 polling stations (11.55% of the total). This recount, along with all other the aspects of the results phase, was characterised by being clear, accurate and transparent. The TSE established clear rules for the manual count and partial and final results were widely available for political parties, citizens and the media (Valverde, 2008). Acceptance followed.

#### *The conditions behind the acceptance of results*

Looking deeper into the second path that leads to the acceptance of results, we should analyse each of the key conditions. As recalled, individually these conditions do not guarantee the acceptance of election results. By themselves, they are necessary, but they need to act together in order to be sufficient.

First, *political party support* is a necessary condition for the acceptance of results. If political parties trust the electoral institution and its top staff it is more likely that election results will

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<sup>18</sup> This election is not considered in the sample of cases used for the QCA analysis as the Election Observation Report is not found on the ACE website. However, it can still be considered a good example as it meets our eligibility criteria. It was monitored by the Centre for Electoral Promotion and Assistance (CAPEL), who is one of the signatories of the UN's Declaration of Principles for International Election Observation.

be accepted. However, political party support by itself does not explain the acceptance of results. For the Haiti 2006 elections, the support of political parties for the Conseil Electoral Provisoire (CEP) was not enough for having a peacefully accepted outcome. At the same time, there were significant problems with the administration of the election. Even though there were some improvements from the first to the second round, there were serious concerns regarding the administrative and organisational capacity of the CEP and Election Day was marred with many logistical and technical issues (European Parliament, 2006). Moreover, there were important problems in the process of communicating election results. First, the decision to centralise the tabulation of results in Port-au-Prince resulted in major delays. Second, publishing preliminary results without having a representative sample of the voting population contributed to the idea of a large victory by Rene Preval, which was not supported when official results came in. The delays and the confusion from the preliminary results lead to a lack of trust in the election which translated into protests (European Parliament, 2006). Having a trusted election commission was not enough.

Second, having *transparent election results* means that it is more likely that results will be accepted. However, this is a necessary but insufficient condition for the acceptance of results. This is true even when an election is technically accurate and considered free and fair. This was the case of the Honduras 2009 presidential election which was held just a few months after president Manuel Zelaya was ousted in a coup d'état. This coup resulted after Zelaya planned to hold a constitutional referendum which was seen as many as an attempt by the president to enable his own re-election, which was so far not allowed by the country's constitution. This represented the first military coup in Central America since the end of the cold war (Malkin, 2009). This divided the country between those who believed the coup was illegal and undemocratic and those who claimed the coup marked the legal replacement of a president who had violated constitutional provisions (NDI, 2009). In the



context of this political crisis, the government of Honduras decided to organise fresh elections. These were classified as free and fair and election monitoring organisations did not report any significant or systematic political, organizational or technical problems affecting the election process or Election Day (NDI, 2009). As for the election results stage, NDI reported that the Tribunal Supremo Electoral (TSE) implemented a significant technical effort to generate confidence in the results, taking measures to try to achieve faster and more transparent transmission” (NDI, 2009:12). Amongst other measures, the TSE reduced the time for the delivery of preliminary results, facilitated the presence of observers and political party representatives into the centre where the national tabulation took place and refined the official tabulation system. However, in spite of the high quality of the election and especially of the faster and more transparent communication of results, the election was not widely accepted. The coup did not contribute to creating an atmosphere where the outcome would be trusted. First, a number of candidates decided to leave the race as they did not trust it would be fair (including one of the presidential candidates). Second, people in general did not believe the election as legitimate because of the coup and by the fact that the same people were in control of the government and the election (Hyde and Marinov, 2012). Some even claimed that organising an election in this situation amounted to legitimising a coup (NDI, 2009). The coup created an atmosphere of lack of trust which affected the government and the support for many institutions, such as the TSE. Without this basic legitimacy, little it mattered that elections were run smoothly and results were transparent.

Having transparent election results is not sufficient for the acceptance of election results but it is still a very important component in this. In Honduras in 2005 for example, not having transparent results lead to unrest, confusion and challenging the election. Here, an unexpected decision taken the day before the election changed the mechanism for the

transmission of preliminary election results. This affected the preliminary results transmission system (TREP), causing severe delays so results were not ready until 72 hours after the election, creating “uneasiness amongst the population” (OAS, 2005:11).

Finally, it is important to indicate that in spite of conventional knowledge, having a high quality election is not sufficient for the acceptance of election results. It is only the combination of strong political party support for electoral institutions and transparent election results which leads to an accepted election. This does not mean that having a high quality election is not important. In fact, as highlighted above, all cases of acceptance held elections that met international standards of election administration. A good election is more likely to lead to acceptance.

However, having a well-managed election by itself does not assure that results will be accepted. The main example for this is Mexico, where the country’s internationally recognised electoral management system was not able to stand the test of the razor-thin presidential election in 2006 (Estrada and Poire, 2007). This election, considered by international observers as competitive and transparent with high levels of impartiality and professionalism (EU, 2006: 1) and the “best organized and cleanest in modern Mexican history” (Estrada and Poire, 2007: 74), ended in months of street protests calling fraud, rejecting the results and naming the main opposition candidate as Mexico’s ‘legitimate president’.

This can be explained by the lack of support of one of the main political parties for Mexico’s Federal Electoral Institute (IFE) and by a poor job in the communication of election results. Firstly, the appointment of Mexico’s Federal Electoral Institute’s (IFE) General Council raised questions about its impartiality (NDI, 2006). In 2003, the PRD party was excluded from the appointment of IFE’s councillors. In this case, as Schedler (2007) points out, “the

lack of inter-party consensus did not mean that IFE officials were ready to violate their duties of professionalism and impartiality, but it did mean that the PRD would have an easy time dismissing them as agents of its adversaries” (Schedler, 2007: 98). Then, after a successful election day, the election results phase presented major problems. First, IFE was not able to clearly explain the two preliminary results systems it used, the Preliminary Electoral Results Programme (PREP) and a Parallel Vote Tabulation (PVT), also known as Quick Count (Conteo Rapido), which lead to confusion amongst the public (EU, 2006b). This was aggravated by IFE’s decision not to release the quick count results as these were ‘too close to call’, which gave an impression of lack of transparency. This, in a context where one of the main political parties was excluded (and coincidentally, the party that was only 0.56% behind in the final presidential results), served as the spark that led the runner up to rally his supporters and take the streets.

### **5.5. Accepting election results worldwide: A second QCA model**

The first QCA model showed us that at least in Latin America, there are two paths that lead to the acceptance of election results. The first path requires a consolidated democracy context and a high quality electoral process – provided that elections are not close. Then the second model shows that when elections are close, then their acceptance requires more than that: it requires political party support for electoral institutions and the provision of transparent results. Moreover, a number of other international cases seem support to this claim. However, in order to demonstrate that these findings are also generalizable to a larger sample of countries, another QCA model is needed.

The second model derives from this fact (that close elections are especially difficult and tense and therefore require more than the usual to be accepted). Therefore, it focuses on all close elections around the world. Close elections are now criteria for case selection

rather than an independent variable in the light of the findings of the first QCA model. This is as the first model showed us that when election results are close we need to be extremely careful. The first path yielded by QCA Model 1 showed that a high quality election in the context of a consolidated democracy is sufficient for the acceptance of an election, provided that election results are not close. However, when the margin of victory between the first and second place narrows things become more complicated. Uncertainty and excitement combine to fuel citizen engagement and scrutiny while electoral processes get more attention and election institutions are under increased pressure. The second path showed that when there is support of political parties for the electoral institution and when election results are transparent, an election will be accepted even if the results are close. Therefore, in order to test if political party support and the provision of transparent results are also key conditions globally in the case of difficult elections (i.e. with close results), a second QCA model was built.

This second model considers all close elections around the world between 2000 and 2015, which corresponds to the same period under study by the first QCA. Case selection remains the same (presidential elections organised by independent permanent electoral institutions), with the exception that now the sample broadens to include elections across the world. The variables to be tested are also the same: consolidated democracy, political party support, election quality and transparency in election results. The outcome is the same: acceptance of election results.

Close elections are identified from IFES' "Election Guide" (IFES, 2014). The application of these criteria yields 21 elections held in Africa, Asia and Europe. In particular, the cases under study are the following: Zambia 2001, Philippines 2004, Ukraine 2004, Honduras 2005, Costa Rica 2006, Mexico 2006, Kenya 2007, Ghana 2008, Serbia 2008, Zambia 2008, El Salvador 2009, Romania 2009, Ukraine 2010, Peru 2011, Dominican Republic

2012, Ghana 2012, Serbia 2012, Montenegro 2013, Maldives 2013, Venezuela 2013 and El Salvador 2014<sup>19</sup>. These cases are coded in the table number X below using their officially assigned ISO 3166-1 three letter code.

**Table 5.4. QCA Model 2 Data Table.**

ELECTION	DEMOCRACY	PARTY	QUALITY	RESULTS	ACCEPT
MEX2006	0	0	3	1	0
CRI2006	1	1	3	3	1
SLV2009	1	1	3	3	1
HND2005	1	0	3	1	0
PER2011	1	1	3	3	1
ROU2009	1	1	3	3	1
MNE2013	0	1	3	1	0
SRB2008	1	1	3	3	1
SRB2012	1	1	3	3	1
UKR2004	1	0	1	1	0
GHA2008	1	1	3	3	1
GHA2012	1	1	3	3	1
KEN2007	0	0	2	1	0
ZMB2008	1	0	3	2	0
PHL2004	1	0	2	2	0
UKR2010	1	1	3	3	1
SLV2014	1	0	3	2	0
DOM2012	1	1	3	3	1

<sup>19</sup> Between 2000 and 2015 a number of other presidential elections had close results. However these were not included since there was no international election observation mission or as the information was not sufficient to evaluate each of the key conditions. Specifically, the cases that were not included in the analysis were the following: Taiwan 2000 as there is no information regarding an international election observation mission; Taiwan 2004 as there was no international election observation mission for the presidential elections; Cape Verde 2001 as there is no information available; Romania 2004 as the OSCE election observation mission was of a limited character and therefore not sufficient to draw general conclusions; Cape Verde 2006 as the Economic Community Of West African States (ECOWAS) Election Observation Mission Report for the 2006 presidential elections is not publicly available; Palau 2008 as no information is available; Chile 2000 and 2010, as law 18.700 on Public Voting and Elections does not establish the participation of election observers in presidential, parliamentary, regional, municipal elections or plebiscites; South Korea 2002 and 2012, as no international organizations conducted observations for the presidential election; and Mongolia 2009 as both election reports available do not have enough information for the different values.

VEN2013	0	0	2	3	0
MDV2013	0	1	3	3	1
ZMB2001	0	0	2	1	0

As in the first model, a second step in the QCA analysis is synthesizing the data table into a truth table showing the configurations (groups of cases) leading to the acceptance or rejection of election results. The truth table is displayed below (Table 5.5) and displays 10 configurations yielded by the 21 cases. The first two rows show configurations which lead to the acceptance of results. In particular, the first row shows the acceptance of results in cases of consolidated democracies, where political parties supported the electoral institutions, where the electoral process was of a high quality and election results were transparent. The second row is very similar, requiring party support, election quality and the provision of transparent results (albeit not requiring a consolidated democracy). The remaining 8 rows show different paths leading to rejection. Most of these cases display a lack of political party support for electoral institutions, low quality in the organization of the electoral process and/or issues in the election results stage.

**Table 5.5 QCA Model 2 Truth Table**

ELECTION	DEMOCRACY	PARTY	QUALITY	RESULTS	ACCEPT
CRI2006, SLV2009, PER2011, ROU2009, SRB2008, SRB2012, GHA2008, GHA2012, UKR2010, DOM2012	1	1	3	3	1
MDV2013	0	1	3	3	1
ZMB2008, SLV2014	1	0	3	2	0
HND2005	1	0	3	1	0

UKR2004	1	0	1	1	0
PHL2004	1	0	2	2	0
KEN2007, ZMB2001	0	0	2	1	0
VEN2013	0	0	2	3	0
MEX2006	0	0	3	1	0
MNE2013	0	1	3	1	0

While the truth table provides a general idea of which combinations of conditions lead to the acceptance of election results, it is necessary to rely on the QCA software for obtaining the formulae with the solutions. After the Boolean reduction conducted by Tosmana, we first obtain a complex solution, which does not allow for including logical remainders or simplifying assumptions. This complex formula is the following:

PARTY{1} \* QUALITY{3} \* RESULTS{3}

→ACCEPTANCE

This can be read as *Political party support (PARTY) AND a high quality election (QUALITY) AND the provision of transparent results (RESULTS)*, lead to the acceptance of election results (ACCEPT).

This formula is then further minimised by bringing in logical remainders into the analysis.

This results in the following parsimonious solution:

PARTY{1} \* RESULTS{3}

→ACCEPTANCE

*Political party support (PARTY) AND the provision of transparent results (RESULTS), lead to the acceptance of election results (ACCEPT).*

Political party support and the provision of transparent election results are especially important for the acceptance of an election outcome. Here as in Model 1, the quality of the election does not appear in the formula. Also as in the first model, it is important to highlight that while it is not part of the formula, all cases leading to acceptance held a free and fair election meeting international standards. This, again, does not mean that all free and fair elections lead to acceptance, but signals that it is more likely.

More importantly, these findings confirm the results from Model 1 as these conditions are not only relevant for the acceptance of election results in Latin America, but also across the world. Even in the face of tensions and close election results, support from political parties for election institutions and transparent results help the acceptance of an election. A good example is the Ghana 2008 presidential election, which was highly praised by the international community and by the international organizations that conducted election observation in the country. In the words of the Commonwealth Observer group “Ghana’s maturing democracy has become a good reference point for the African continent and the Commonwealth as a whole” (Commonwealth, 2008:37). First of all it was a free and fair election. As stated by the EU election observation mission, the election was “conducted in line with the country’s international and regional commitments (...) and key international and regional standards for elections were generally met” (EU, 2008a:4). Second, political parties generally supported the Electoral Commission and expressed confidence in it. The implementation of an Inter-Party Advisory Committee (IPAC) contributed to the support of political parties to the Commission as it allowed them to participate in election management decisions, discuss their problems and observe all aspects of the election. Third, the aggregation, transmission and announcement of results were characterized by being open,



clear and transparent. This was especially true for the run-off election, where the Election Commission strengthened the training for its staff. This combination of conditions contributed to the acceptance of results and to Ghana's reputation as a case study of best practices in the conduct of elections in Africa. In fact, a number of international organizations decided to hold the "Colloquium on African Elections" in 2009 in Ghana "because its 2008 elections were viewed as credible despite heated political tensions and a razor-thin margin between the presidential candidates" (NDI, 2009).

On the other hand, knowing the combination of conditions that is necessary and sufficient for the acceptance of results, also sheds light on how election results might be rejected. Therefore, whenever one or two of the conditions are absent, rejection will follow. If, for example, there is no support from political parties for the electoral institutions and the results are not transparent, problems ensue even if the election did not present many other problems or irregularities. In addition, it is also likely that results will be rejected if, even in spite of having political party support and high quality processes, the communication of results is unclear, messy and opaque. An example of this is the 2013 presidential election in Montenegro. In Montenegro, the members of the State Electoral Commission (SEC) are appointed by the parliament from nominations by political parties. In particular, the law guarantees the participation of both ruling and opposition parties and of representatives of each presidential candidate. This contributes to a good relationship and support from the political parties to the electoral institution. However, as demonstrated in the 2013 election, this was not sufficient for the acceptance of results. On the night of the election, the SEC decided not to release preliminary results, which "caused public uncertainty and raised doubts about the integrity of the process" (ODIHR, 2013:3). As a result, the opposition lodged street protests calling fraud and against President Vujanovic's re-election. This

happened even after the election was “professionally and efficiently administered” (OSCE, 2013:1).

## 5.6 Conclusion

QCA Model 1 highlighted the importance of political party support for electoral institutions and of the provision of transparent election results in Latin America. If an election meets these two conditions, even in the face of close results, then it is likely that it will be accepted. QCA Model 2 focused on elections with close results and confirmed these findings for a range of cases from Africa, Asia and Europe. This configuration is especially important as it contributes to the acceptance of election results not only in ‘normal’ conditions with wide and comfortable margins between candidates, but also in the face of a high pressure event when margins are narrow and tensions are widespread.

The path that leads to the acceptance of election results is a combination of political party support and transparent election results. By themselves, these conditions are necessary; together they are sufficient. This reinforces the view that elections are not only about technical aspects. As Johann Kriegler put it, “Elections are not about mathematics, elections are not about law. Elections are about people, about perceptions, about beliefs” (cited in Bosley, 2013:1) Election quality must happen in combination with other conditions that play a big role in people’s and political parties’ perception of the election.

First, this research has shown the importance of the support of political parties to electoral institutions. The findings make a point that political parties matter for the organisation of elections. Ideally, they should participate in the appointment of the top staff of the electoral institutions and if not, at least their opinions should be considered in the discussions regarding this appointment. Commissioners, Councillors and Chief Election Officers are persons that should be supported by political parties or at least not vetoed by them. After

all, political parties must trust the institutions and people that regulate them. Therefore, this political element should be part of future discussions on the institutional design of EMBs. The next chapter will focus on this aspect, and specifically on the level of participation of political parties in the appointment of EMB members and the impact this can have on confidence in electoral processes.

Second, having clear and transparent results is also fundamental. So far, the election results phase is considered one of the many stages that make up the electoral process. As described in a previous chapter, different research (Elklit and Reynolds, 2002; Norris, 2014) outlines a number of key steps or components in an electoral process which are critical for their quality<sup>20</sup>. This research, however, shows that there are certain components of the electoral process which merit more attention than others when focusing on the acceptance of election results. The results phase is especially important as it is highly visible and since it concentrates and intensifies all the electoral process in a period of a few hours. Therefore, a potential area for further investigation is the role each of the different components of the electoral process play in the credibility of elections. In addition, the findings of this research give a practical lesson: EMB managers and officials should pay close attention to the results phase and be especially careful for delivering clear, transparent and timely election results.

However, can these findings be applied beyond the selection of cases and parameters of this research? I.e. can these results be generalised to parliamentary regimes? There is abundant literature that stresses the differences between parliamentary and presidential regimes (Linz, 1985; Lijphart, 1992; Jones, 1994; Di Palma, 1990; Stepan and Skach,

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20 These include, amongst others, the legal framework, voter registration, campaign media and finance, vote counting and the election authorities.

1993). More importantly, this research shows how these differences are critical for the stability and survival of a regime, which is especially relevant for this research.

As highlighted by Jones (1994) presidential systems have been criticized by the academic community, with only a few voices raised in their defense. Some have even gone as far as labelling presidentialism as 'dangerous' for democracy and its consolidation (Di Palma, 1990). It all started with Linz's influential work on presidential and parliamentary systems (1985), where he argued that presidential regimes have certain characteristics that make them more unstable and more likely to be challenged. In his view, presidential systems are not flexible as in them presidents are elected for a fixed term and cannot be easily dismissed. Moreover, these regimes define winners and losers for the entire period of the mandate, 'introducing a strong element of zero sum game' which makes presidential elections winner takes all contests. This raises the stakes, increases tensions and polarization and reduces incentives for accepting the outcome of the election (Linz, 1985).

Other scholars have further demonstrated this point. Lijphart (1992) argues that power-sharing models such as parliamentary regimes are better for reaching consensus and avoiding breakdowns. Similarly, Stepan and Skach (1993) argue that parliamentarism is more conducive to consolidation as these regimes are more stable, less susceptible to military coups and have prime ministers that can be easily removed, without destabilizing the regime. More recently, Norris (2008) tests Linz's thesis and shows not only that parliamentary regimes are more democratic than presidential regimes but that they have a better record at democratic consolidation and are less associated with political crises.

However, this does not mean that presidential regimes are inherently unstable and prone to lead to coups and conflict. As always, the devil lies in the detail and scholars have shown that not all presidential regimes are the same (Shugart and Carey, 1992). They indicate

that presidential regimes vary in their roles and formal powers and argue that some institutional choices are more conducive than others to democratic longevity- including the timing of the electoral cycle and the level of concentration of presidential powers. Cheibub and Limongi (2002) also believe that the functioning of the political system cannot be solely attributed to its nature (parliamentarian or presidential). Instead, they argue that other provisions –legislative majorities, incentives for cooperation and centralization of the decision-making process- can shape the likelihood of regime stability and survival.

In spite of this, it is clear that there are important differences between both types of regimes. As a result, we cannot automatically translate the findings of this research. However, as shown above, there are some aspects and provisions that can contribute to a regime's consolidation and stability (and counteract presidential systems' 'natural' tendency to be 'dangerous'). In relation to this –and as our findings show- there is reason to believe that certain institutions can contribute to having improved confidence in elections, regardless of the type of political system. When parties support electoral institutions and election results are transparent it is likely that citizens and parties will trust and accept results, lending legitimacy to the outcome. In fact, having political party support and clear and transparent election results is probably not only important for presidential elections. The 2005 parliamentary elections in Ethiopia –a parliamentary regime- can be a good example of this. Then, what began as a peaceful and open campaign with an orderly voting process was followed by post-election protests and incidents of violence that ended the lives of dozens of people (Carter Center, 2009:1). A major reason behind these tensions were the significant irregularities and delays in vote tabulation and the postponement of the announcement of official results by over a month.

Similarly, our findings could also help to shed some light on other cases beyond the QCA analyses. Political party support and transparent elections might also be useful in other

types of elections. The 2006 parliamentary elections in Dominican Republic are a good example of this. In this case, the appointment of the members of the Central Electoral Board (JCE) was highly questioned. This process was controlled by the ruling party and did not receive the support of all major political parties. Then, a series of problems related to the counting of votes and the revision and scanning of poll station certificates lead to a “chain of delays” that had a significant impact on the transmission and announcement of results (OAS, 2006b). As a result, the JCE was able to deliver preliminary results (for 90% of the electoral boards) only until one week after Election Day. This generated tensions amongst political parties and citizens and eventually led to violent episodes around the country, with several dead (El Nuevo Diario, 2006). With the support of political parties to the JCE and an improved system for the transmission of results, the post-electoral phase might have been quieter and more peaceful. Other examples that come to mind are the Haiti 2010 first round presidential election and the mayoral elections in El Salvador in 2006.

Much remains to be done in the area of electoral governance. However, this configurational analysis has contributed to this field by identifying some of the key aspects that lie behind the acceptance of election results. With these findings in mind, Electoral Management Bodies should be able to pay close attention to the results stage and aim at providing clear and transparent results to all stakeholders in a timely fashion. Moreover, legislative bodies should realise the importance of having the support of political parties for electoral institutions, and start to think about institutional designs that facilitate this. Finally, both EMBs and legislative bodies should recognise that having elections with quality is important and necessary but not enough for the acceptance of election results. EMBs should guarantee well managed elections but acknowledge that in order to accept election results more than technical quality is needed.

## 6. CHAPTER 6: TO INCLUDE OR NOT TO INCLUDE? PARTY REPRESENTATION IN ELECTORAL INSTITUTIONS AND CONFIDENCE IN ELECTIONS: A COMPARATIVE STUDY OF LATIN AMERICA.

### 6.1 Political parties and electoral institutions

Political parties play a key role in the success and credibility of an election. A few years ago, Judge Johann Kriegler, former Chairperson of the Independent Electoral Commission of South Africa, mentioned that while South Africa's "messy" 1994 election was successful, Mexico's "technically perfect" presidential election ended in months of protests. The reason he gave for this is that in South Africa, "incompetent but honest elections were accepted because people believed in it. And people believed in it because the electoral management bodies had the support of the political parties" (Bosley, 2013). As argued in the last chapter, a good quality election is not enough for guaranteeing confidence in elections and for the acceptance of election results. The perception and credibility of an election is as important as the soundness of its procedures. And for this, political support to electoral institutions and processes is fundamental.

This chapter focuses on this support, identified by the participation of political parties in the appointment of the members of the Electoral Management Body (EMB). I hypothesise that parties must be included in this process. When political parties are included they are given a chance to voice their concerns and interests and make themselves heard. When their views are incorporated it is more likely that they will accept the decisions and activities of the EMB, even if they do not benefit them directly. On the other hand, when political parties do not have a role in the appointment of the EMB members, it is more likely that they will criticise or reject those members (and most importantly, the decisions they make). The inclusion of political parties is measured by a scale with four EMB models which illustrate

the different levels of participation of parties in the appointment of EMB members (EMBs with no participation from parties, EMBs where parties have an indirect role in the appointment, EMBs where some members are party representatives and others are selected by another method and EMBs where all members are party representatives)

The chapter is structured as follows: section 1 highlights the role of political parties in election credibility. Section 2 introduces the dependent variable and details the value of this research to the field of elections. Section 3 focuses on the independent variables considered here, and specifically on the role of political parties in the appointment of EMBs. It outlines the four different EMB models mentioned above. It also provides the research hypotheses. Section 4 explains the data and measurements used in the analysis. Section 5 presents the quantitative analysis and its results.

## **6.2 Political parties and election credibility**

When political parties support Electoral Management Bodies (EMB) the credibility of the election is strengthened. However, when political parties do not support electoral institutions, it is likely that elections will be challenged, potentially leading to instability and conflict. The December 2007 presidential, parliamentary and local elections in Kenya ended in tragedy with thousands dead and many more internally displaced. This happened as the runner-up in the presidential election claimed fraud and refused to accept the results. One of the main reasons for this was the complete lack of trust in the Electoral Commission of Kenya (ECK). This was because most of the members of its governing body (19 out of 22) were appointed shortly before the elections and without any inter-party consultation, leading stakeholders to believe the ECK was biased and not a legitimate arbiter for the election (Elklit, 2011:5).



Political parties are at the heart of an election and play a very important role in the confidence in electoral processes and institutions. First of all, parties constitute a key link between citizens and the political system (Dalton, 2006; Leeper and Slothuus, 2014). They can influence public opinion and also are influenced by it. In fact, parties adopt a “two-way symmetrical model” of public relations, where they use communication not just to influence the public, but also to understand its interests (Seltzer and Zhang, 2010). Therefore, parties and citizens can share the same views and attitudes on a number of topics. As an example of this, in a study on the credibility of elections in Latin America, Rosas (2010) demonstrates there is a high correlation between the level of trust in electoral processes shown by political elites and that expressed by ordinary citizens ( $p= 0.52$ ). Moreover, political parties use public relations strategies to establish and maintain their relationship with the public and “produce desirable attitudinal and behavioral outcomes (that) not only have consequences for the party and its supporters, but also for the larger political-social system” (Seltzer and Zhang, 2010:26).

Second, political parties are at the centre of many of the policies and activities of the EMB. As a key stakeholder, political parties are in a strategic position to either support or undermine most of its decisions and activities. Boundary delimitation, voter registration, candidate registration, the location of polling stations, campaign finance oversight, and the validation of election results, amongst others, are only some of the tasks carried out by EMBs that that can potentially be supported – or condemned - by political parties. Electoral institutions are political structures and as such they can help some interests and hurt others, depending on who has the power to impose their will (Moe, 2005). Therefore, political parties have a special relationship with EMBs. They are both principals empowering electoral institutions to carry out election regulation on the one hand, and the main subjects of said regulation on the other. They are “authors and actors” (Tarouco,

2016). As a result, political parties have an interest in controlling the electoral institution and its procedures. However, and despite their vested interests, at the same time they need the electoral institution to be perceived as impartial, so that the process through which they are elected is legitimate (Birch, 2011; Magaloni, 2006; Miller, 2005; North & Weingast 1989). This underscores a delegation dilemma.

### **6.3. Expert and multi-party EMB models**

There are two models for ensuring the impartiality of an EMB, and these have to do with the mode of appointment of their top members. These are the “expert” and “multi-party” EMB models. In the first model, the management of elections is delegated to experts at arm’s length from political parties. These individuals do not belong to any political party and are appointed because of their professional expertise. It is expected that agents will not be representative of the principals’ interests and will act in an impartial manner. In the “multi-party” model, the function of elections is not delegated to an expert agency. Instead, political parties nominate their own representatives to sit on the board of the EMB. This is so they can protect the nominating parties’ interests and ensure that other members do not unduly favour their own parties (ACE, 2015b). Party agents behave as watchdogs on each other. Impartiality is obtained by the collection of multiple partisan interests.

There is no agreement on which of these two models is the best for the credibility of elections. In one of the first studies on the topic, Molina and Hernandez (1999) suggested that – for 8 Latin American countries - trust in elections is associated with non-partisan EMBs with no political appointment. However, as the authors themselves noted, there are important exceptions to this association. Hartlyn and colleagues (2008) find that having an independent EMB or a partisan-mixed EMB improves the likelihood of having an acceptable election over one-party-dominant EMBs. However, they also indicate that EMBs

with party representation can too provide the confidence needed for a successful result (Hartlyn, et al, 2008). Rosas (2010) concludes that in countries with low levels of democracy, partisan autonomy is better. However, he also notes that in countries with high levels of democracy EMBs appointed by parties can increase trust among political elites (Rosas, 2010). Birch (2011) recognises the lack of consensus as to which model is better and asks whether EMBs should be completely free from the influence of political parties or whether political parties should be represented in the EMB. However, the results are mixed. While the multiparty approach has a negative impact on the quality of electoral administration it also has a positive effect as it can decrease the exclusion of political parties and candidates from the electoral contest (reducing the manipulation of electoral contestation).

Other scholars have emphasised the benefits of both types of models. Supporting the autonomy argument, Ugues (2014) looks at EMBs in Central America and finds that the selection of EMB members based on expertise strengthens institutions and improves their performance (in terms of autonomy and impartiality). For him, selection based on partisanship can lead to politicization, which can lead to infighting and deadlock and affect the activities of the EMB. Similarly, Tarouco (2016) finds that partisan EMBs are more vulnerable to fraud and manipulation and can increase concerns about the quality and fairness of the election. On the other hand, Estevez and colleagues (2008) argue that a partisan model can facilitate credible elections and accepted outcomes as “parties anticipate that their interests will be guarded by their sponsored councillors and can be reasonably sure that agency losses will be minor [and are] willing to obey the occasional ruling that hurts their short-term interests” (Estevez, et. al, 2008: 270).

So, which EMB model contributes best to having confidence in electoral processes? There is no consensus: while some scholars favour partisan autonomy and some argue for

partisan EMBs, others present mixed evidence. This is consistent with the fact that both models ultimately seek impartiality and represent the two sides of the delegation dilemma: while political parties want to control electoral procedures to advance their interest, they also need the process to be credible, especially if they attain office. Moreover, both models offer certain key advantages. On one hand, expert based models are more professional and specialised. This is as they are made up of individuals that are selected because of their legal and/or technical expertise (ACE 2016; Birch 2011; Hartlyn et al, 2008). Furthermore, in several cases appointment is based on the public reputation of these individuals, which in turn can bolster the credibility of the institution (ACE, 2015b). On the other hand, multi-party EMBs are more sensible to political parties, allowing them to express their interests and needs. At the same time, by including parties they can foster negotiation and increase the transparency of electoral procedures and can prevent some forms of manipulation (ACE, 2015b; Birch, 2011; Estevez et al, 2008). This shows that both models have advantages that we can benefit from. As a result, instead of asking which model is superior, we should focus on obtaining the best of both worlds and ask which combination of the two models is best. I argue that although some aspects from the expert-based model are desirable (such as professionalism, for example), it is also important to include political parties in the selection process of EMB members.

#### **6.4 Including political parties: appointment of EMB members**

I hypothesise that the inclusion of political parties in electoral institutions contributes to having confidence in electoral processes. If political parties have an opportunity to express their views and concerns it is more likely that these will be taken into account. Therefore, it is more likely that they will accept the EMB and its decisions. Particularly, political parties should be consulted for election-related activities and especially in a vital process such as the appointment of the members of the electoral body (Lopez-Pintor, 2000:105). Their

participation in this process is key as this is one of the foundational stages of the election cycle. Months or sometimes even years before election day, the board of the EMB starts to prepare every aspect of the election, from updating the electoral register to choosing the design of the voting booths. And if political parties do not have a role or a voice in the appointment of the EMB, this can lead them to criticise its members and their decisions. Exclusion from such a process can lead parties to challenge every decision made by EMB members. For instance, in Mexico in 2003 the process for selecting the members of the Federal Electoral Institute's General Council broke down (Rosas, 2010). The Partido de la Revolucion Democratica (PRD) was excluded from this process and accused the Council of not being impartial and incapable of organising the 2006 election. In a foreseeable manner, this political party organised massive protests rejecting that election's results.

This chapter extends existing work in several ways. First, it separates the issue of EMB autonomy from the appointment powers of parties for EMB membership, considering the latter an explanatory variable in itself. Therefore, it does not focus on the choice between having a partisan or non-partisan EMB, but on the value of having an EMB where political parties are included. Second, it complements current research. Existing indexes do not measure this aspect and need to be modified to describe the degree of participation of political parties in the appointment of the EMBs top staff.

So, what is the right level of involvement of political parties in the appointment of EMBs? To answer this question, I propose a four point scale of EMB models depending on the level of participation of political parties in the appointment of their members:

- EMBs with no participation from political parties
- EMBs where political parties have an indirect role in the appointment

- EMBs where some members are party representatives and others are selected by another method
- EMBs where all members are political party representatives.

The aim is to test the extent to which these four categories affect trust in electoral processes. The analysis is based on the University of Salamanca's Parliamentary Elites of Latin America (PELA) survey. Data is taken from 5,261 questionnaires to legislators from 18 Latin American countries and four survey waves<sup>21</sup> producing a total of 47 dyads or country-waves, which constitute the unit of analysis. I employ binary logistic and multilevel regression to estimate the effect of the different levels of participation of political parties in the appointment of EMBs on the credibility in electoral processes.

This survey is relevant as it provides information from Latin America on issues related to the political system and its institutions, amongst others. Moreover, its findings can be generalised to other regions as the opinions, perceptions and values of political elites are important for the conduct of electoral processes anywhere. This is an elite survey answered by legislators from the continent. Elite opinion cannot directly be taken as direct evidence of mass opinion or mass confidence in elections. However, it is still relevant in so far as elite confidence is a likely precondition of mass confidence. As argued above, political parties have a strong influence on public opinion and constitute a major channel between the public and the political system (Dalton, 2006). Therefore, if elites do not feel that the EMB is legitimate, then they might well lack confidence in the electoral process – and if the elites lack this confidence, then there is a fair chance that they will say so loudly, which can be expected to stir up public protest from their grassroots supporters.

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<sup>21</sup> I employ waves two, three, four and five, which roughly cover a period of time from 1997 to 2015.

### 6.5 Dependent variable: confidence in electoral processes

The legitimacy of electoral institutions and processes has become part of a new and promising research agenda. Many scholars and practitioners have focused on this topic as a necessary ingredient for maintaining and strengthening democracy (Banducci and Karp, 2003; Birch, 2008; Bratton, 1998; Elklit and Reynolds, 2002; Lopez-Pintor, 2000; Mozzafar and Schedler, 2002; Molina and Hernandez, 1998; Norris, 1999), especially in emerging democracies (such as in Latin America) where highly regarded electoral processes can support the process of democratic transition and consolidation (Elklit and Reynolds, 2002). In particular, confidence in an election is essential in a democracy as it is tied to the legitimacy of the outcome, to the support of the political system and even to the viability of electoral democracy (Nadeau and Blais, 1993).

I use data from the University of Salamanca's Parliamentary Elites of Latin America (PELA) survey, which contains information on the opinions, attitudes and perceptions of congressmen and women from 18 Latin American countries since 1994. In particular, I employ the second, third, fourth and fifth waves which roughly cover a period of time from 1997 to date.<sup>22</sup> Wave 1 is not used as at that time several countries in the region were not classified as democratic or had not completed their transition to democracy.<sup>23</sup> Wave 6 is also excluded as it is currently underway and only contains information for two countries. In total, the waves selected provide information from 5,261 questionnaires. In particular, the questionnaire asks parliamentarians about their degree of confidence in the last electoral processes that have taken place in their country. The question is: 'How much do you trust

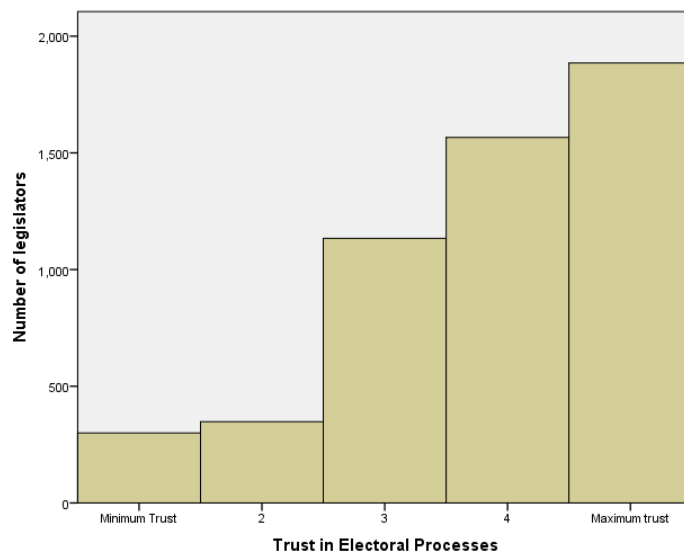
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<sup>22</sup> The different waves of this survey are grouped according to legislative periods, which are not the same for all countries. Therefore, the dates provided are approximate. For example, while wave 1 in Argentina corresponds to 1995 - 1997, in Ecuador it goes from 1996 to 1998. The last wave used in this study (wave 5) covers the current legislative period for some countries but not for others. For instance, it covers the 2006-2009 legislative period for Mexico and the 2010-2016 period for the Dominican Republic.

<sup>23</sup> A case in point is Peru under Fujimori, or Mexico and Paraguay before their transition to democracy.

the last electoral processes that have taken place in [country]? , using a 5 point scale ranging from minimum confidence (1) to maximum confidence (5). Figure 1 shows the distribution of frequencies for confidence in electoral processes in Latin America. As we can see, politicians in general have a positive view of electoral processes in the region, as illustrated by a relatively high mean score of 3.84 out of 5 (with a standard deviation of 1.155).

**Figure 6.1 Distribution of confidence in electoral processes in Latin America. Waves 2-5.**



Responses to the question “How much do you trust the last electoral processes that have taken place in [country]?”, where “1” represents “minimum trust” and 5 “maximum trust”. 5,233 respondents. Waves 2 to 5, Parliamentary Elites of Latin America (PELA) survey. Mean=3.84, Std Dev=1.15

Figure 6.2 presents the mean level of trust in electoral processes for each country-wave. As respondents are nested within surveys, the unit of analysis is a specific survey wave for a specific country. Country-waves correspond to legislative periods. The graph shows that politicians in general have a positive view of electoral processes and that there is considerable variation across countries and across time, which allows having a richer



analysis. For example, on the lowest end of the scale we have the cases of Venezuela and Peru for wave 2. In the case of Venezuela, this corresponds to wave 2, implemented in the year 2000 following a period of permanent crisis and a feeling of discontent, starting with the 1989 'Caracazo'<sup>24</sup> and Hugo Chavez's coup attempt in 1992 and ending with his 1998 victory as a promise of the change needed by most Venezuelans. Moreover, it was a period with a deep dissatisfaction with the performance of the established political parties and with the political system in general (Molina and Perez, 2004). Similarly, Peru (2001-06) scores below 2. This survey was conducted in 2001, capturing the sentiment and perception of electoral processes in the country in the decade of the 1990s. This was a time where Alberto Fujimori rigged elections, increasingly concentrated power in his own hands and even suspended constitutional rule (Mauceri, 1995). On the other side of the graph, the highest score was found in Uruguay (2010-15), with a mean score very close to 5. This may be explained by the country's long experience with democracy. Except for the period of military rule between 1973 and 1984, Uruguay has held uninterrupted elections since the late 19<sup>th</sup> century (Lopez-Pintor, 2000). Moreover, Uruguay's Corte Electoral enjoys high levels of public esteem and a certain "cumulative legitimacy" which have strengthened credibility in electoral processes (Lopez-Pintor, 2000).

While Figure 6.2 takes the mean trust in electoral processes by dyad (country-wave), figure 6.3 shows the results by country. Here, results are displayed taking into account all the waves available in the PELA survey for each individual country. The differences here are also important. Taking two of the previous examples illustrate this. In this figure we can see that Venezuela obtained a mean score of only 2.69, with 15.5% of respondents gave

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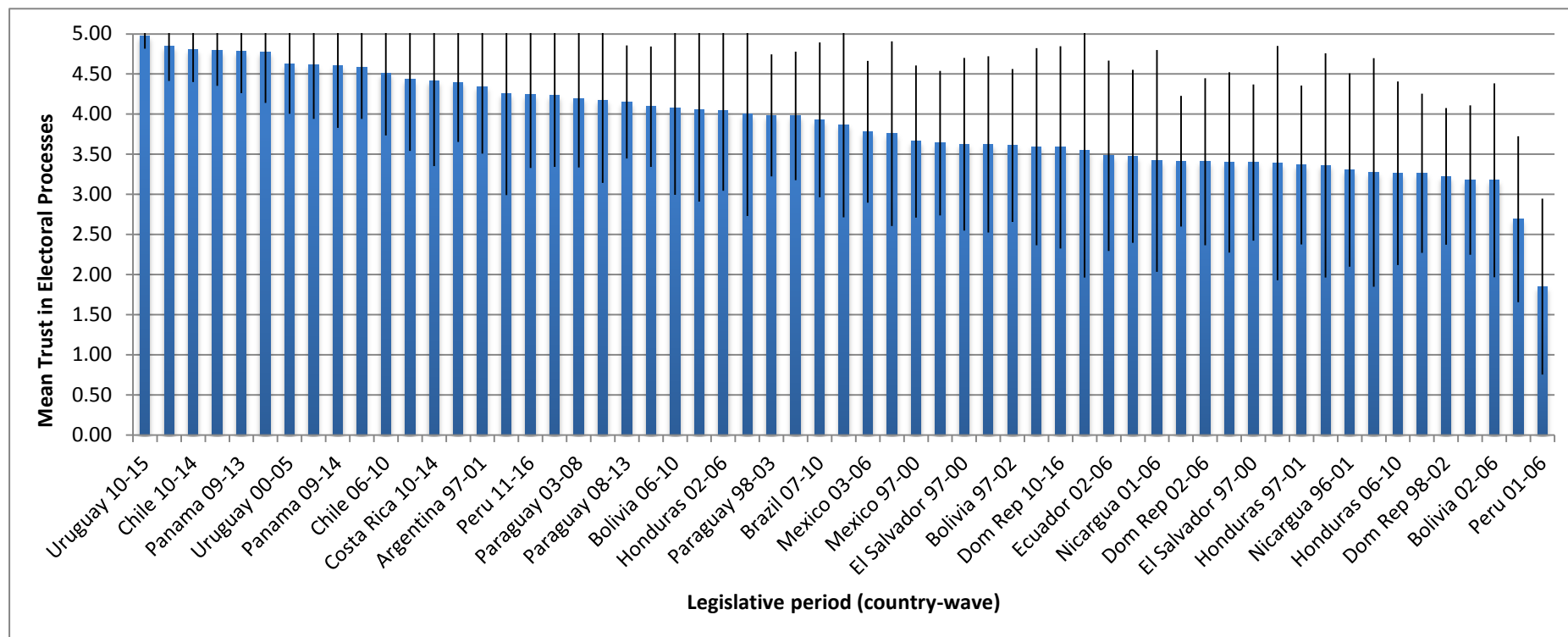
<sup>24</sup> A series of violent protests in the nation's capital, Caracas. The protests started as a reaction against austerity measures announced by the government, as a result of an economic crisis. The protests resulted in over 300 deaths, after the army intervened.

elections in their country a rating of 1 or minimum trust, 22.7% a rating of 2, 43.3% a rating of 3, 14.4% a rating of 4 and only 4.1% of respondents gave elections in their country the highest rating (5 out of 5, or maximum trust). In contrast, if we average results for Uruguay for waves two, three and four<sup>25</sup> the mean score is 4.81, with 82% of respondents giving elections the highest rating and 97.5% gave it ratings of 4 and 5. None of the respondents have elections in their country a rating of 1 or minimum trust.

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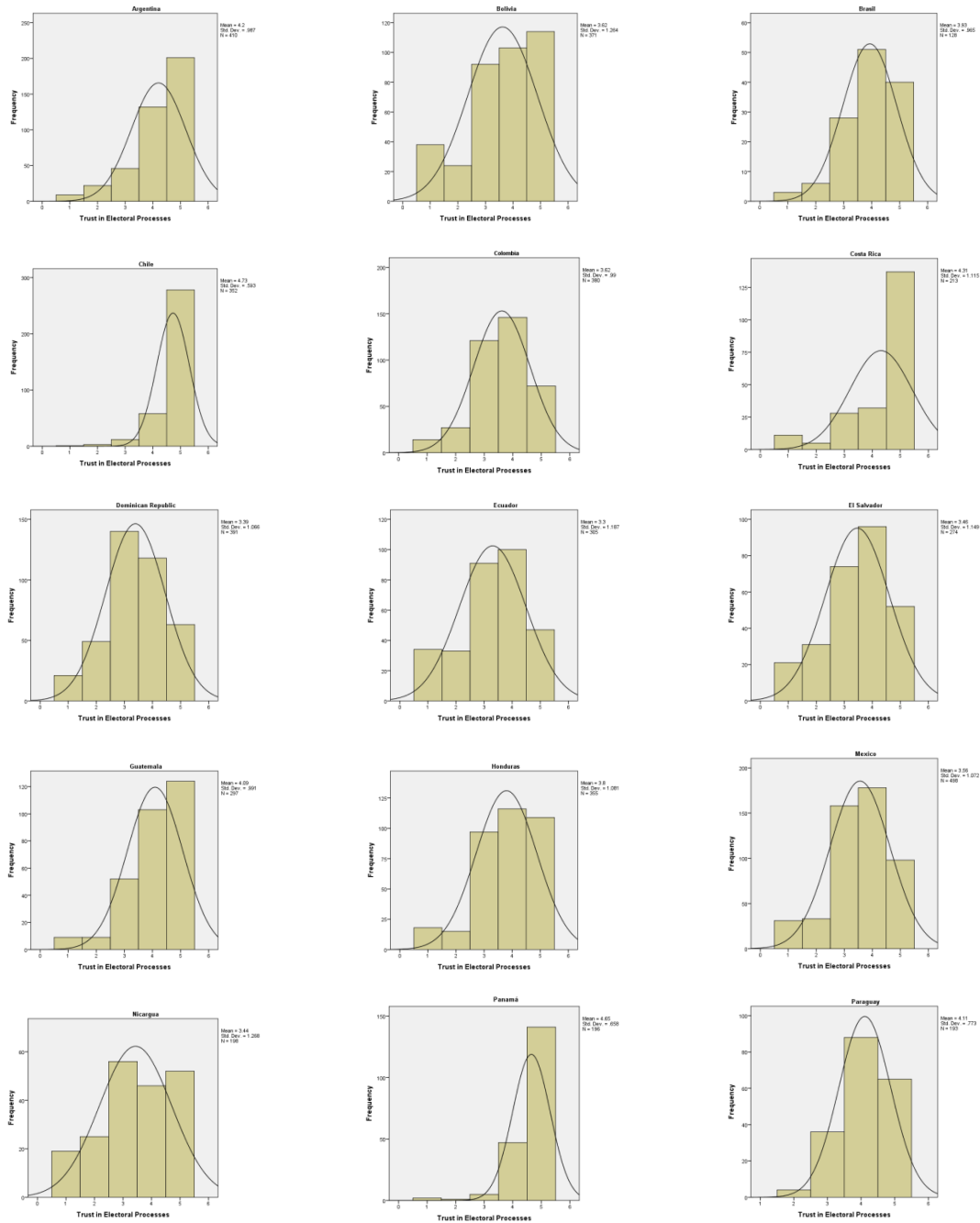
<sup>25</sup> Wave five is not available but wave four does include the 2009-2014 legislature.

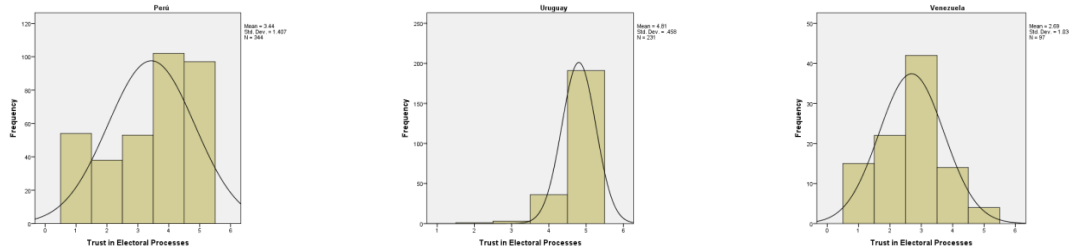
Figure 6.2 Mean trust in electoral processes in Latin America by legislative period



Mean trust in electoral processes per legislative period (several waves per country). Standard deviation is shown by vertical error bars. Waves 2 to 5, Parliamentary Elites of Latin America (PELA) survey

Figure 6.3. Distribution of elite opinions on electoral processes in Latin America. PELA, waves 2, 3, 4 and 5.





Notes: 1 to 5 scale where 1= minimum confidence and 5= maximum confidence in electoral processes.

## 6.6 Independent variables

What is the appropriate level of involvement of political parties in EMBs? To address this question, a four point scale of EMB models is used which is based on the different levels of participation of political parties in the appointment of the members. The aim is to test the extent to which these four categories affect trust in elections. This four point scale ranges from EMBs where political parties do not play a role whatsoever in the appointment of the institution to EMBs where all members in the governing board are party representatives. The first category is *no participation* from political parties in the appointment of the members of the EMB. It is rather the judiciary, the executive or another body which participates. This is the case in Brazil, Costa Rica, Ecuador and Peru. In Brazil, five of the members of the Tribunal Superior Eleitoral (TSE) are selected by the judiciary (two by the Ministers of the Supreme Justice Tribunal and three by the Ministers of the Supreme Federal Tribunal) while two are nominated by the President from a pool of members of the judicial branch. Another example is Ecuador, where since 2008 members of the Consejo Nacional Electoral (CNE) are appointed by a Citizen Participation and Social Control Council. This Council makes a public call for constituting Citizen Selection Committees which are responsible for evaluating the profile of all the candidates for the CNE (CPCCS, 2015). In EMBs with *indirect participation*, parties participate through the legislative branch (through a majority vote, for example) in the appointment

process. The most common example is where members of the EMB are selected by a two-thirds majority in Congress (examples include the Dominican Republic, Honduras, Mexico and Venezuela). Other examples include Guatemala, Nicaragua and Paraguay where other actors are also involved. In Guatemala, for example, the five magistrates of the Tribunal Supremo Electoral (TSE) are selected by a two-thirds majority in Congress from a list of forty candidates presented by a Nomination Commission integrated by representatives of several public and private universities. A third category is labelled *partial direct participation*, where political parties directly select a part of the members of the EMB as party representatives but the rest of the members are appointed by another method. In El Salvador, three magistrates of the Tribunal Supremo Electoral (TSE) are directly selected by the three political parties or coalitions that obtained the most number of votes in the last election, while the remaining two are selected by a two-thirds majority in the Chamber of Deputies, from lists presented by the Supreme Court of Justice. In Uruguay, four members of the Corte Electoral are political party representatives while the remaining five members are selected by a two-thirds majority by both Houses of Parliament. The final level is *full direct participation*, where all the members of the EMB's governing board are directly selected by political parties and are in fact party representatives. Nowadays, the only country in the region which belongs to this category is Colombia, where all the officials of the Consejo Nacional Electoral (CNE) are political party representatives. This was also the case of Ecuador's Tribunal Supremo Electoral (TSE) before the implementation of the 2008 Constitution. Table 6.1 shows the classification of EMBs in Latin America using this scale.

**Table 6.1 Latin American EMBs according to level of party participation in appointment.**

<b>Country</b>	<b>EMB</b>	<b>EMB members selected by:</b>	<b>Political parties participate in the appointment process?</b>	<b>Participation level</b>
Argentina	Cámara Nacional Electoral	Executive and Legislative	Yes	Indirect
Bolivia	Corte Nacional Electoral	Executive and Legislative	Yes	Indirect
Brasil	Tribunal Superior Eleitoral	Executive and Judiciary	No	No participation
Chile	Servicio Electoral	Executive and Legislative	Yes	Indirect
Colombia	Consejo Nacional Electoral	Legislative	Yes	Full direct
Costa Rica	Tribunal Supremo de Elecciones	Judiciary	No	No participation
Ecuador	Consejo Nacional Electoral	Civil Society	No	No participation
El Salvador	Tribunal Supremo Electoral	Judiciary and Legislative	Yes	Partial direct
Guatemala	Tribunal Supremo Electoral	Civil Society and Legislative	Yes	Indirect
Honduras	Tribunal Supremo Electoral	Legislative	Yes	Indirect
Mexico	Instituto Nacional Electoral	Legislative	Yes	Indirect
Nicaragua	Consejo Supremo Electoral	Executive, Civil Society, Legislative	Yes	Indirect
Panama	Tribunal Electoral	Executive, Judiciary and Legislative	Yes	Indirect
Paraguay	Tribunal Superior de Justicia Electoral	Executive, Judiciary and Legislative	Yes	Indirect
Peru	Oficina Nacional de Procesos Electorales	Judiciary	No	No participation
Republica Dominicana	Junta Central Electoral	Legislative	Yes	Indirect
Uruguay	Corte Electoral	Legislative	Yes	Partial direct
Venezuela	Consejo Nacional Electoral	Legislative	Yes	Indirect

The literature has developed different measurements of the partisan autonomy of EMBs. However, these measures need to be more refined to properly reflect the different levels of participation of political parties in the appointment of EMB members. Hartlyn, McCoy and Mustillo (2008) use a partisan score with four types of EMBs depending on their degree of independence from parties: single party dominated, partisan mixed, independent/partisan mixed and independent. The index used here is different in substance. First, the authors' first category (single-party dominated) is no longer relevant for contemporary Latin America. They provide a cross-national analysis that starts in the year 1980. Back then, transitions to democracy were only beginning and in several cases electoral institutions were still under control by the ruling party. The subsequent analysis takes place later and considers a context where EMBs are no longer dominated by ruling parties. Second, the index does not accurately describe the participation of political parties in EMB appointment. As a result, the authors miss some nuances that are relevant for the current study. For them, the category "independent of parties" includes EMBs with two different appointment methods ("indirect participation" and "no participation" in my index)<sup>26</sup>. Rosas (2010) provides a scale with three types of EMBs. EMBs with the most partisan autonomy are those selected by the judiciary. The least autonomous ones are where political parties select their own representatives for the board of the institution. EMBs which do not fall into any of these two categories are classified as intermediate. This

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<sup>26</sup> This is further demonstrated by a cross tabulation between my own Index and Hartlyn and colleagues (2008). Out of all the cases considered as "independent of parties" by Hartlyn et al, 23.17% are considered by my index as cases of "no participation of political parties" while the remaining 76.83% are classified as cases of indirect appointment. Out of all cases considered as "independent/partisan mixed" 62.76% are cases of "indirect participation" and 37.24% are "partial direct participation". Then, out of all the cases in the "partisan mixed" category, 24.03% are cases of "indirect participation", 38.47% are "partial direct participation" and 37.50% are "full direct participation". Finally, as discussed, the category "single party dominated" is not relevant for the timeframe of this study.



index needs to be disaggregated: instead of three I consider four categories. The “least autonomous” category can be split into two as in some cases all board members are party representatives while in others only some members are party agents while the rest are selected through other methods.

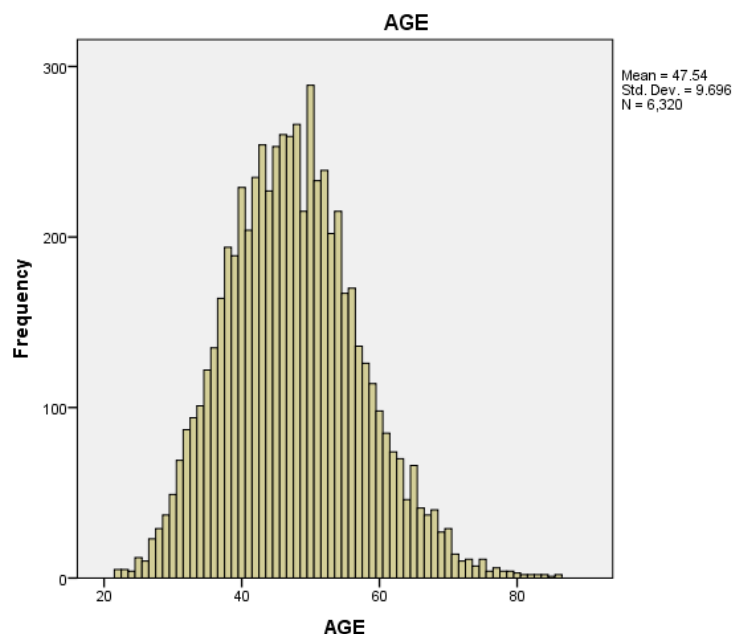
This research also includes other measures that have been used in the literature as controls that have an impact in the confidence and quality of electoral processes. These are the overall levels of economic development, democracy and corruption (Anderson, et. al, 2005; Anderson and Tverdova, 2003; Birch, 2008; Evans and Whitefield, 1995; Hartlyn, McCoy and Mustillo, 2008; Inglehart and Welzel, 2005; Lipset, 1959; Molina and Hernandez, 1998; Rosas, 2010; Voicu and Bartolome Peral, 2012). The first of these variables is the level of socio-economic development. Modernisation theory indicates that high living standards, high education levels and a strong middle class are prerequisites of democracy and are supportive of its processes (Lipset, 1959). More recently, different scholars (Evans and Whitefield, 1995; Inglehart and Welzel, 2005) have highlighted that economic performance affects support for democracy. Moreover, in countries with higher levels of education people are expected to have more and better information about electoral institutions and processes and are therefore more likely to trust elections. Finally, high income countries can also dedicate more resources to election administration, resulting in a greater professionalism and capacity (Birch, 2008). Second, more established democracies should have deeper reservoirs of trust. Evans and Whitefield (1995) conclude that the experience of living under democratic politics also explains higher levels of support for democracy. Moreover, Voicy and Bartolome Peral (2012) argue that people socialised in fully democratic regimes grow up in a society where democracy is “the only game in town” (Linz and Stepan, 1996) and thus are more likely to value democracy more than

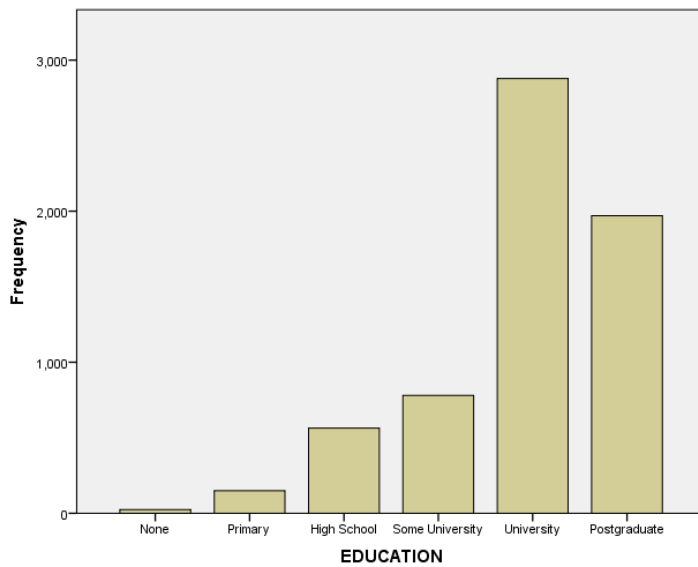
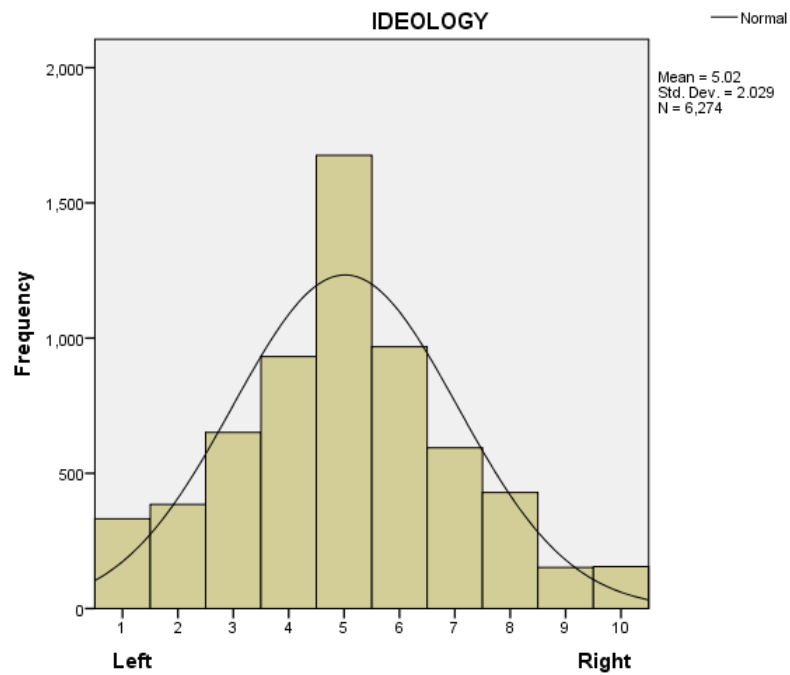
people socialised in other regimes. Furthermore, democratic countries that are more stable are more likely to be exempt of severe election-related problems and violence that can affect trust in electoral processes. Corruption is also a relevant variable. In their study of corruption, political allegiances and attitudes towards government in contemporary democracies, Anderson and Tverdova (2003) find that the performance of the system matters and that citizens in countries with high levels of corruption have more negative evaluations of their political system. Moreover, in clean societies it is expected that election institutions and processes are more transparent, professional and accountable, thus generating more credibility.

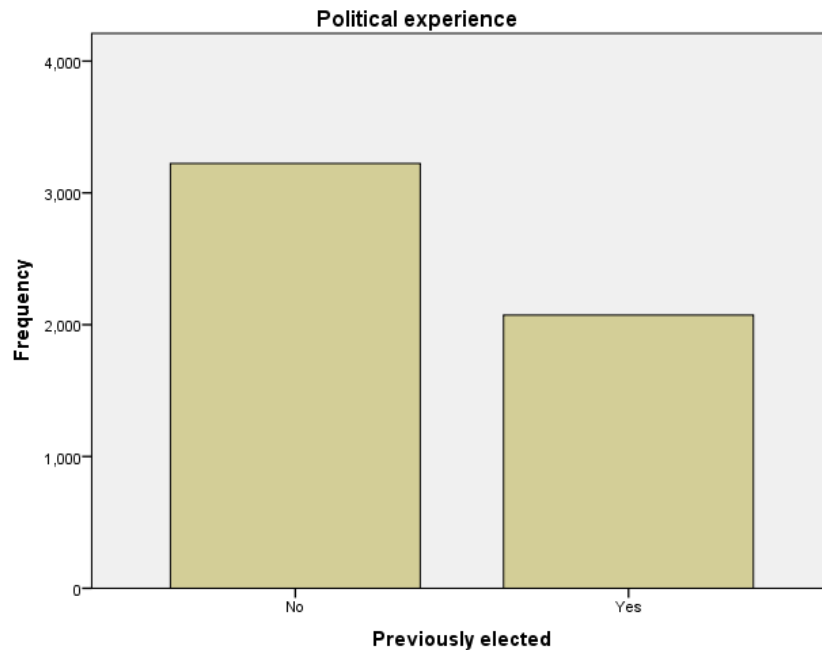
Credibility in electoral processes is also affected by the attitudes and background of the members of the political elite. Micro-level variables used include: the level of support for democracy and elections, the perception of the level of political engagement in political parties as well as certain individual characteristics - political experience, winner/loser status, ideology, gender, age and education. Support for democracy has been found to be an important factor in explaining trust in electoral processes (Molina and Hernández, 1999). In the same fashion, we can expect that people who have higher levels of support for elections will have a positive evaluation of them. It is also expected that when citizens are more involved they will have more positive evaluations of the political system (Almond and Verba, 1965). When people participate in parties it is a sign of a society where levels of civic engagement are generally high. With political experience, the expectation is that those who have held public office before are better acquainted with election processes and are more familiarised with the realities of winning and losing. Therefore, more experience leads to more credibility in elections. Ideology, understood as a self-placement on a left-right scale, has also been found to be a relevant variable for trust

in elections. Scholars have found that as people are more ideologically conservative they are more likely to have greater confidence in electoral processes and institutions (Anderson, et. al, 2005; Ugues, 2010). In addition, studies have found that citizens who support a losing candidate or party are less likely to trust the political system than winners (Banducci and Karp, 2003; Nadeau and Blais, 1993), this is especially true in in non-established democracies (Anderson et al., 2005). This literature has demonstrated that being part of the winning or losing team in an election shapes citizen attitudes and has important consequences. Winning is not all joy and happiness, but also translates into higher levels of support for the system and its institutions, including the electoral process. On the other hand, “losers’ consent” can determine the maintenance and even survival of the system. Other aspects such as gender, age and education are also controlled for. Figures 6.4, 6.5, 6.6 and 6.7 provide a simple profile of the main characteristics (age, education, experience and ideology) of the parliamentarians from the 18 Latin American countries used in this research.

**Figure 6.4 Age of Latin American Parliamentarians, PELA survey waves 2-5**



**Figure 6.5 Education of Latin American Parliamentarians, PELA survey waves 2-5****Figure 6.6 Ideology (left-right) of Latin American Parliamentarians, PELA survey waves 2-5**

**Figure 6.7 Political Experience of Latin American Parliamentarians, PELA survey waves 2-5**

There are potential issues of endogeneity that need to be addressed. Studies have suggested that lack of confidence in elections and election administration might lead political elites to change the EMB model (Lopez Pintor, 2000; IDEA, 2006; Hartlyn et al, 2008). In Mexico, for example, the “crisis of confidence” following the 1988 presidential election led to the creation of an independent election body (Navarro, 2016). However, empirical evidence shows that within the period of time covered by this study (1997-2015) electoral institutions had already consolidated in terms of their structure, including their appointment procedures. Most changes to electoral institutions had already occurred one or two decades before, following the transition to democracy. This suggests that for our period of study causality goes from the type of EMB to confidence in electoral processes, and not the other way around. The only two

exceptions are Ecuador and Honduras. In Ecuador, the 2008 constitution created the Consejo Nacional Electoral (CNE) whose members are selected by Citizen Commissions. This change, however, was not motivated because of falling levels of confidence.<sup>27</sup> Rather, it came as part of a process involving a new constitution aimed at increasing citizen participation in all state levels. In Honduras, the Tribunal Supremo Electoral (TSE) was created in 2002 as part of a much wider reform programme initiated by civil society after an insufficient state response to the effects of hurricane Mitch in 1998 (Paz Aguilar, 2006).<sup>28</sup> In short, taking confidence in electoral processes (or similar measures of diffuse support such as trust in political institutions) as causally prior is not relevant for this particular study.

## 6.7 Data and measures

Information for the different variables was obtained from several sources. First, I employed waves 2-5 of the PELA survey. As a result, information for the variables not only varies across countries but also across time. Second, indices developed by international organisations are used to measure corruption, level of democracy, and economic development. Third, I relied on my own research to construct and operationalise the variable related to the participation of political parties in the appointment of the EMB members.

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<sup>27</sup> According to data from the PELA survey, trust in elections was increasing before this constitutional change. During the 1998-2002 legislature, the mean score of confidence in electoral processes amongst the political elite was 3.18. Then, during the 2002-2006 legislature, it increased to 3.48.

<sup>28</sup> Moreover, data shows there was no decrease in confidence in electoral processes before the reform. The mean trust in elections was 3.39 for the 1994-97 legislature and 3.37 for the 1997-2001 period. An independent samples T-test showed there is no statistically significant difference between both means ( $p=.913$ , 2-tailed).

For simplicity, the dependent variable is dichotomized. This is for two reasons. First, the PELA survey changed the scale used in measuring confidence in electoral processes. While early waves employed a five-point scale, more recent surveys have used a ten-point scale. A four on a ten-point scale will not necessarily be understood in the same way as a two on a five point scale. Using a dichotomous scale enhances comparability. Second, ordinal models pose a problem of interpretation. Using the original one to five scale would show the odds of the different explanatory variables of achieving for example, category 2, 3 or 4, of confidence in electoral processes, which is not clear. The main aim is to know if our variables contribute to having confidence in electoral processes. This variable is coded as “0” or low confidence if respondents answered 1,2 or 3 (1 through 6 in ten-point scale) and “1” if they answered 4 or 5 (7 to 10 in ten-point scale). This dichotomisation emulates the operationalization of the variable ‘perceptions of electoral fairness’ for a similar study (Birch, 2008).

Data for the perceived level of corruption was operationalised using Transparency International’s Corruption Perceptions Index (CPI). Here, scores range from 0 (highly corrupt) to 10 (very clean). I employed the 2001 CPI for wave 2, the 2005 CPI for wave 3 and the 2010 CPI for waves 4 and 5. The United Nations Human Development Index (HDI) was used for measuring the level of economic development. This index ranges from 0 (low) to 1 (high). The HDI score used was that of the year 2000. Information for levels of democracy was obtained from the Freedom in the World survey, using the inverted political rights score, with 1 for least democratic and 7 for most democratic countries. Freedom House’s 2000 survey was used for wave 2, the 2005 survey was used for wave 3, and information for waves 4 and 5 was obtained from the 2010 survey.

Information for all the individual-level variables was obtained from the PELA survey. Data for the support for democracy is coded as 1 when “democracy is preferable to any other type of government” and 0 if “In the context of an economic crisis, an authoritarian government can be preferable”. Support for elections is coded from 1 to 4, ranging from “don’t agree” to “strongly agree”. Political engagement is coded with a 1 if the level of people’s participation in political parties is “limited and marginal”, 2 if it is “limited and marginal, except during elections” and 3 if it is “intense and constant”. Political experience is coded as “1” if respondents have held public office and “0” if not. Information regarding the winner/loser status on the survey contained many missing values (64.4%). Therefore, this variable was constructed from own research corroborated with the questionnaire for the existing values. Winners were coded with “1” and losers with “0”. For ideology I constructed 2 dummy variables, one for left wing respondents (with scores of 1-3 in the original ten point scale) and another for respondents on the right (scores of 8-10). Gender is 0 for male and 1 for female and age and education are continuous. The variable measuring political party participation in EMB appointment was constructed from my own research using national constitutions and electoral laws and from the ACE Electoral Knowledge Network’s comparative data on electoral management (ACE, 2015a). This variable is coded with “1” if there is no participation from political parties in the appointment of the EMB members, “2” for indirect participation, “3” for partial direct participation and “4” for full direct participation.

## 6.8 Results

In this section, I conduct an empirical analysis using binary logistic and multilevel regression to estimate the effect of individual and country level variables on confidence in electoral processes in Latin America. In particular, I present three different models. Models 1 and 2



employ logistic regression. Model 1 tests the base hypothesis of this study, which is that when political parties participate in the appointment of the members of the EMB there is higher confidence in electoral processes. Model 2 expands on this and tests the effect of the different levels of participation of political parties in the EMB appointment process. Then, Model 3 conducts a multi-level analysis, which is appropriate as data is structured at more than one level. The third model also tests the different levels of participation of political parties in the EMB appointment process.

Models 1 and 2 employ logistic regression which allows analysis of binary outcomes and estimates the probability of an event occurring given the levels of one or more independent variables (Field, 2013). These are single level models which use data from the responses of congressmen and women in Latin America. The participation of political parties in the appointment of EMBs, in spite of being constructed from national constitutions and electoral laws, is used to make individual inferences. This variable can be used for explaining if - and how much - congressmen and women feel represented in the EMB. For instance, in cases coded with “1” where political parties do not participate in the appointment of the EMB, it is safe to say that legislators (as members of a political party) are not part of the appointment process and therefore do not feel represented in the EMB. On the other hand, in cases coded with “4” where political parties have a full direct participation in the appointment, one can say that congressmen and women feel well represented in the EMB. Nonetheless, in order to have more robust findings model 3 conducts a multi-level analysis, which is appropriate as data is structured at more than one level (in this case individuals are nested within waves, which are nested within countries). This structure incorporates country-level characteristics and allows

estimating cross-level relationships (Lee, Gabarino and Lerman, 2007; Wong and Mason, 1985).

**Table 6.2 Binary logistic and multilevel regression models of participation of political parties in EMB appointment**

	Model 1	Model 2	Model 3
	OR(Se)	OR (Se)	OR (Se)
Participation of parties in EMB appointment	2.21(0.30) ***	.	.
Degree of participation of parties in EMB appointment <sup>a</sup>			
Indirect participation	.	2.34 (0.32) ***	3.28 (1.85) *
Partial direct participation	.	2.10 (0.36) ***	3.04 (2.05) +
Full direct participation	.	1.68 (0.30) **	2.11(1.68)
Economic Development	0.81 (0.66)	1.38 (1.40)	10.53 (46.22)
Corruption	1.39 (0.06) ***	1.42 (0.06) ***	1.49 (0.25)*
Democracy	1.28 (0.06) ***	1.21 (0.07) **	1.35 (0.38)
Support for Democracy	1.13(0.19)	1.13 (0.19)	1.31 (0.24)
Support for Elections <sup>b</sup>			
Somewhat agree	0.92 (0.29)	0.87 (0.27)	0.95 (0.32)
Agree	1.62 (0.47)+	1.50 (0.44)	1.76 (0.55) *
Strongly agree	2.30 (0.66)**	2.14 (0.62) **	2.40 (0.74) **
Political engagement <sup>c</sup>			
Limited, except during elections	0.98 (0.08)	0.96 (0.08)	0.92 (0.09)
Intense and constant	1.12 (0.13)	1.10 (0.13)	1.51 (0.22)**
Political experience	1.12 (0.09)	1.14 (0.09) +	1.18 (0.10) +
Winner	2.71 (0.20) ***	2.69 (0.20) ***	3.33 (0.29) ***
Left	0.58 (0.05) ***	0.59 (0.05) ***	0.61 (0.06) ***
Right	1.12 (0.13)	1.13 (0.13)	1.18 (0.15)
Sex	0.78 (0.07)**	0.77 (0.07)**	0.76 (0.08) *
Age	1.00 (0.00)*	1.01 (0.00)*	1.00 (0.00)
Education	1.03 (0.03)	1.04 (0.37)	1.18(0.05) ***
Constant	0.01(0.00) ***	0.01 (0.00) ***	0.00(0.00) ***
Log likelihood	-2252.25	-2248.38	-2006.45
Pseudo R <sup>2</sup>	0.12	0.12	
Rho			0.25(0.04)
N (level-1)	3,872	3,872	3,872
N (level-2)			47

Notes: Dependent variable is confidence in electoral processes (binary variable). Coefficients are odds ratios, standard errors in parenthesis. Models run with Stata 12.1

<sup>a</sup>Reference category is "No participation"; <sup>b</sup>Reference category is "Don't agree"; <sup>c</sup> Reference category is "Limited and marginal" +p<0.10, \* p<0.05, \*\* p<0.01, \*\*\* p<0.001.

In Model 1, I tested the base question of this study, which is whether the participation of political parties in the appointment of the members of the EMB yields higher levels of confidence in electoral processes or not. I constructed a dummy variable where “1” represents countries where parties participate in the appointment process and “0” represents countries where parties do not have a role in this. I specified the latter as the reference category. This reference specification was used for all categorical variables. Column 1 in table 6.2 presents this model. The model confirms the hypothesis. Cases where parties participate in the appointment process are associated with higher levels of confidence in electoral processes. In fact, as shown by the odds ratio they are twice as likely (2.21 times more likely) to have confidence in electoral processes than the reference category of “no participation”.

Regarding controls, results are mixed. The economic development of the country was not significant. For corruption, countries with less perceived corruption are more likely to have trusted electoral processes. Then, the more democratic a country, the more likely it is to have confidence in electoral processes. Support for democracy did not have a significant effect. However, strong support for elections was significant. Political engagement and political experience were not significant. Then, in line with expectations, political winners are more than two times more likely than losers to be confident that the elections are conducted properly. Ideology is a significant predictor. Left-wing respondents are less likely to trust electoral processes. However there is no effect for right-wing legislators. Males are slightly more trusting of elections than females. Age has no effect. Education is not significant. Figures 6.8 and 6.9 below visually illustrate the effect of some of the controls with a significant effect on trust in elections. We can clearly see that parliamentarians with a strong support for elections and those classified as political winners tend to have more confidence in electoral processes.

Figure 6.8 Relationship between support for elections and trust in elections

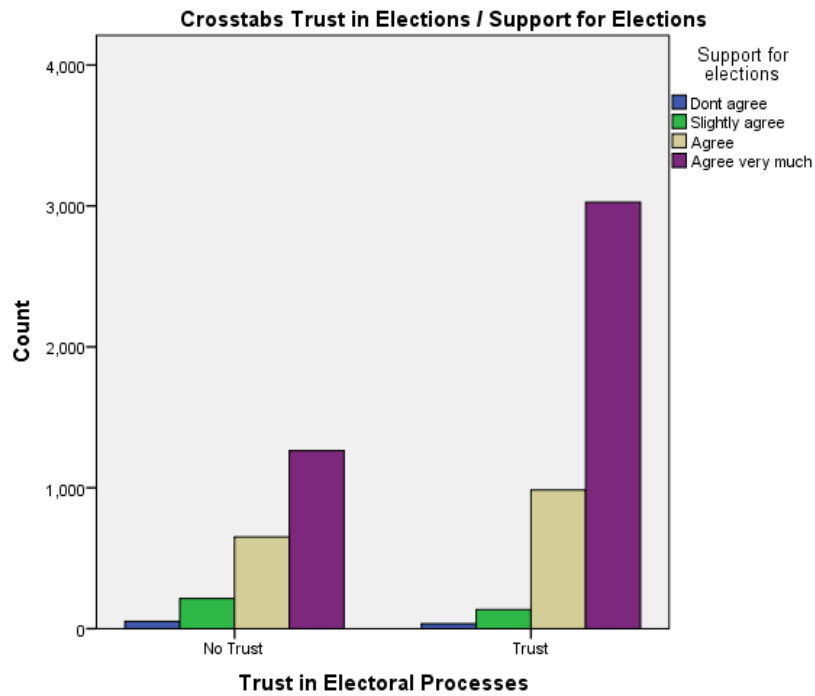
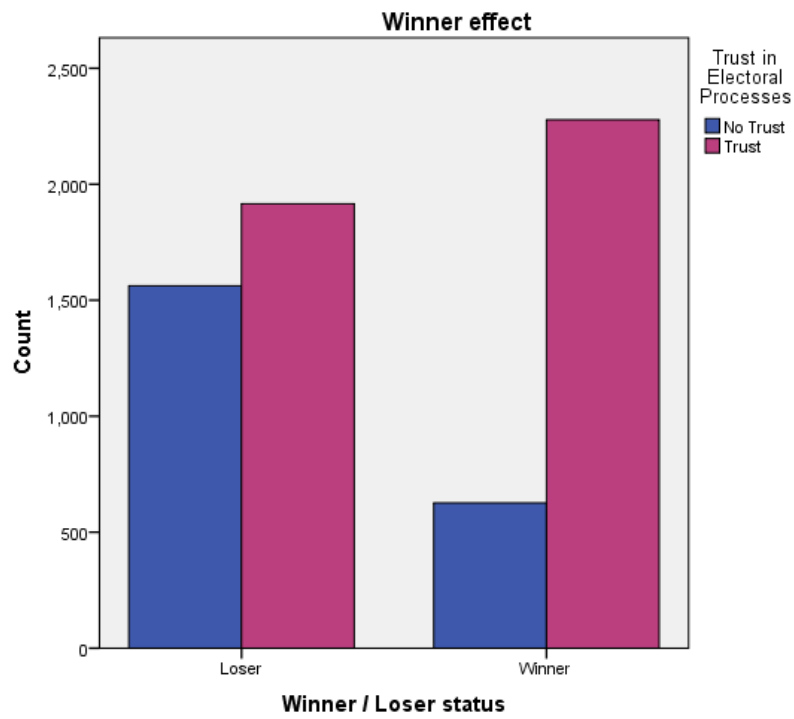


Figure 6.9 Relationship between winner/loser status and trust in elections



However, this needs to be further detailed. The aim of this research is to find out the effect of the different levels of involvement of political parties in the appointment process. For this reason, a second model includes this variable with four categories: EMBs where political parties have no role in the appointment of their members; EMBs where parties have an indirect participation; EMBs with partial direct participation; and EMBs with full direct participation. Column 2 in Table 6.2 reports the results of this model.

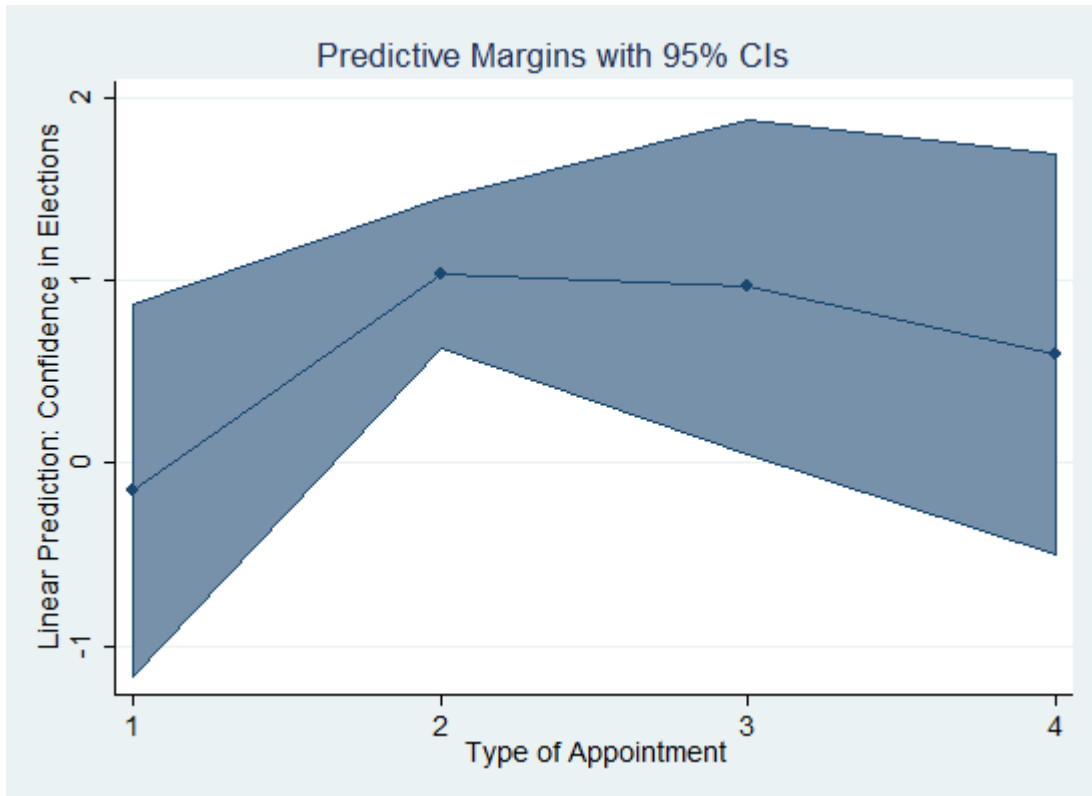
The main hypothesis holds: the participation of political parties in the appointment of EMB members is more likely to yield higher levels of confidence in electoral processes. All EMB models are more likely to have confidence in electoral processes than the reference category, “No participation in EMB appointment”, which is automatically omitted from the results table. However, there are differences amongst the proposed EMB models. Countries with “indirect participation” and “partial direct participation” are the most likely to yield higher levels of confidence in electoral processes. The odds ratio column illustrates this. When political parties have an indirect role in the appointment of the EMB members a country’s legislators are about 2.34 times more likely to have confidence in electoral processes than their counterparts in countries where parties do not have a role in the appointment. When political parties have a partial direct participation the degree of likelihood is 2.10 times. Cases of full participation are also significant, although with a lower likelihood (odds ratio=1.68). Regarding the controls, Model 2 confirms the findings of the first model.

As the structure of the data incorporates country-level characteristics a multilevel analysis is conducted in Model 3. Results of multilevel modelling are presented in the last column in Table 6.2 and are fairly consistent with models 1 and 2. Regarding the participation of political parties in the appointment of EMB members, I find that only the second and third types of EMB model

have a significant impact on confidence in elections. Therefore, cases where political parties have an indirect and partial direct participation in EMBs are most likely to yield higher levels of confidence in electoral processes. Full direct participation loses significance. Completely multi-party EMBs do not differ significantly from the reference category of “no participation”.

In Figure 6.10 below, marginal effects show that confidence in electoral processes is significantly higher where political parties have an indirect and a partial direct role in the appointment of the EMB members (appointment types 2 and 3, respectively), compared to the baseline situation when parties do not participate in the appointment process. The value for these two appointment models is positive and is in line with the values of odds ratios in the multilevel regression (indicating these two models are more than 3 times more likely to have confidence in electoral processes than the reference category)

Figure 6.10 Marginal effects for political party participation in EMB appointment (Model 3-multilevel).



## 6.9 Conclusion

First, as model 1 showed, congressmen and women are more likely to have better evaluations of elections when political parties are included in the appointment process. When parties participate in this process, it is more likely that they will trust and support the work, activities and decisions of the EMB. However, when political parties are excluded from this process, it is likely that electoral processes will be less trusted by them and the chances of having a contested and challenged election will increase.



Second, although the participation of political parties in the appointment process is positive, not all forms of inclusion yield the same level of benefits in terms of confidence in elections. As shown by model 3, countries with an indirect participation or a partial direct participation are more likely to generate trust in electoral processes. EMBs with full participation by political parties are not statistically significant. This does not seem so surprising if we take into account that EMBs which are entirely composed by party agents can be problematic, as some of the theory discussed previously highlights. Having party representatives alone can lead to infighting and to gridlock dynamics in the decision making process. This, in turn can lead to not only to long negotiations and a lack of efficiency but can potentially contribute to a perception of disorganisation and disorder in the EMB and on election processes themselves.

In contrast, having an indirect or partial direct level of participation is preferred to other EMB models. This is also not very surprising. These two models lie between the expert and the multiparty based EMB models (occupying an intermediate position in terms of political party appointment powers) and can therefore draw advantages from both. In Uruguay (an example of partial direct participation) four ministers of the Corte Electoral are directly appointed by parties while the remaining five are selected by a two-thirds majority by both Houses of Parliament. These are known as neutral ministers and are chosen because of their reputation. In fact, they “must be citizens who, by their political standing, can guarantee impartiality” (Uruguay Const. art. 324). This ensures not only that political parties and their views are taken into account, but also that the EMB can benefit from the experience and reputation of these neutral ministers. These examples show we can have the best of both worlds and while some aspects from the expert-based model are desirable (such as professionalism, experience and

in some cases a good reputation of EMB members), it is not wise to exclude political parties from the selection process of EMB members.

This chapter is limited to analysing the role of political parties in the appointment of the EMB members but there are other ways in which parties can participate and political support can be achieved. One way to do this is through inter-party committees and similar arrangements where all political parties can get to know, discuss and give their opinion on campaign and election administration matters. Several EMBs in Latin America provide good examples of this. Established in 1997, Panama's National Council of Political Parties (CNPP) works as a permanent consultation structure between the country's political parties and the magistrates of the Electoral Tribunal. It holds monthly sessions and has discussed many important election related topics. In its first session, Magistrate Valdés captured the spirit of this Council stating that it would work as "preventive medicine (...) and foster a more democratic system and an increasingly democratic electoral process" (Campo, 2007).

These examples are beyond the scope of this paper but do provide a future research avenue and a key lesson that reinforces the main findings of this study: it is very important that political parties have a say in an essential democratic institution such as the Electoral Management Body. Trust flourishes when there is a good relationship between the EMB and political parties and when their interests, opinions and suggestions are considered (IDEA, 2006). As this work shows, some models of political party participation in EMB appointment are better than others (i.e. indirect participation and partial direct participation are preferred to full direct participation). However, a key conclusion is that including political parties in this process is a smart strategy. This not only contributes to greater confidence in electoral processes but, as a result, to the

legitimacy of the political system. At the end one must remember that involvement and inclusion must be at the centre of any system that calls itself democratic.

## 7. CHAPTER 7: FREE AND FAIR, BUT ALSO VISIBLE AND INFERABLE: THE ROLE OF ELECTION RESULTS IN POST-ELECTION PROTESTS.

### 7.1 Introduction

*“Without transparency there is no way for citizens to know for themselves that elections are genuine”*

Global Commission on Elections, Democracy and Security, 2012.

Transparency is a key component for the credibility and legitimacy of an election. A number of international treaties and guidelines –ranging from the Universal Declaration of Human Rights and UN General Assembly resolutions to International IDEA’s *Handbook on Electoral Management Design* and the Venice Commission’s *Code of Good Practice in Electoral Matters*- hold that transparency is a key guiding principle to ensure both the actual and the perceived integrity of the election (IDEA, 2006). Transparency makes visible all the activities and procedures that make up the electoral cycle and can expose bias towards any candidate and help fight inefficiency and fraud (IDEA, 2006). Therefore, it should be present in the organisation of elections and in activities as diverse as campaign funding, electronic voting, judicial proceedings, vote counting and the transmission of results (Venice Commission, 2002; IDEA, 2006; 2014). In addition, transparency reduces uncertainty and tensions and allows people to verify the authenticity of the election, giving actors fewer arguments to challenge the process. In short, without transparency there is no way for citizens to know for themselves that elections are genuine (Global Commission, 2012).

This is especially important in election results. Transparency can improve confidence on the entire election and reduce post-election volatility (Global Commission, 2012). When election results are published in a timely fashion and these are accurate and clear, rumours and doubts decrease. When information about the vote tallies and results is open and widely available, speculation is prevented, leaving little room for suspicion “and post-polling competition among contenders” (Lopez Pintor, 2000:81). The 2006 presidential election in Costa Rica is a good example. In this election, preliminary results from 88.45 % of polling stations showed that the margin between the two leading candidates was very narrow (a little more than 3,000 votes). One of the candidates claimed irregularities in the process and tensions erupted between political parties and citizens. Then, the Supreme Tribunal for Elections (TSE) decided to order a manual recount of each vote from the remaining 11.55% of polling stations. This was conducted in a very clear and open manner and demonstrated the transparency in the institution and the process, leading to a clear and uncontested result and reducing post-election tensions between parties.

However, when election results are not transparent, the opposite happens. Where preliminary or official results are not published, are poorly communicated or not released in time, uncertainty, rumours and tensions follow. Citizens and parties will suspect that somewhere and somehow, someone is modifying these results to their advantage. In addition, the failure to clearly communicate election results can lead to the suspicion that fraud has been committed and this can lead to challenges, protests and in some cases, even violence. The second round of the 2014 presidential election in Afghanistan is a good example. First, preliminary results for the election were expected by 2 July but were not released until almost a week later. As a result, accusations of vote fraud from both sides were widespread. Then, after preliminary

results gave the win to Ashraf Ghani, the runner up Abdullah Abdullah refused to accept the outcome and claimed that up to two million votes cast in the run off were fraudulent (Bijlert and Clark, 2014). John Kerry, the U.S. State Secretary had to intervene and travelled to Kabul to announce a political agreement including a 100% audit of the vote to be supervised by the United Nations. As the audit took more than two months to complete, tensions increased, leading to violence, including brawling in audit halls (The Economist, 2014). Finally, a deal was reached to form a government of national unity: Mr Ghani became President and Mr Abdullah became a sort of Chief Executive Officer with similar powers. However, the deal stated that results of the audit were not to be published, casting a shadow of doubt over the elections.

EMBs have an important role to play in avoiding uncertainty, tensions and instability after an election. First of all, EMBs have the power to organise a sound election, including a transparent results stage. EMBs can ensure that information on vote statements is transmitted quickly; that result transmission logistics are efficient; that preliminary results systems provide citizens with timely information; that information on results at all levels (national, regional, district and polling station) is published; that results are verified by third parties; and that results are complete, clear and easy to understand. Ultimately, EMBs can make sure that information on election results is timely, open and widely accessible to all involved actors, from parties to citizens. Second, by ensuring transparency in results, EMBs can contribute in shaping the perceptions of citizens and parties so that they support the election and its outcome. Making all information visible can eliminate any shadow of doubt.

As shown by the literature review, academic research has only begun to study the impact of transparency in electoral processes from a more systematic approach and has been muted in the role it plays in the election results stage for preventing or reducing post-election protests or

violence. In particular, research on transparency in elections has mostly looked at the role of election monitoring (Simpser and Donno, 2012; Hyde 2010; Ichino and Shundeln, 2012; Kelley, 2012) and at specific measures for increasing transparency, from the implementation of transparent ballot boxes to the use of crowdsourcing to verify the accuracy of results (Sjoberg, 2013; Arias, Garcia and Corpeño, 2015; DI and IFES, 2015). However, research has not yet focused on the role of transparency in the election results stage. Therefore, the main question in this research is: do transparent election results play a role in preventing post-election protests?

This paper analyses the role of transparency of the results in preventing post-election protests. This is explored through a comparison of the 2006 and 2012 presidential elections in Mexico. Both elections were well organised, peaceful, met international standards for election administration and overseen by a strong and professional electoral institution (EU, 2006b; NDI, 2006: OAS, 2012a). Then, both elections were challenged in court and followed by protests. However, while the protests after the 2006 election were massive and extended for a significant amount of time, the 2012 post-election protests were considerably smaller, very brief and dismissed as minor by many (Flores-Macias, 2013; Serra, 2014; Wood, 2015).

I argue that the degree of transparency in the election results stage in both elections explains this variation. In particular, I analyse three mechanisms used by Mexico's Federal Electoral Institute (IFE) to process and communicate election results: the programme of preliminary election results (PREP), the quick count system, and the official tabulation and communication of results. The degree of transparency in each of these is assessed following Michener and Bersch's (2013) minimal definition, which considers transparency's two essential conditions: visibility and inferability.

## 7.2 The cases and method

The role of transparency in election results in mitigating post-election protests is explored through a comparison of the 2006 and 2012 presidential elections in Mexico. Whereas the 2006 election was followed by a series of massive demonstrations and a civil disobedience campaign that involved protracted protests lasting almost two months, protests after the 2012 election were considerably smaller, short lived and received much less support. The scope and breadth of the protests in each election is sufficiently different for conducting a comparative analysis and tracing the role played by election results. Moreover, these two cases naturally share a number of characteristics that allow controlling for a number of factors in explaining post-election protests.

This research will rely on a paired comparison of these similar systems to show how the differences in the degree in transparency in election results affected the level of post-election protests. This method facilitates causal analysis and generating hypotheses, through an intimacy of analysis and a deep knowledge of the cases under study (Tarrow, 2010). More specifically, this method was chosen as it allows contrasts of institutions and assessment of their influence in behaviour and outcomes (Tarrow, 2010). In particular, the research will undertake a structured focused comparison, which allows conducting a controlled comparison of a small N (King, Keohane and Nye, 1994). This technique requires using questions that structure and guide the data collection process in a systematic way. These questions will be asked to draw the same type of information from the election results phase in each election, with a focus on its three distinct stages a) the preliminary results programme, b) the parallel vote tabulation system and c) the official tabulation of results. The research will explore the following questions:



- What was the extent of protests after the 2006 and 2012 elections in terms of their magnitude, duration and consequences?
- Were the procedures, systems and strategies used by the EMB for the tabulation, presentation and communication of results transparent? In particular:
  - Was the processing and communication of preliminary election results transparent?
  - Was the processing and communication of the Quick Count results transparent?
  - Was the processing and communication of the official vote tabulation transparent?
- How did the transparency (or lack thereof) shape citizens' and political parties' perception of the election?
- Are there any other factors that could have contributed to the reduction in protests after the 2012 election?

### *7.2.1 The similarities*

There are many similarities between the 2006 and 2012 elections. First of all, the country's political and electoral system did not experience any changes between contests. Every six years Mexico holds a general election in which all eligible citizens vote for the President of the country, all 128 members of the Senate and all 500 Deputies in the Lower House. The President is elected by a plurality of votes in a single round election. Second, both elections were organised by the Federal Electoral Institute (IFE), an autonomous public body.. In addition, election disputes in both elections were resolved by a specialised court, the Electoral Tribunal of the Judicial Power of the Federation (TEPJF). Third, and most importantly, the

political party system in Mexico during this period has had the same composition, with three major parties with national presence (Serra, 2014). These main parties are the National Action Party (PAN), the Institutional Revolutionary Party (PRI), and the Party of the Democratic Revolution (PRD).

More specifically, both cases share important similarities in relation to the electoral process. According to international election observation missions both the 2006 and 2012 elections were considered free and fair and met international standards of election administration. According to the European Union the 2006 elections were “competitive, transparent and well administered, and were held in an atmosphere of respect for freedoms of expression, assembly and association” (EU, 2006b:1). The 2012 election was equally qualified in very positive terms, with the OAS Election Observation Mission Chief, former Colombian President Cesar Gaviria, declaring Mexico’s electoral system as “robust and reliable” and the election day as “peaceful, respectful and well organized” (OAS, 2012b). In particular, both elections were exceptionally well organised by IFE. This assessment is shared by the Election Observation Mission of the European Union for the 2006 contest (EU, 2006a) and by the Mission by the Organisation of American States for the 2012 contest (OAS, 2012a) In fact, IFE’s “technical capacity and state of administrative preparedness” for organising elections has been widely recognised (NDI, 2006).

Moreover, both cases also have similarities in the type of campaign and the actors involved. First, both contests quickly turned into a two-way race. Although the three main parties competed in both elections, only two of them had a real possibility of winning, with the other one soon slipping into a distant third place (Camp, 2013:452). In 2006, the two main candidates were Andres Manuel Lopez Obrador (AMLO), from the PRD and Felipe Calderon

Hinojosa, from the PAN. Roberto Madrazo from the PRI was far behind them. 2012 also ended up being a two way race, this time between Enrique Peña Nieto from the PRI and AMLO. Behind these two front runners came Josefina Vazquez Mota, from the PAN. In both cases AMLO participated as one of the main two contenders and came in second place twice. Additionally, both contests quickly turned into a two way contest and were quite polarised, with deep differences between the main candidates and their supporters (Bruhn and Greene, 2007; Schedler, 2007). In addition, AMLO's "polarizing rhetoric" (Serra, 2014:352) contributed to tensions in both the 2006 and 2012 campaigns. In fact, much like in 2006, the 2012 electoral results showed "a country divided roughly in half, with Peña Nieto or the PAN winning in the north and AMLO in most of the south" (Flores-Macias, 2013:135).

Finally, both elections were characterised by their potential for conflict. Allegations of foul play were common in both campaigns. In 2006, AMLO accused President Fox of campaigning in favour of Felipe Calderon (Cambio de Michoacán, 2006) and of orchestrating a "state-controlled election" (Schedler, 2007). Then, the 2012 campaign was characterised by accusations against the PRI for exceeding campaign finance limits (Serra, 2014) and for violating the electoral code by paying radio and TV stations to obtain favourable coverage for Peña Nieto (Intolerancia, 2012a; Proceso, 2012). Moreover, throughout the 2012 campaign, AMLO again complained of a "dirty war" against him with some claiming that this was a re-edition of 2006 where he also accused PAN of holding a "dirty war" (Ramos, 2012). Against this backdrop, in both 2006 and 2012 AMLO claimed the elections had been plagued with fraud, specifically against him. As a result, he refused to accept election results and challenged them against the TEPJF.

### 7.2.2 The differences

In spite of these similarities, it is important to note that both cases differ in two aspects which could be relevant in explaining the extent of post-election protests, therefore they need to be accounted for. A first difference is the approval in 2007-2008 of an electoral reform. This reform granted IFE new functions (INE, 2015) and brought changes in two key areas (INE, 2015a): the introduction of a new political communication model and of new rules for recounting votes.

First, the new communication model prohibited negative advertisements against candidates and political parties (Serra, 2014). These can be considered a main factor in the polarisation of a campaign and therefore a reason behind tensions during an election, which could in turn lead to post-election protests. However, the new regulation did not make a difference in 2012. Regardless of the new regulations, the campaign was quite polarised, with the country split in half between the two candidates (Flores-Macias, 2013). Second, IFE's power to stop negative campaign ads was not very effective and did not make the campaign any cleaner. As mandated by law IFE did not act as a filter for this type of propaganda, but rather as an *a posteriori* regulator. Advertisements deemed as negative<sup>29</sup> could not be removed before airing, and could only be taken down after a formal complaint had been submitted, analysed and resolved by IFE (IFE, 2012a). Therefore, negative ads could be effectively on air for days before being removed and after having an effect on the campaign. Second, rules for recounts were updated, increasing the cases in which votes can be recounted. These are addressed in the next section as they are considered part of the explanation as to why post-election protests decreased in the 2012 election.

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<sup>29</sup>According to the law, all types and contents of electoral propaganda are allowed as long as their expressions do not denigrate or slander anyone (IFE, 2012)

A second difference between these cases and arguably the most important one is the closeness in election results. In 2006, Felipe Calderon won with 35.89 per cent of the votes, while AMLO received 35.31 per cent and Roberto Madrazo 22.26 per cent (IFE, 2006). Smaller parties obtained the rest of the votes. In this case, the difference between the two main candidates was of barely 0.58 per cent, equivalent to 243,934 votes. In contrast, in 2012, Enrique Pena Nieto obtained 38.21 per cent of the votes, followed by AMLO with 31.59 per cent and Josefina Vazquez Mota with 25.41 per cent (IFE, 2012b)<sup>30</sup>. This meant that the difference between the first place and the runner up in 2012 was of 6.62 per cent, 6 points more than in 2006.

A number of scholars have argued that close elections, such as the 2006 presidential contest in Mexico, have certain characteristics that can potentially lead to having disputed election results. Close elections are an indicator of the competitiveness of an election and are also known to spark high levels of anxiety among the voters (Howell and Justwan, 2013). This type of race is associated with uncertainty and excitement, which can lead to higher levels of engagement. As Kam and Utych (2011: 1252) outline, “While few people stay to watch the end of a blow-out sporting event, almost everyone remains glued to their seats if the game goes to overtime”. In particular, closer races make people think more about the candidates, seek more information about the election and in general increase their engagement (Kam and Utych, 2011). Not knowing who will win or having a narrow margin between winner and loser naturally draws more attention. This can have consequences for the election in general. From a more practical point of view, when the difference between the first and the second place is razor-thin, the loser in the contest is less willing to support not only the outcome of the election but also

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<sup>30</sup> Results for both elections are the official results produced by the IFE after the district level count and do not include any changes by the TEPJF after resolving challenges to the election.

the political system in general (Nadeau and Blais, 1993). Moreover, closer races can “draw greater attention to questions of electoral integrity and magnify existing suspicion” (Birch, 2008: 309). Therefore, it follows from this literature that close races can potentially increase chances for challenging an election.

However, recent research has presented a different hypothesis for explaining the rejection of election outcomes in democratic regimes. As Hernandez-Huerta (2015) highlights, the conventional approach on this matter has identified either weak electoral institutions or election fraud as the main reasons why parties reject election results. Instead, he proposes a blackmail theory and argues that in presidential democracies, losing parties do not dispute election results to protest or challenge fraud, but “to strengthen their own capacity for negotiation with the newly elected government” (Hernandez-Huerta, 2015: 4). In particular the aim of disputing elections is to obtain benefits. These can include reforming the electoral process, passing certain key legislation, obtaining cabinet positions or committee chairs in congress, amongst others. In short, while in authoritarian regimes losing politicians dispute election results for publicising fraud and maybe removing the incumbent, in democracies – where elections are free and fair - it seems that they do so as an excuse to advance their own agenda (Hernandez-Huerta, 2015).

This seems certainly to have been the case in the 2006 and 2012 presidential elections in Mexico. As outlined before, domestic and international observers regarded both elections as free and fair and as exceptionally administered (EU, 2006a; EU, 2006b; NDI, 2006; OAS, 2012). Nonetheless, both contests were disputed by AMLO. Then, if we follow Hernandez-Huerta’s argument (2015), in the context of elections with minor irregularities, the rejection of

results consists of a negotiation strategy and therefore the challenge to the election is purely political. This was the case in both contests.

First of all, past experience and events during both elections suggest that the rejection of the election outcomes by AMLO was strategic. As advanced by Eisenstadt (2007), AMLO was politically formed during the years of the “concertaciones” where after a fraudulent election, the ruling PRI would negotiate through an informal gentleman’s agreement (or concertacion) with the opposition. In exchange for demobilizing a protest or for supporting an election outcome, the opposition would get something in return. An example of this is PRI’s promise to enact PAN electoral reform initiatives in exchange for its support in the certification of the highly questioned 1988 presidential election. AMLO learned from these informal arrangements and has used this style of post-electoral bargaining a number of times. After AMLO lost the 1988 election for the governorship of the state of Tabasco and after his party performed poorly in the state’s local elections in 1991, he decided to rally his supporters and march from Tabasco to Mexico City. The aim was to protest the local election results and pressure the national PRI government for obtaining some concessions. The strategy worked and the Minister of the Interior granted the PRD three municipal wins in the state (Eisenstadt, 2007). As the author suggests, AMLO’s continued contestation is rational when viewed through this historical lens. In fact, out of the 5 different elections AMLO has contested, he has won one (Mexico City Mayor in 2000) and lost the remaining four (Tabasco governorship in 1988 and 1994; Mexico Presidential in 2006 and 2012). Not surprisingly, he has disputed all of these four elections.

Second, AMLO’s challenges in court conform to this political strategy. In fact, his 2006 post-electoral mobilisations were more based on “historic claims rather than on empirical evidence”

(Eisenstadt, 2007:42). An example of this is that a few days after the closing of the polls, AMLO offered as evidence of fraud a video that seemed to be a public relations stunt as it contained little objective value. The video shows an unidentified person introducing several ballot papers into a ballot box, arguably in favour of his rival, Felipe Calderón. The scene was shot at polling station number 2227 in the city of Salamanca, Guanajuato where representatives of political parties had signed the final tally sheet, acquiescing to the good conduct of the election. IFE explained the video was out of context, as during the vote count, a few ballots from the congressional election were found inside the ballot box for the presidential election, and therefore had to be introduced into the corresponding box (Ramos, et al, 2006). For the 2012 election the “evidence” of fraud was yet more colourful and void of substance. The post-electoral complaint included over 1,600 items, including one pig, three chickens and two ducks (CNN, 2012) in addition to umbrellas, bottle openers, calendars and pens with the image of Enrique Peña Nieto. These were presented as evidence of large scale vote buying by the PRI and widely regarded as empty claims and as a means to pressure the TEPJF (Hiriart, 2012: Ordorica, 2012). The TEPJF dismissed AMLO’s challenge on the grounds that it did not contain enough evidence of election irregularities (Granados, 2012).

In addition to AMLO’s political calculations, it seems that in Mexico post-election disputes are a common occurrence. Hernandez-Huerta’s study (2015) finds that in 21 per cent of all presidential elections in democratic states between 1974 and 2012, the runner-up party has challenged the outcome of the election. The averages for South and Central America are of 9.67 per cent and 23.21 per cent, respectively. However, for Mexico this figure goes up to a stunning range between 41 and 67 per cent. In fact, the country is recognised as one where losing candidates frequently challenge the results of the election (Hernandez-Huerta, 2015).



Given the qualitative nature of this study, the margin of victory cannot be controlled for completely. However, all these pieces of evidence amount to the fact that in Mexico, post-election disputes occur regardless of the closeness of the race.

### **7.3 The framework: Post-electoral protests and transparency in election results.**

Post-election protests are defined as protests which are held as a way to challenge the election and are staged during the post-election stage, after polling stations close and results are announced. In particular and using Norris, Frank and Martinez I Coma's definition of contentious elections (2015), they include protests which challenge either the legitimacy of electoral actors, procedures, or outcomes. Moreover, following Brancati's work on pro-democracy protests, this definition excludes protests "regarding human rights or political and civil rights which are not directly about the electoral process" (Brancati, 2014:1513).

Post-electoral disputes are common in Mexico, but they do vary from one election to another. However, and in spite of the many similarities between the 2006 and 2012 elections, protests after each of these contests were strikingly different. In 2006, after election results were available, AMLO refused to recognise his defeat, called a massive fraud and rallied his supporters to protest against the results. They flooded into the streets, with estimates counting around 1 million people (El Universal, 2006). These protests then turned into a permanent street demonstration blocking one of the city's main avenues for two months. Then four months after the election, AMLO called for a constitutional convention, had himself proclaimed Mexico's "legitimate president" and insisted that the election had been stolen. The 2012 protests pale in comparison to 2006. Protests in 2012 were much smaller and short lived; they did not turn into a permanent street sit-in that paralysed an entire city. AMLO did challenge the

results but he did not organise further demonstrations, declare himself the winner or make himself Mexico's legitimate president.

Transparency in election results will be measured using Michener and Bersch's minimal definition of transparency (2013). This framework is suitable for this research as it departs from common broad and theoretical notions of the term and offers a precise and analytical concept which allows identifying and assessing it. It is therefore of assistance in evaluating transparency policies. For the authors, transparency is constituted by two essential conditions: visibility and inferability. Visibility, as the word implies, is associated with the semantics of "light and sight" (Michener and Bersch, 2013: 237). It has visual properties and therefore is related to the presence of information, as opposed to its absence. In particular, to be visible, information must meet two conditions. First, it must have a high degree of completeness, which means it should offer a full picture, without major omissions<sup>31</sup>. Second, it must be easy to locate, which translates into being easy to come across even without looking for it. Inferability, on the other hand, not only has to do with the information itself but also has an interactive aspect, as it depends on the receiving audience. Inferability is about the quality of the information. It has three key attributes: disaggregation, verifiability and simplification. When information is disaggregated it is presented directly, without mediation and in raw form. Verifiability has to do with the verification of the data by a third party, which also increases its inferability. Finally, simplification relates to having accessible and easier to understand information (Michener and Bersch, 2013).

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<sup>31</sup> However, as the authors state, knowing when information is complete or not is a dilemma that can only be addressed through research (Michener and Bersch, 2013)

The transparency of election results will be assessed according to this definition. First of all, information on election results needs to be “visible” and therefore complete and easily found. Information on preliminary results must be sufficient, with a higher coverage of the country being an indicator of more visibility. Using weather terminology, as suggested by Michener and Bersch, this would amount to having a high “percentage of visibility” (Michener and Bersch, 2013:238). In addition, information must be available to all stakeholders (citizens, political parties, media, election observers, etc.). Information on official results must also be complete, open and widely available. However, as argued before, visibility is not sufficient. To be transparent, information must also be “inferable”, or in other words disaggregated, verifiable and simple. Disaggregation entails that information on election results must be presented directly in its original form. It is to be unmodified by any actor which can filter contents and thus present an incomplete or biased picture. When election officials communicate election results they must do so clearly and accurately, being faithful to the numbers provided by the tally sheets and their aggregation. In short, the less mediated the information on results, the better. Verification requires that information on election results can be verified by a third party. An example of this is result transmission systems that are verified by a specialised independent body. In addition, verification means that third parties can access the information (at all levels) and check its accuracy. Simplicity requires that information on election results is straightforward, with sign posts that make it easier to infer. This can be achieved by using graphs, labels or other aides to make information more understandable. A ‘user-friendly’ website that provides full election results and allows to ‘zoom in’ on them at the country and state or district level is a good example of this.

These parameters will be used to assess the transparency in election results in the 2006 and 2012 Mexico presidential elections. However, one must note that this conceptualisation is not intended to provide a scale with a certain number of levels of transparency. Rather, it provides a transparency continuum. Visibility and inferability are both needed to achieve transparency and are overlapping concepts. As a result, they allow for continuous transparency degrees, “from poor to excellent quality and all points in between” (Michener and Bersch, 2013: 234). Therefore, the evaluation of election results in both study cases will be done in terms of more or less transparency, and not through pre-defined levels.

### *7.3.1 Somewhat visible but not inferable: the 2006 presidential election results in Mexico.*

On 2 July 2006 41.7 million Mexicans went to the polls in the most transparent and well administered elections the country had ever experienced. In the words of the words of the European Union Election Observation Mission final report:

*“The 2 July 2006 presidential and parliamentary elections generally complied with international principles for genuine democratic elections. They were competitive, transparent and well administered, and were held in an atmosphere of respect for freedoms of expression, assembly and association, demonstrating a firm commitment of Mexican citizens to the strengthening and consolidation of democracy. The legislative framework provides for the conduct of democratic elections and many safeguards have been adopted during the last decade to guarantee transparency of the process” (EU, 2006b:1)*

In particular, for that election, an army of 913,389 citizens were randomly selected and then trained as polling officers to organise and oversee the process. 130,477 polling stations were installed across a large country with many geographical challenges. Only 11 polling stations (or .0001 per cent) were not installed, setting a record in the IFE's history<sup>32</sup>. More than 25,000 nationals were registered and accredited as election observers to enhance the transparency of the election. These were complemented by 693 international observers. A staggering 1,240,860 political party representatives oversaw the work of the citizens and watched over the election in a majority of polling stations (IFE, 2007). In addition, the IFE, "one of the most trusted and respected public institutions in the country" (EU, 2006b) worked hard to ensure the voting process was fair and well-administered (NDI, 2006). At the end, official results gave Calderon (PAN) 35.89 per cent of votes. Obrador (PRD) received 35.31 per cent.

However, and in spite of these achievements, this election culminated in an "intense political drama that made headlines around the world" (Estrada and Poire, 2007:73). Soon after IFE announced preliminary election results the night of the election, both AMLO and Felipe Calderon proclaimed victory. AMLO rejected the results and announced he would challenge them in court and on the streets. In particular, he demanded a nationwide recount of the results, "voto por voto, casilla por casilla" (vote by vote, polling station by polling station), arguing that the preliminary results programme had been manipulated (Granados, 2006). On the streets, he called his supporters to protest against the results and to begin a strategy of civil disobedience. He denounced a massive fraud and refused to recognise Calderon as the victor. His followers flooded the streets of many cities in the country and especially of Mexico City. In the capital, 1.1 million people (El Universal, 2006) were reported to take part in the

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<sup>32</sup> In the 1991 elections 164 polling stations were not installed by a number of reasons, 22 polling stations were not installed in 1994, 121 in 1997, 18 in 2000 and 83 in 2003. (IFE, 2007:29)

mobilisations, making up probably the largest demonstration in the history of the city (La Jornada, 2006). These demonstrations, on AMLO's orders, quickly turned into a permanent street sit-in (Castaneda and Morales, 2007) with his followers camping permanently and blocking one of Mexico City's most important avenues, *Paseo de la Reforma*, from July to September, for a total of 48 days (ADN, 2012). A few months later AMLO called for a constitutional convention and had his supporters proclaim him Mexico's "legitimate president" and he even received a fake presidential band (Jorge Villalpando Castro, 2014). Throughout Calderon's tenure as president, AMLO referred to him as Mexico's illegitimate president.

What was the role of election results in contributing to these high levels of protests in the aftermath of the 2006 election? Although the election results stage had positive aspects, it was not completely transparent, leading to suspicion and tensions and thus fuelling post-election protests. This will be assessed by considering three key moments of the election results stage in Mexico: the programme of preliminary election results (PREP), the quick count system, and the tabulation and communication of official results.

#### *7.3.1.1 The PREP*

The PREP is a programme that offers preliminary results which are disseminated for informational purposes only and therefore have no legal effect. Information for the PREP is taken from the tally sheets produced after polling stations close and votes are counted. A copy of the tally sheet is sent to Centres of Data Reception and Transmission (CEDAT) in each of the 300 electoral districts in the country, and then transmitted to a National Centre of Preliminary Results. Then, they are posted on IFE's website and made available. The results are posted from 8pm on Sunday and the database is updated every 10 minutes, as results

come in from different parts of the country. The PREP, as a preliminary system, runs for 24 hours until 8pm on the Monday after the election.

For the 2006 election the PREP proved to be visible but not very inferable. The PREP was quick, effective and widely available to all stakeholders. On average tally sheets were captured in 1.2 minutes and only 12 minutes passed between the reception of the tally sheet and the publication of its results. The PREP also provided a high percentage of visibility, showing information for 98.45 per cent of the tally sheets in the country, which is a very high number considering this is a preliminary results system. This was also a high number for IFE's own standards, if we compare it to the 93 per cent of the tally registered in the PREP for the 2000 presidential election (IFE, 2006b). The PREP is also verifiable. It can be audited by political parties and is designed and implemented by an Advisory Technical Committee (*Comité Técnico Asesor*), composed by renowned experts in the fields of information security, telecommunications, software development, internet and distance learning (IFE, 2006a). These specialists are selected in an open procedure by IFE's General Council. Finally, the system was also accurate. It showed Calderon had a slight lead over Lopez Obrador, and was therefore compatible with official final results and with other preliminary results exercises (EU, 2006b).

However, and in spite of its good technical performance, the PREP lacked disaggregation and simplicity, which are two key components of inferability and transparency. A few months before the election, a number of criteria were approved to determine how the information on the tally sheets would be entered into the PREP system<sup>33</sup>. These criteria outlined 6 different

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<sup>33</sup> "Criterios procedentes en caso de que se identifiquen campos de información que se encuentren en blanco o sean ilegibles en las actas de escrutinio y cómputo" (IFE, 2006c)

situations where information would not be published, including cases of tally sheets with empty boxes or where figures were unreadable or mistaken (IFE, 2006c). These tally sheets were classified as “inconsistencies” and even though they were processed, the data included in them was not aggregated to the database. The PREP database did show the total number of processed tally sheets but was not clear in showing which ones were aggregated and which ones were not (EU, 2006b). In fact, IFE itself admits that this was not clear enough for the citizenry (INE, 2015b). In total, 11,184 tally sheets, amounting to 2,581,226 votes were classified as inconsistencies. This “created considerable confusion among the public” (EU, 2006b) as they thought these votes were missing. After this, AMLO declared that close to 3 million votes had been “lost” (Garduno and Becerril, 2006). This, in turn, led to accusations of manipulation of the PREP and to AMLO demanding a full (“vote by vote, polling station by polling station”) recount of the election.

#### *7.3.1.2 The Quick Count*

Second, the IFE conducts a Quick Count system to offer preliminary election results. This consists of a Parallel Vote Tabulation (PVT) that uses a randomly selected sample of polling stations across the country to provide a statistical estimation of the votes received by each candidate. Although PVT is normally used as a mechanism of control for verification of election results by third parties such as election observation organisations, in this case it is the IFE who deploys this system as a second exercise to provide preliminary results. In particular, for the 2006 election, IFE collected the official results from a representative sample composed of 7,636 polling stations from all the districts in the country. For obtaining and verifying the projected results, the Quick Count uses three statistical methods: robust, classic and Bayesian,



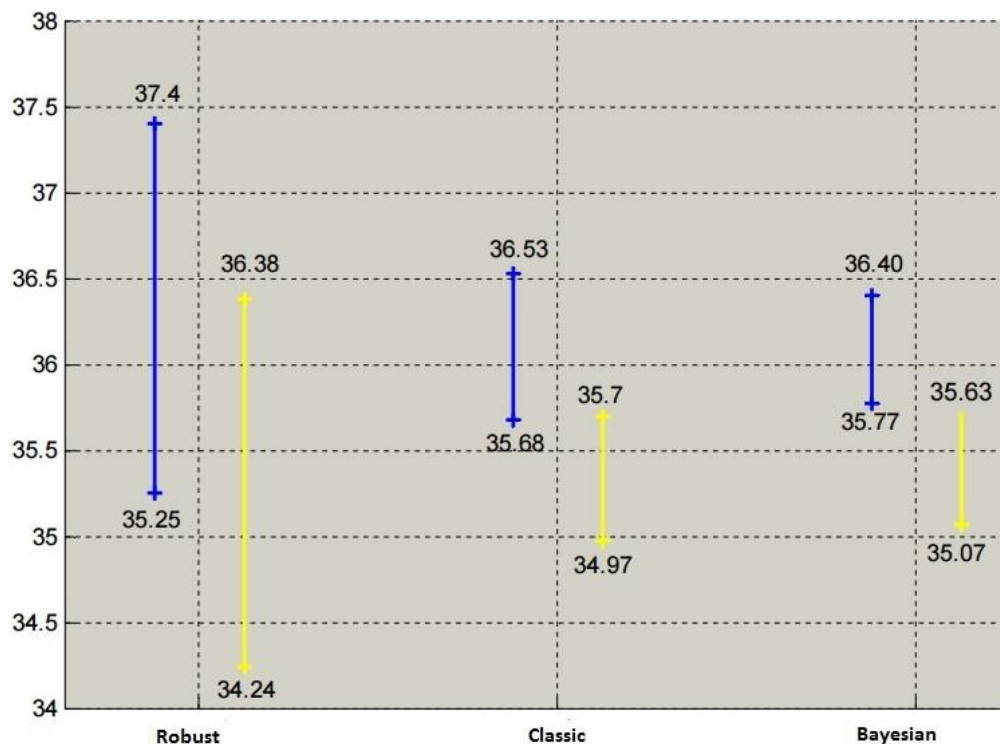
which offer estimations of results within a range. These are released the same night as the voting took place.

The Quick Count system was accurate and quick in predicting an estimate of the results for the presidential election. From a sufficient number of polling stations from the sample (7,263 polling stations, equivalent to 95.12 per cent of the total) and with information from all 300 electoral districts, it was able to provide results just a few hours after polling stations closed. These results were offered with a very small margin of error of 0.3 per cent and a 95 per cent level of confidence (IFE, 2006d). The Quick Count was also verifiable. An Advisory Technical Committee was also set up for defining and verifying the scientific criteria used in the system. This Committee, composed of five prominent specialists, was selected in an open manner by the IFE's councillors. Moreover, political parties were able to audit its work and also participated in the process of selecting the representative sample of polling stations (IFE, 2006d).

However, the communication of results of the Quick Count was not simple and clear. At 10:45 pm the Technical Committee presented a report with the estimations yielded by the three statistical methods. The three estimates showed an overlap between the two main candidates, Felipe Calderon and AMLO (Figure X). From this, Luis Carlos Ugalde, President Councillor of IFE, decided and announced on national TV that the results of the quick count were not going to be publicised (EU EOM, 2006). The argument offered was that since the statistical margins of error could not allow to clearly state the candidate who obtained most of the votes and that the margin between the first and the second candidate was too narrow, then it was not possible to announce a winning candidate (Ciberactivo, 2006). This generated confusion and suspicion. According to a 2006 poll by Parametria group (Ortega and Somuano, 2013), 45 per cent of

citizens disagreed with the decision made by IFE's president not to make those results public. Moreover, 45 per cent of the population said it was frustrated by that decision and 35 per cent claimed the 2006 election was not trustworthy. In addition, many thought that maybe IFE was concealing a result that did not favour the ruling PAN (Aparicio, 2009). Tensions were high. In addition, political parties did not agree with Ugalde's decision and demanded to know the estimations of the Quick Count, even if the trends were not conclusive (EU EOM, 2006). A day after the election, IFE conceded and decided to release the estimations. However, it was too late, the damage had been done. Due to the lack of information and uncertainty on election night, both candidates had declared themselves winners and celebrated their victory (Ugalde, 2008; Saragoza, Ambrosi and Zarate, 2012). AMLO was already claiming a massive fraud where election results were hidden from the public. His supporters were ready to protest.

**Figure 7.1 Quick Count estimation of results for the two main candidates. 3 methods.**



Source: Report of the Technical Advisory Committee of the Quick Count for the 2006 presidential election. The blue line represents the estimation of the results obtained by Felipe Calderon. Yellow represents Andres Manuel Lopez Obrador.

### *7.3.1.3 The district count*

Third, the IFE conducts a “district count” to provide official results. The Wednesday after election day all 300 district level offices of the IFE tabulate the results from all the tally sheets from all the polling stations in the country. There are no exceptions. This count provides the official results of the election, unlike the PREP or the Quick Count, which provide preliminary results. This process started on 5 July and went on uninterrupted until all of the results were added up. In order to do this, results from tally sheets are aggregated by staff from the IFE. However, as required by the electoral code if there was evidence that electoral packages had been tampered with, then packages had to be reopened and votes for that polling station were to be counted again. This was also the case when tally sheet results from the electoral packages did not match the results in the tally sheet copy obtained by the president of the district level office (IFE, 2006e).

The district count for the 2006 election was open, verifiable, and widely available. Information was presented in a simple, disaggregated manner. The process started at 8am on 5 July and went on for over 30 hours in all 300 district offices under the supervision of representatives from all political parties. All tally sheets and their results were verified. After being validated, results of each tally sheet were captured by a computer system that transmitted them to a network that made results available to the entire nation (IFE, 2006e). Then, when the tabulation for the district was complete, results were also posted outside the district office. As shown in Table 7.1, the official results from the district count were compatible with PREP’s

preliminary results and located within the ranges offered by the Quick Count, which means they were accurate (Aparicio, 2009).

**Table 7.1 Comparison of Quick Count, PREP and District Count.**

Procedure	Felipe Calderón	AMLO
<b>Quick Count</b>		
Robust method	35.25 per cent-37.40 per cent	34.24 per cent-36.38 per cent
Classic method	35.68 per cent-36.53 per cent	34.94 per cent-35.70 per cent
Bayesian method	35.77 per cent-36.40 per cent	35.07 per cent-35.63 per cent
<b>PREP</b>		
PREP (98.45 per cent of tally sheets)	36.38 per cent	35.34 per cent
PREP (including inconsistencies)	35.91 per cent	35.29 per cent
<b>District count</b>		
District count	35.89 per cent	35.31 per cent

However, the results offered by the district count were not completely inferable. Although aggregated results were verifiable by political parties, individual votes were not, which was the main request of AMLO's call of "voto por voto, casilla por casilla", which required a nationwide recount of the results (Granados, 2006). The electoral code did allow for a recount in certain cases such as when tally sheets had been tampered or included mistakes but left that decision to IFE's district offices. However, in spite of having the power to order a broader recount, these offices decided to recount only 2,864 tally sheets, which represented a mere 2.19 per cent of the total of polling stations (Elizondo Gasperin, 2012). This was accepted neither by AMLO and

his followers nor by large sections of the general population. According by a poll conducted by Ipsos Bimsa soon after the election, 48 per cent of people interviewed across the country would have preferred the IFE to conduct a full vote recount, which did not happen (Buendia y Bustos, 2006).

The very limited recount of the votes, along with the mismanagement and miscommunication of the inconsistencies found in the PREP and IFE's decision not to communicate the Quick Count estimates added up to a wide lack of trust in the election and its results. Suspensions and tensions increased. This was capitalised on by the runner up who quickly called fraud and rallied his supporters to protest. The mass demonstrations that followed paralysed the capital city for almost two months and only ended a few days after the final resolution of the TEPJF confirming Felipe Calderon's victory. Throughout Calderon's presidency AMLO continued to denounce him as an usurper (Davila, 2011) and to call himself Mexico's "legitimate president".

### **7.3.2 Visible and inferable: the 2012 presidential election results in Mexico.**

The 1 July 2012 presidential and congressional election was conducted peacefully with no major irregularities and by voters and election officials with "a high sense of civic responsibility and serious-minded attitude" (COPA, 2012:1). Electoral institutions were strong and staffed by an experienced group of professionals who carried out their tasks effectively (EU, 2012). Moreover, the election was technically well prepared. During election day, more than a million polling officers worked at the 143,132 polling stations across the country. Only 2 stations were not installed (IFE, 2012). The election was also watched over by more than 2 million political party representatives covering all polling stations. According to the OAS Election Observation Mission Final Report, all of the polling stations visited by their team had at least one party

representative monitoring them (OAS, 2012). In addition, 32,805 national and 696 international observers from 66 countries witnessed the election. On 8 July, the official results announced by the IFE confirmed PRI's Enrique Peña as the winner of the election with 38.21 per cent of the votes, followed by AMLO with 31.59 per cent.

As in 2006, in 2012 Mexico's electoral institutions performed well and organised a technically accurate election. However, in contrast to 2006, the 2012 elections were not followed by the same level of protest. One day after official results were announced, AMLO organised a press conference where he rejected the election process and its results. In particular, he argued that the elections were marred by manipulated opinion polls, vote buying and violations of campaign spending limits that favoured the PRI candidate. Three days later AMLO legally challenged the election through the TEPJF. However, on this occasion AMLO did not claim victory. Rather, he asked the TEPJF to invalidate the election. In parallel, he called on his supporters to protest (Cano, 2012). However, this time the protest did not attract the same level of attention or support as in 2006. The protest organised one week after the election attracted about 50,000 people (The Guardian, 2012), only one twentieth of the people that participated in protests 6 years before. Moreover, these protests were dismissed by scholars and media outlets as minor (Flores-Macias, 2013; Serra, 2014; Wood, 2015). In addition, demonstrations were short-lived. Protests lasted a few hours, and did not protract for days or months – or turned into a sit-in- as in 2006. Moreover, AMLO's own political party decided not to support his mobilizations (Flores-Macias, 2013; Serra, 2014). This eventually led him to quit the PRD and start a party of his own, the Movimiento de Regeneracion Nacional (MORENA), which obtained its official registration in 2015. Finally, after the 2012 election there were no calls for organising a constitutional convention or a false swearing in ceremony for AMLO.

To what extent and how did the communication of election results in the 2012 election contribute to having lower levels of post-election protests? Soon after the 2006 elections, there was a conscious decision by political parties and the electoral authorities to avoid repeating that conflict in the future (Serra, 2010). First of all, Congress and political parties designed and voted an election reform that amongst other things was aimed at making election results more transparent (INE, 2015a). For example, this reform included new rules and procedures that guaranteed a more complete vote recount after an election. Second, the implementation of this election reform by IFE, coupled with a number of internal policies regarding the communication of results, significantly increased transparency in this key aspect of the election and contributed to mitigate post-election conflict. The two novelties described above will be explained in detail through the assessment of the transparency in the PREP, the Quick Count and the District Count, as assessed for the 2006 election.

#### *7.3.2.1 The PREP*

In terms of transparency, the preliminary election results system used in the 2012 election represented a significant improvement from the 2006 PREP. As in 2006, the PREP was accurate, open and timely. It provided a high percentage of visibility, as it showed information for a total of 141,935 polling stations, or 98.95 per cent of the total, slightly higher than the 2006 record (98.45 per cent). As before, the 2012 PREP was designed and implemented by an Advisory Technical Committee of experts and audited by the National Autonomous University of Mexico (UNAM). Then, its results were consistent with those offered by the quick count and the district count, therefore confirming its accuracy and transparency (IFE, 2012c).

However, for this election the PREP overcame the problems faced in 2006 and implemented two major improvements that made it more inferable. First, the criteria for entering the information of the tally sheets into the PREP system were changed. In 2006, the criteria lead to information from 11,184 “inconsistent” (unclear or illegible) tally sheets not being published. In 2012, the new criteria addressed such cases and instructed polling officers how to enter them into the system. Now, tally sheet results were included in the system even if they were not easy to read (i.e. if the box for the total number of votes was empty or if election results in figures or words were illegible). In contrast to 2006, in 2012, all tally sheets were published, including the ones with “inconsistencies” and more information was available to political actors (OAS, 2012a). This made the information for the PREP more inferable.

Second, and for the first time in history, the IFE decided to make the information from all tally sheets from all 143,132 polling stations available to the public (IFE, 2012d; INE, 2015c). For previous contests – Including the 2006 election -, the IFE published the aggregated results by polling station and by district and country level. However, for the 2012 election, 600 data entry assistants located in all 300 electoral districts, were in charge of scanning each of the tally sheets for all three federal elections (president, senate, congress). These digital images were then uploaded to IFE’s website so that citizens, political parties, the media and all interested parties were able to see the physical tally sheets and cross check them to the PREP’s results posted on the website. Not only that, but IFE also developed a smartphone app for following preliminary results (Intolerancia, 2012). Stakeholders could now witness the results by seeing an actual copy of what polling officers wrote with their own hands.



### *7.3.2.2 The Quick Count*

For the 2012 election, the results provided by the Quick Count were not only accurate and timely but were also publicised and communicated in a simple and clear manner. In 2012, IFE conducted a Parallel Vote Tabulation to have an estimate of the results for the presidential election. A total of 7,597 polling stations were selected as a representative sample of the country (out of these 6,260 stations – or 82.4 per cent of the sample - were deemed to be sufficient to provide results). Tally sheets from these polling stations were used to estimate the results. The results had a small margin of error of 0.5 per cent and a 95 per cent confidence interval (IFE, 2012e). As in other contests, the Quick Count was designed and implemented by a Technical Committee of five renowned specialists selected publicly by the IFE's General Council. These experts, as in 2006, used three different statistical methods to estimate the results. These were presented as 3 expected results intervals or ranges for each candidate.

By 22:45 pm on election day, the Technical Committee had finalised its report and estimated results were ready to be announced. This time, and as opposed to 2006, the IFE's president decided to make the results public. In a decision taken years before and against the backdrop of the 2006 post-election crisis, IFE had decided to release the results no matter what. In this sense, IFE's president decided that no matter the estimated intervals and no matter if the margin between candidates was very narrow, results would be communicated, especially since in Mexico “we have learnt that when IFE does not provide election results the same day as the election, this causes a state of uneasiness amongst society and brings situations that can cast a shadow of doubt or jeopardise the political stability of the country” (Red Política, 2012:1). In the words of Leonardo *Valdés* Zurita, president of the IFE between 2008 and 2013, “in relation to election results, timeliness and transparency will be our best contribution to democracy” (El

Universal, 2011). Moreover, as can be seen in his nation-wide speech (Macroeconomia, 2012), *Valdés* was clear and concise in this explanation of the use of the quick count and of the other methods employed by the IFE for obtaining results. As a result, fewer people were willing to question the integrity of the electoral institution. Now no one could accuse the IFE of withholding or hiding information: everything was visible for everyone.

### *7.3.2.3 District Count*

A major change between the 2006 and 2012 elections was the passing of new legislation. In 2007, the Mexican Congress approved a far reaching electoral reform that increased provisions for vote recounts (Elizondo Gasperin, 2012). In 2006, the electoral code stated that votes would be recounted in three situations: a) if results from the tally sheets did not match their copies b) if tally sheets or packages had visible evidence of being tampered or c) if the tally sheet from a polling station was missing (COFIPE, 1996). In contrast, the 2007 reform expanded the number of causes for conducting recounts. Now, IFE's district offices have to recount the votes when a) there are evident mistakes or inconsistencies in the tally sheets, b) the number of null ballots is greater than the vote difference between the two candidates that obtained the most number of votes, c) all the votes in a polling station have been cast in favour of one single candidate, and d) the vote difference between the candidate that gained most votes and the runner up is less than 1 per cent (Elizondo Gasperin, 2012).

With these new rules the IFE was able to recount more votes and therefore have more inferable results. Whereas during the 2006 election the IFE district offices recounted 2,864 tally sheets, representing 2.19 per cent of all polling stations, for the 2012 election conditions were very different. For that election, the IFE automatically recounted 241,790 electoral packages

from all three federal elections held. Out of these, 78,469 packages were recounted for the presidential election, which represented a stunning recount of 45,049,356 ballots, or 54.82 per cent of the total (Elizondo Gasperin, 2012). The difference is shown in Table 7.2. As in other elections, this procedure was conducted by IFE's professional staff and supervised by representatives from all political parties. Finally, the district count provided the official results of the election, which confirmed the preliminary data offered by PREP and the Quick Count.

**Table 7.2 Polling stations recounted by IFE for the presidential election. 2006 and 2012.**

Year	2006	2012
Polling stations recounted	2,864	78,469
per cent of total	2.19 per cent	54.82 per cent

#### **7.4 Transparent election results and mitigating post-election protests**

How did transparency in election results contribute to the extent of protests after these elections? Through this qualitative analysis it is difficult to prove that other contextual and individual factors – such as the closeness of the result, or the different decisions of agents like AMLO or attitudes of the people in 2006 and 2012 - might not have played a role in this. However, the study suggests that transparency reduces uncertainty, suspicion and rumours and therefore can help mitigate post-election protests and prevent them from escalating into wider problems. I would contend that this interpretation is especially plausible in the light of the QCA analyses reported in this thesis.

Transparency provides certainty about the process and makes it verifiable. With visible and inferable results political parties and candidates have fewer arguments to challenge the

election, especially when this challenge is more political. Following Michener and Bersch (2013), both elections were assessed considering transparency's two essential conditions: visibility and inferability. In general terms, while the 2006 election results were to some extent visible, their inferability was not very good. Starting with the PREP, in spite of its accuracy and high percentage of visibility, the information provided was not inferable. This is as the programme did not publish information from a total of 11,184 tally sheets (equivalent to 2,581,226 votes) classified as unclear to read (or "inconsistent" in the electoral lingo), raising concerns about potential missing votes. This was then used by AMLO and his supporters to accuse IFE of stealing those votes. Moreover, the Quick Count results were not completely visible or inferable. Although the Count was accurate and conducted in a professional manner and verified by independent experts, the results were not made available to the public. The decision of IFE's President not to publicise the quick count's results created uncertainty, leading both candidates to proclaim victory and fuelling suspicions about IFE hiding the "real" results from the people. Finally, the district count was visible but not inferable. Although complete and timely, IFE's district level offices, decided not to open the majority of electoral packages, even when they could have done this. This decision was taken in spite of AMLO's main demand for increased transparency and to conduct a "vote by vote, polling station by polling station" recount.

In contrast, in the 2012 election the absolute transparency in the publication of PREP, the decision to communicate the results calculated by the Quick Count and the new recount procedures all contributed to having fewer post-election protests. First, publishing all tally sheets, including those with "inconsistencies" made the PREP more inferable and reduced any potential confusion. This made it difficult for anyone to claim that millions of votes had been

lost. Second, publishing the Quick Count results contributed to the transparency of the process. Releasing results “no matter what” decreases people’s suspicion that the “real” results are hidden from them. Now no one could accuse IFE of being partial. Third, the new triggers for having an automatic recount addressed the immediate cause of AMLO’s post-election protests (Jackson, 2014:6). While in 2006 AMLO’s demand to have a full recount was not addressed, in 2012 new regulations allowed for this. Now, not only aggregated results but also individual votes could be verified.

The election results stage is one of the most sensitive areas in an electoral process and plays a very important role in the reduction of post-election conflict. When election results are not transparent, suspicions and tensions arise, potentially leading to conflict. On the other hand, when results are transparent, citizens trust the process and can verify its authenticity. As we will discuss in the conclusion, this has important implications for the field of electoral governance. Lawmakers, election officials and international practitioners all have to pay special attention to the election results stage, it is these few hours that can make or break an election.

## 8. CHAPTER 8: CONCLUSION AND WAYS FORWARD

Why are elections characterised as “free and fair” sometimes followed by protests and even violence? When reading newspapers after any election held anywhere in the world it is not uncommon to find stories about long queues, poorly designed ballot papers that confuse voters, incredibly intricate voting machines and tired poll workers who did not fill out the tally sheets correctly. In more complex scenarios, reports highlight incidences of vote buying, ballot box stuffing, unequal access to media, state bias in favour of one of the candidates and even violence against specific groups or candidates. Not all stories are about sausage sizzles and barbeques at voting centres (BBC, 2016). People challenge elections and their results. And this can happen even in democratic countries that hold good quality elections. The Perceptions of Electoral Integrity (PEI) Index shows that between 2012 and 2015, 33.3% of elections in democratic countries were challenged, while 20.6% were followed by peaceful protests and 5% by violence. Moreover, several elections have been challenged in spite of having moderate or high electoral integrity scores.<sup>34</sup>

This contradicts conventional wisdom which argues that quality in the electoral process is enough for the election to be credible and successful. According to this view, if all or most aspects of the administration of the election are sound and properly implemented, then the acceptance by citizens and political parties will follow. However, the legitimacy of the election not only lies in its good administration. As history shows, sometimes elections that are characterised as “free and fair” are challenged and protested, while elections with administrative and logistical issues have been accepted. Why is this? The key is that elections

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<sup>34</sup> Electoral Integrity scores are obtained using version 4.5 of the Perceptions of Electoral Integrity Index (Norris et al, 2016).

not only have to be objectively “free and fair”, but also believed to be free and fair. Of course, the technical side of the election is important, but also important are other aspects that contribute to having positive perceptions of the process and its outcome. If parties and people believe the elections are free and fair, results are accepted and democracy takes its course. However, if they don’t, trust in elections and confidence on the entire political system suffers, threatening peace and stability.

As a result, this research has sought to answer why in some cases elections are accepted while in other cases they are challenged and their outcomes rejected, as outlined by the main research question: *When, where and under what conditions are election results accepted?* And derived from this, *what can we do to increase the credibility of electoral institutions and processes?* As described above, there are a number of factors at play, but some are more critical than others. As highlighted, the 5<sup>th</sup> Global Electoral Organization Conference (GEO): Credible Elections for Democracy acknowledged that while elections comprise many different components<sup>35</sup> there are a few key areas that deserve special attention. This thesis looks at *the support of political parties for the Electoral Management Body (EMB), the overall quality of the electoral process and transparency in the election results stage*. Findings demonstrate that these areas can contribute to an election going smoothly and to the acceptance of the outcome.

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<sup>35</sup> Following the Electoral Integrity Project’s and other scholars’ definition (Elklit and Reynolds, 2005; Norris, et al., 2015) the electoral cycle is made up by eleven dimensions. These encompass the pre-election stage, election day and the post-election, and therefore include activities that range from the legal framework and voter registration to the vote count and the processing and communication of results

## 8.1 Beyond free and fair

. These conditions (*the support of political parties for electoral institutions, the administration of the electoral process and transparency in the election results stage*) were analysed in chapters 5, 6 and 7. These chapters represent three different research phases and involve three different methodologies. Although the three methods do not use the exact same variables, their findings are consistent and complement each other.

Chapter 5 is the first phase of the study and asks *When, where and under what conditions are election results accepted?* As the first phase, it explored the role of a number of factors in the acceptance of election results (*democratic consolidation, the closeness of an election, the support offered by political parties to electoral institutions, quality in the electoral process, and transparency in election results*). In order to test the effect of these variables, the chapter relied on multivariate Qualitative Comparative Analysis (mvQCA). A first model focused on 48 elections in Latin America and a second model demonstrated the generalisability of the findings to other contexts in Africa, Asia and Europe.

The parsimonious solution offered by the mvQCA analysis is presented as a formula with two paths that lead to the acceptance of results<sup>36</sup>. The first path shows that holding free and fair elections in a consolidated democracy is sufficient for the acceptance of results, as long as the election result is not close. A second path of minimally necessary and sufficient conditions illustrates that elections are accepted when there is support of political parties for the electoral institution and moderate to highly transparent election results. If these conditions are present, it is very likely that results will be accepted, even if the results of the election are very close.

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<sup>36</sup> See chapter 5 for both complex and parsimonious formulae.



No condition by itself can lead to the acceptance of results. Conditions need to happen simultaneously. Each of these conditions is necessary; but by themselves they are not sufficient. For example, if political parties support the electoral institutions but the election experienced significant flaws and the results were not transparent, it is likely that results will not be accepted. In a similar way, even a high quality election will not be accepted if its results are delayed and/or not clear and if political parties do not trust the EMB. So, contrary to conventional wisdom, having free and fair elections is not enough for results to be accepted. Other factors are needed. This is the main finding of the QCA.

## **8.2 Political party support and transparent results**

Holding free and fair elections is not enough for accepting the legitimacy of an election. In addition, political parties need to support the electoral institutions and elections results need to be transparent. Chapters 6 and 7 drilled down further into these conditions in order to analyse their role in the acceptance of results. In particular, the aim was to better understand what election officials, legislators and international election assistance practitioners can do to improve the integrity and credibility of elections at home and abroad.

### **8.2.1 Including political parties in electoral institutions**

Chapter 6, *To include or not to include? Party representation in electoral institutions and confidence in elections: A comparative study of Latin America*, looks at the support of political parties for electoral institutions. Guided by the findings from QCA analysis, I hypothesise that the support of political parties – measured by their inclusion in the appointment of the members of the EMB – matters. Political party support is fundamental for the legitimacy of electoral institutions and processes. Political parties constitute a main channel of communication

between citizens and the political system. They are a permanent means for citizens to voice and articulate their interests and also have a strong influence in public opinion. For instance, if parties believe that the electoral institution is not impartial they will certainly communicate this to their members and to citizens in general through a number of channels. On the other hand, if parties feel the EMB is legitimate then it is likely chance that citizens will also know how they feel.

Moreover, political parties are the main object of regulation of EMBs and as such need to be consulted on most – if not all - election related activities. EMBs around the world differ in their mandates but one common attribute is that all of these bodies regulate aspects of political party life and make decisions that affect political parties. These range from the delimitation of boundaries to the oversight of political party finance, including controls and sanctions ranging from spending caps to the cancellation of a party's registration for receiving certain types of funding. Decisions taken by the EMB can either help or hurt political parties. At the same time, parties are in a strategic position and can either support or challenge these decisions. Taking them into account and listening to them therefore becomes important.

The hypothesis is that political parties must be included in the appointment process. When parties have a voice in the appointment it is more likely that they will support the members of the EMB and their decisions. When parties are included they are given a voice. This allows their views and concerns to be taken into account and represented in the election body. This creates trust and makes it more likely for parties to support the activities of the EMB, including the electoral process and its outcome. However, when parties are excluded their interests and worries are not considered and their relationship with the EMB suffers. Being left out can also make them feel

that the EMB and their members are not legitimate or impartial and can therefore lead them to challenge the election and its outcome.

Political parties have a special relationship with EMBs. Parties are interested in controlling the EMB so they can benefit from their decisions but at the same time they need the EMB to be perceived as impartial so that in case of winning an election, it is seen as legitimate. Research has outlined two models describing the relationship between the EMB and political parties. In the “expert” model, the management of elections depends exclusively on independent experts who are not appointed by political parties. On the other hand, in the “multi-party” model, political parties nominate their own agents so that their interests are well represented on the board of the EMB. In the first model impartiality results from the impartiality of each EMB member; in the second model impartiality comes because parties act as watchdogs of each other. Scholars have not agreed on which of these models is best for the credibility of elections. While some argue for political autonomy others highlight the need of including party representatives. Others provide mixed evidence.

This thesis addresses this debate and seeks to find out which EMB model is best for having confidence in elections. To test this, the inclusion of political parties in EMBs is measured by an innovative four point scale of EMB models depending on the level of participation of parties in the appointment of their members. The levels are: EMBs with no participation from political parties (no participation); EMBs where political parties have an indirect role in the appointment (indirect participation); EMBs where some members are party representatives and others are selected by another method (partial direct participation); and EMBs where all members are political party representatives (full direct participation).

Through quantitative analysis this research aims to test the extent to which these four models affect confidence in electoral processes. The analysis is based on the University of Salamanca's Parliamentary Elites of Latin America (PELA) survey.. Data was taken from 5,261 questionnaires to legislators from 18 Latin American countries and four survey waves, producing a total of 47 dyads or country-waves, which constitute the unit of analysis.

Regression analyses produce three different models with results. Models 1 and 2 use binary logistic regression. Model 1 confirms the base hypothesis of this study, which is that when political parties participate in the appointment of the members of the EMB there is higher confidence in electoral processes. It does so by using a dummy variable that reduces the four categories to two. One category includes all models where parties have some degree of participation in the appointment, while the other represents countries where parties do not have a role. Model 2 tests the effect of each of the four categories or EMB models on confidence in elections. Results show that all EMB models are more likely to have confidence in electoral processes than the reference category, which is the model where there is no party participation in EMB appointment. However, not all models yield the same benefits. Models of "indirect participation" and "partial direct participation" are the most likely to yield higher levels of confidence in electoral processes.

Taking into account the hierarchical structure of the data, Model 3 conducted a multilevel analysis. Results show consistency with models 1 and 2. Only EMBs where political parties have an indirect role in the appointment or those with a partial direct participation are likely to generate trust in electoral processes. These two EMB types actually lie between the "expert" based and the "multiparty" EMB models and therefore draw advantages from both of them. For instance, in Dominican Republic (an example of an indirect participation model), the five magistrates of the

EMB are appointed by a two-thirds majority in the Senate and need to meet certain requirements, including a bachelor's degree in law and at least 12 years of professional experience. This method gives political parties an opportunity to express their views in the selection process while providing the EMB with people with strong professional credentials. This shows that while having professional members with experience is positive, it is also very important to consider political parties and their views. Expertise without legitimacy can lead to problems.

On the other hand, results from the multilevel model and from marginal effects show that cases where all EMB members are political party representatives do not differ significantly from the reference category. Having an EMB composed entirely by party representatives is not recommended. Exclusively multi party EMBs can lead to gridlock in decision making, infighting and can contribute to a perception that the election body is kidnapped by parties and their interests.

In short, although including political parties in the appointment of EMB members is desirable, not all forms of inclusion yield the same benefits in terms of confidence in elections. The highlight is that political parties need to be considered in the appointment of the EMB members. If political parties are given a voice and feel represented it is more likely that they will accept the EMB and its decisions. On the other hand, if parties do not have a say and their views are excluded, it is more likely that they will not support the EMB. If from the start political parties do not feel the EMB is legitimate, all the agreements, decisions and policies coming from it risk being considered illegitimate as well.

Moreover, a key underlying finding is that consulting political parties is also important in general, and not only for the appointment process. In fact, EMBs have to consider the interests and needs

of parties when designing and implementing policies and must provide for reciprocal communication with them (IDEA, 2006). This of course, starts with the appointment of the EMB members but also applies throughout the election cycle. Having regular contact and consultation with parties on the activities and plans of the EMB can result in a good relationship, trust and more inclusive and effective decision making. Relevant examples include Costa Rica's Tribunal Supremo de Elecciones monthly "coffee" meetings with the representatives, secretaries and presidents of political parties and Argentina's Consejo Consultivo de Partidos Politicos (Consultive Council of Political Parties).

### **8.2.2 Free and fair, but also visible and inferable: the role of election results**

Chapter 7 turns to the other variable identified by the QCA analysis as central for the acceptance of election results: transparency in election results. The election results stage is characterised by hours of uncertainty and finger-crossing that can end in celebrations but can also easily evolve into conflict. Moreover, as indicated in the International Obligations for Elections guidelines, this is "a point in the process in which the physical exhaustion of electoral officials meets the rising emotions of the electoral stakeholders, who are eager to know the results" (IDEA, 2014: 250). Transparency is paramount. I hypothesize that when results are timely, clear and open they dissipate uncertainty and create an atmosphere of trust. On the other hand, if results are delayed, not complete or stop flowing, rumours and doubts about the integrity of the entire election emerge and this can lead to conflict.

I focus on the role of transparent election results in preventing and mitigating post-election protests, which was taken as the dependent variable. This is analysed through a paired comparison of the 2006 and 2012 presidential elections in Mexico. These two cases were

selected as they naturally share a number of characteristics that allow controlling several factors. Both of these elections met international standards of election administration and were considered free and fair by a number of domestic and international observers. Both elections were followed by post-election protests. However, while the 2006 protests were massive and lasted for months, the 2012 protests small, short lived and did not get much support. In 2006 Andres Manuel Lopez Obrador (AMLO) refused to accept election results and called fraud, rallying his supporters to start a civil disobedience campaign and to take the streets. Streets were taken and a rally in Mexico City gathered up to one million people. This rally became permanent, with AMLO supporters staging a two month sit-in in one of the main avenues of the city. Then AMLO called for a new constitution and proclaimed himself Mexico's true legitimate president in a public ceremony. By contrast, in 2012 although AMLO also refused to recognize the results, he did not call for civil disobedience or make himself legitimate president. Protests were very small and not widespread and only lasted a couple of days, not a couple of months. As we can see, post-election protest in both cases was sufficiently different for conducting a good comparison. I argued that what accounted for this difference was the level of transparency in election results.

The degree of transparency is assessed by considering two conditions: visibility and inferability of information. These conditions are drawn from Michener and Bersch's (2013) minimal definition of transparency, which departs from theoretical notions of the term and offers very analytical concepts which can easily be identified and measured. Using these indicators I analyse the election results phase in the 2006 and 2012 elections, with a focus on three devices used by Mexico's IFE: the programme of preliminary election results (PREP), the quick count system, and the district count (the official tabulation and communication of results).

Results show, as expected, that transparency in election results plays a role in the extent of post-election protests. Transparency shapes citizens' and political parties' perceptions of the election and with it the potential for conflict. The 2006 election results were visible but not inferable. The preliminary election results system was quick and widely available to all stakeholders but lacked disaggregation and simplicity. Then, the quick count, a parallel vote tabulation system was accurate and quick, but the communication of its results was not simple and clear. The President of IFE decided and announced on national TV that the results of the quick count were not going to be released. This lack of information created tensions and suspicions about the integrity of the election. This created uncertainty and both leading candidates declared themselves winners. AMLO called fraud and claimed the results were hidden from the public. Finally, the results offered by the district count – the official results of the election – were not completely inferable. In spite of legal challenges and demands for a full recount, only 2.19% of polling stations were recounted. This further contributed to an opaque atmosphere and was readily used to challenge the election in the streets. In contrast, the 2012 election results were both visible and inferable. The preliminary results system was improved from 2006, and was accurate, timely and open. An example of this improvement is that for the first time in history, IFE decided to scan all the tally sheets from the election and make them available to the public. With this, digital images with full information from more than 140,000 polling stations were available for anyone, anywhere. The quick count was also improved. This time IFE's President decided to release the results no matter what, and that is what he did. Finally, the official results were clear and transparent: the recount now reached around 55% of the total of all ballots. Results were more transparent, accurate and timely and there was less room for suspicion. As a result, potential sore losers had less elements for challenging the election.



In short, transparency in election results contributes to preventing and mitigating post-election protests. As shown by these two examples, when election results are clear, accurate, widely available, easy to understand and verifiable, they contribute to a positive perception of the results. Moreover, having a positive perception of the outcome also contributes to having a rosy evaluation of the entire process. Transparency makes it harder for anyone to claim that an election or thousands of ballots have been stolen. It also increases the cost of rejecting the results for strategic and/or political reasons. Transparency reduces uncertainty and dissipates doubts and therefore can mitigate post-election protests. This is also suggested by the QCA analysis, which contends that having transparency in results contributes to the acceptance of the election.

This has important implications for the field of electoral governance. Electoral laws and institutional procedures must guarantee that results are not only visible but also inferable. Information must be complete and easy to locate, but also needs to be easy to understand, presented without mediation or omissions and verifiable. It is not only about posting aggregated election results but also about the way these are presented, communicated and verified by citizens and other stakeholders. Therefore political actors, EMBs and international technical assistance organisations should pay special attention to that very short period of time between the closing of the polling stations and the announcement of results. An electoral process or a campaign may take months, but it is these deciding hours or days that can make the whole election credible and successful or distrusted and disputed.

### 8.3 The acceptance of election results

Elections are the largest peace time mobilisation a country performs. Elections involve thousands or even millions of poll workers, ballot papers and ballot boxes. They also require thousands of hours of planning, organising and training. This is just for election day. Before and after voting day, elections require long negotiations in congress for setting the rules of the game, registering voters and candidates and auditing every single bank account of every single political party, amongst many other tasks and procedures. In addition, as elections determine who governs, actors often try to tilt the playing field to their advantage. Politicians and officials often try to buy votes and airwaves and flood campaigns with extra cash. It is only natural that elections experience problems. Moreover, elections can also be subject to a number of forms of malpractice. This affects their credibility and can lead to having challenged election results. In turn, these challenges can catalyse into protests which are not always peaceful. Not even long established democracies escape these issues.

Elections have the power to advance stability and democracy but can also become a vehicle for conflict. The main difference between these two contrasting outcomes is whether an election is accepted and credible or not. When elections are credible, they provide a context for people to express their ideas and preferences, for political parties and candidates to organise and campaign and ultimately for selecting governments and making those governments accountable (Norris, 2014). However, when elections are not credible they can undermine this very purpose. Governance, human rights and stability suffer (Birch, 2008; Global Commission, 2012; Molina and Hernandez, 1998). Citizens become disenchanted, institutions are weakened and frustrated parties and individuals may decide to abandon their commitment to supporting the rules of the game.

*So when, where and under what conditions are election results accepted? And: what can we do to increase credibility in electoral institutions and processes?* The focus must be on strengthening the integrity of electoral processes. Electoral integrity is an overarching concept which encompasses many different aspects that occur before, during and after election day. Therefore, there are a number of ways to improve the integrity of elections. However, this research has focused on three aspects that have been specifically identified as areas that deserve special attention (GEO, 2011). These are *the role played by EMBs (specifically the support of political parties for the electoral institution), the overall quality of the electoral process and the transparency in the election results stage.*

This research has demonstrated the importance of these factors. First, the Qualitative Comparative Analysis challenged conventional wisdom which holds that a good quality election is enough for the acceptance of election results. While having a “free and fair” election that meets international standards for election administration is necessary, other conditions are needed. An accepted election requires the support of political parties for the electoral institution and the provision of transparent results. By themselves these conditions are necessary, but when they act together they are sufficient for results to be accepted. When this happens it is very likely that electoral results will be accepted, even if there is a razor thin margin between the first and the second place. Then, the quantitative analysis focused on the support of political parties for the electoral institution. Binary logistic and multilevel regression showed that including parties in the appointment of the members of the EMB is positive in terms of confidence in the electoral process. When political parties have a voice and participate in this process it is more likely that they will trust the members of the EMB and their decisions, and with it trust the entire electoral process. Finally, the small N comparison focused on the election

results stage and showed how having transparent results can contribute to prevent and mitigate post-election protests. When results are transmitted in a timely fashion, and information is complete, simple, widely available and verifiable, there is no room for suspicions or rumors. Certainty and clarity overcome gossip and speculation.

At the time this is being written, a real world event showed us once more how important these three conditions are for a credible election. Ecuador went to the polls on 19 February 2017 to choose a new president. According to the country's constitution, a run-off is not needed when one of the candidates obtains 40% of the votes and has at least a 10% lead over the second most voted candidate. Ecuador's National Electoral Council results for the first round revealed that Alianza Pais' candidate Lenín Moreno obtained 39.36% of the vote, followed by CREO's Guillermo Lasso with 28.12% of the votes. A run-off was needed.

Moreover, this was a very close election. And, as our research has shownus, these types of elections are particularly difficult. Close elections draw attention and are charged with emotions. They accentuate errors and malpractices. Every vote counts. Parties and candidates are more ready to challenge the election and believe it is easier to change the results. This is especially true in the case of Ecuador, where the election had not only one, but two razor thin result margins: Moreno was potentially very close to getting the 40% needed to win the election outright and Lasso was also very close to being within the less than 10% vote distance he needed to participate in a second round.

Under such conditions, the electoral process and its outcome need to be beyond doubt. Electoral integrity needed to be be high. However, this was not the case in Ecuador. A lack of party support for the electoral institution and issues in the communication of election results

resulted in protests across the country. This was in spite of an electoral process characterised as free and fair and generally meeting international standards for election administration. First, since the 2013 election the main opposition parties expressed concerns about the composition of the National Electoral Council (CNE). In particular, they criticised its 5 councillors for being partial and close to the Executive branch. These doubts were echoed by the main opposition party (CREO-Creating opportunities) and its presidential candidate Guillermo Lasso from the start of the electoral process in 2016. Second, after the polls closed on 19 February there were significant delays in the processing and communication of results. Inconsistencies in tally sheets from the provinces of Guayas, Morona and Manabí contributed to this and official results were only ready 4 days after people cast their votes (Telesur, 2017). Citizens and parties were anxious. Moreover, a traffic spike the night of the election made the CNE website crash, further fuelling suspicions. As a result, protests broke out across the country (in the main cities of Quito and Guayaquil but also in a number of regional centres). People demanded the CNE to disclose results. Lasso supporters claimed the election was marred with irregularities and called for throwing Juan Pablo Pozo, head of the CNE, into prison<sup>37</sup> (El Universo, 2017). Fortunately, tensions and protests decreased when final results showed a run-off was necessary. Both candidates lived to fight another day.

Even though claims of stolen elections and irregularities will probably never stop, incorporating the findings of this research into policy for elections and electoral institutions can contribute to the strengthening of electoral integrity and with it to increasing confidence in elections, their outcome and the political system as a whole. Better electoral processes, electoral institutions that include political parties and election results that are more clear and transparent give sore

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<sup>37</sup> (¡Pozo al Calabozo! In Spanish: throw Pozo into prison.

losers fewer arguments for calling fraud and can help reducing accusations of vote rigging and irregularities, which then translate into less conflict and violence. Luck and run-offs will not always save the day.

## 9. APPENDIX

9.1 Table 1 Challenges to elections in democratic countries, 102 elections.

Election	Parties challenge the results	PEI
Burundi 2015 P	5.00	22.27
Kenya 2013 P	4.89	40.95
El Salvador 2014 P	4.71	59.03
Burundi 2015 L	4.63	27.08
Macedonia 2014 P	4.56	47.79
Malaysia 2013 L	4.53	35.49
Thailand 2014 L	4.40	50.97
Honduras 2013 P	4.40	45.20
Ghana 2012 P	4.38	57.16
Mexico 2012 P	4.36	62.28
Nepal 2013 L	4.29	53.61
Guyana 2015 L	4.29	52.87
Ukraine 2012 L	4.14	39.87
Malawi 2014 P	4.13	47.80
Indonesia 2014 P	4.08	60.14
Philippines 2013 L	4.07	48.31
Bulgaria 2013 L	4.05	49.70
Sierra Leone 2012 P	4.00	56.70
Pakistan 2013 L	3.97	49.91
Mexico 2015 L	3.86	52.08
El Salvador 2015 L	3.78	49.08
Moldova 2014 L	3.75	56.85
Comoros 2015 L	3.75	49.61
Zambia 2015 P	3.67	43.69
Indonesia 2014 L	3.64	53.28
Slovenia 2014 L	3.40	78.55
Colombia 2014 L	3.38	61.16
Lithuania 2012 L	3.27	72.75

Turkey 2015 L	3.20	44.60
Latvia 2014 L	3.06	71.71
Croatia 2015 P	3.00	64.82
Solomon Islands 2014 L	3.00	57.12
Kyrgyzstan 2015 L	3.00	54.42
Turkey 2015 L	3.00	47.14
Romania 2012 L	2.92	48.11
Turkey 2014 P	2.92	50.98
Belgium 2014 L	2.91	71.29
United States 2014 L	2.89	61.67
Panama 2014 P	2.88	60.44
Australia 2013 L	2.87	70.10
Ukraine 2014 L	2.85	53.64
Hungary 2014 L	2.81	56.18
Georgia 2012 L	2.71	53.39
Brazil 2014 P	2.69	67.68
Bolivia 2014 P	2.64	55.63
Colombia 2014 P	2.57	58.60
Estonia 2015 L	2.50	78.55
Tunisia 2014 P	2.50	69.39
Bulgaria 2014 L	2.50	62.75
Guatemala 2015 P	2.50	47.95
South Africa 2014 L	2.43	62.94
Georgia 2013 P	2.33	64.14
Paraguay 2013 P	2.27	55.04
Botswana 2014 L	2.27	57.92
India 2014 L	2.18	58.80
Japan 2012 L	2.15	67.37
Namibia 2014 P	2.14	60.15
Mongolia 2013 P	2.11	64.37
Czech Republic 2013 P	2.11	73.99
Canada 2015 L	2.00	74.73
Poland 2015 P	2.00	74.01
Italy 2013 L	2.00	66.62



Tunisia 2014 L	2.00	65.53
Argentina 2013 L	2.00	65.49
Ukraine 2014 P	2.00	59.74
United Kingdom 2015 L	1.90	64.71
Argentina 2015 L	1.90	62.99
Lesotho 2015 L	1.90	62.69
Albania 2013 L	1.89	54.34
Poland 2015 L	1.87	75.24
Romania 2014 P	1.83	53.39
Slovakia 2014 P	1.82	74.57
Czech Republic 2012 L	1.81	76.20
Greece 2015 L	1.76	61.83
Benin 2015 L	1.75	68.34
United States 2012 P	1.73	62.81
Slovenia 2012 P	1.70	74.70
Czech Republic 2013 L	1.67	77.32
Croatia 2015 L	1.67	68.13
Japan 2013 L	1.67	66.58
Mauritius 2014 L	1.67	64.10
New Zealand 2014 L	1.64	75.39
Israel 2015 L	1.62	72.71
Austria 2013 L	1.57	77.03
Portugal 2015 L	1.56	71.92
Republic of Korea 2012 P	1.50	76.62
Japan 2014 L	1.50	70.59
Lithuania 2014 P	1.43	82.25
Germany 2013 L	1.42	80.26
Israel 2013 L	1.42	74.49
Netherlands 2012 L	1.41	78.46
Chile 2013 P	1.37	66.38
Cyprus 2013 P	1.36	73.28
Spain 2015 L	1.28	68.78
Sweden 2014 L	1.20	80.80
Switzerland 2015 L	1.18	78.51

Uruguay 2014 P	1.13	75.48
Norway 2013 L	1.08	83.23
Greece 2015 L	1.08	70.98
Finland 2015 L	1.06	86.10
Denmark 2015 L	1.06	86.41
Costa Rica 2014 P	1.00	80.81

Note: Elections held in democratic countries (Polity IV rating of 6 or higher in political rights). The first column presents the mean score of challenged elections on a 1 to 5 scale. The scores are conditionally formatted with 4 colour scales to better illustrate high and low values (green for high, yellow for moderate, orange for low and red for very low). Scores between 3 and 4 represent challenged elections and scores between 4 and 5 represent highly challenged elections. The second column shows the electoral integrity score from 1 to 100, scores above 60 represent elections with high and very high integrity (green shades), scores between 50 and 59 represent moderate integrity (yellow), 40 to 49 is low integrity (orange) and scores below 40 are cases of very low integrity (red formatting).

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