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Bringing the Ballot Box to the People: Election Administration and the Origins of Inclusive Voting Practices

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BRINGING THE BALLOT BOX TO THE PEOPLE: ELECTION ADMINISTRATION
AND THE ORIGINS OF INCLUSIVE VOTING PRACTICES

A Dissertation Presented

by

KEVIN PALLISTER

Submitted to the Graduate School of the University of Massachusetts Amherst in partial
fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

September 2013

Political Science

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ABSTRACT

BRINGING THE BALLOT BOX TO THE PEOPLE: ELECTION ADMINISTRATION

AND THE ORIGINS OF INCLUSIVE VOTING PRACTICES

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Countries holding competitive elections vary in the extent to which the administrative practices surrounding the voting process facilitate or impede voter participation. Differences in the requirements for voter registration, the distances voters must travel to reach a polling place, the mechanics of casting a ballot, and the provision of voter education, among other factors, pose varying obstacles to participation. This variation poses a puzzle that this dissertation addresses: Why do some democracies adopt election administration practices that lower barriers to voter participation, while others adopt practices that raise prohibitive obstacles to the participation of at least some citizens? More simply, why is it easier to vote in some democracies than in others?

This dissertation develops the concept of election administration inclusiveness, consisting of numerous administrative and procedural factors that affect voter access to the ballot. To develop a theory of why election administration inclusiveness varies across countries and over time, the project undertakes an in-depth comparison of three country cases: Guatemala, Nicaragua, and El Salvador. The case studies document and explain the origins of striking differences in election administration inclusiveness across the three countries in their early years of democratic transition, as well as variation in inclusiveness within each case over time. The case studies draw on elite interviews and archival research carried out by the author in each country.

The study identifies a number of factors that influence the choice of election administration practices that bear on voter access to the ballot box. Of particular significance are historical legacies of election fraud, patterns of partisan identification among voters, the composition of electoral commissions that administer elections, and international political pressures.

KEYWORDS: election administration; voter participation; Central American politics

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LIST OF ABBREVIATIONS

ALN	<i>Alianza Liberal Nacional</i> (National Liberal Alliance, Nicaragua)
ARENA	<i>Alizana Republicana Nacionalista</i> (Nationalist Republican Alliance, El Salvador)
ASIES	<i>Asociación de Investigación y Estudios Sociales</i> (Association of Investigation and Social Studies, Guatemala)
CAPEL	<i>Centro de Asesoría y Promoción Electoral</i> (Center for Electoral Promotion and Advising)
CD	<i>Cambio Democrático</i> (Democratic Change, El Salvador)
CIS	<i>Centro de Intercambio y Solidaridad</i> (Center for Exchange and Solidarity, El Salvador)
COPAZ	<i>Comisión Nacional para la Consolidación de la Paz</i> (Commission for the Consolidation of Peace, El Salvador)
CSE	<i>Consejo Supremo Electoral</i> (Supreme Electoral Council, Nicaragua)
DCG	<i>Democracia Cristiana Guatemalteca</i> (Guatemala Christian Democracy)
DPI	Documento Personal de Identidad (Personal Identity Document, Guatemala)
DUI	<i>Documento Único de Identidad</i> (Unique Identity Document, El Salvador)
EDH	<i>El Diario de Hoy</i> (El Salvador)
EMB	Electoral Management Body
END	<i>El Nuevo Diario</i> (Nicaragua)
ET	<i>Ética y Transparencia</i> (Ethics and Transparency, Nicaragua)
EU	European Union
FDNG	<i>Frente Democrático Nueva Guatemala</i> (New Guatemala Democratic Front)

FLACSO	<i>Facultad Latinoamericana de Ciencias Sociales</i> (Latin American Faculty of Social Sciences)
FMLN	<i>Frente Faribundo Martí de Liberación Nacional</i> (Faribundo Martí National Liberation Front, El Salvador)
FRG	<i>Frente Republicano Guatemalteca</i> (Guatemalan Republican Front)
FSLN	<i>Frente Sandinista de Liberación Nacional</i> (Sandinista Front of National Liberation, Nicaragua)
IFES	International Foundation for Electoral Systems
INCEP	<i>Instituto Centroamericano de Estudios Políticos</i> (Central American Institute of Political Studies, Guatemala)
IPADE	<i>Instituto para el Desarrollo y la Democracia</i> (Institute for Development and Democracy, Nicaragua)
IRI	International Republican Institute
JRV	<i>Junta Receptora de Votos</i> (polling table)
LPG	<i>La Prensa Gráfica</i> (El Salvador)
MRS	<i>Movimiento Renovador Sandinista</i> (Sandinista Renovation Movement, Nicaragua)
NDI	National Democratic Institute
OAS	Organization of American States
PAN	<i>Partido de Avanzada Nacional</i> (National Advancement Party, Guatemala)
PCN	<i>Partido de Conciliación Nacional</i> (Party of National Conciliation, El Salvador)
PDC	<i>Partido Demócrata Cristiano</i> (Christian Democrat Party, El Salvador)
PL	<i>Prensa Libre</i> (Guatemala)
PLC	<i>Partido Liberal Constitucionalista</i> (Liberal Constitutionalist Party, Nicaragua)

RENAP	<i>Registro Nacional de las Personas</i> (National Registry of Persons, Guatemala)
RNPN	<i>Registro Nacional de Personas Naturales</i> (National Registry of Natural Persons, El Salvador)
TSE	<i>Tribunal Supremo Electoral</i> (Supreme Electoral Tribunal, Guatemala and El Salvador)
UNDP	United Nations Development Program
UNE	<i>Unidad Nacional de la Esperanza</i> (National Unity of Hope, Guatemala)
UNO	<i>Unión Nacional Opositora</i> (National Opposition Union, Nicaragua)
URNG	<i>Unidad Revolucionaria Nacional Guatemalteca</i> (Guatemalan National Revolutionary Unity)
USAID	United States Agency for International Development

CHAPTER 1

INTRODUCTION

Elections are complex affairs, requiring an administrative apparatus that can undertake a wide range of activities prior to, during, and after election day. The administrative requirements involved are extensive, including among other tasks appointing and training election officials, registering voters and candidates, distributing voter identification documents, carrying out voter information campaigns, installing polling places and delivering election materials prior to election day, administering the voting process, and counting the ballots and transmitting the results. Given the logistical complexity of conducting elections, potential exists for electoral fraud, voter exclusion, or general mismanagement at numerous steps in the process.

The administration of elections bears directly on election quality through a number of avenues, such as by making fraudulent practices more or less likely and influencing the fairness of electoral competition. Many of the administrative procedures involved in conducting an election also bear directly on another aspect of election quality: the ease or difficulty with which citizens can exercise the right to vote. Indeed, election administration practices, and the institutions that govern them, vary dramatically across countries in the extent to which they make the voting process accessible to all citizens. In some countries, citizens are required to register to vote on their own initiative months in advance of an election, while other countries automatically register voters up until Election Day. In some areas, voters must travel long distances to reach their polling place to cast their votes, while elsewhere polling stations are located in even the most remote villages. From voter registration requirements and the location of polling stations

to the voting technology used and the identification documents that voters are required to show, there is a great deal of diversity in the extent to which countries holding competitive elections make voting accessible to all citizens.

Why do some democracies adopt election administration rules that facilitate voter participation, while others adopt rules that raise prohibitive obstacles to the participation of at least some citizens? More simply, why is it easier to vote in some democracies than in others? Despite growing interest in election administration in recent years, scholars have not systematically studied the origins of different election administration practices and institutions, especially as they bear on voter access to the ballot box. Through a comparative study of three Central American countries that have differed widely in their election administration practices, this project contributes to an understanding of why some countries lower barriers to the ballot box while others impose administrative obstacles to voter participation.

As the following chapters show, election administration is a contentious arena in which political parties, election administrators, civic groups, and international actors try to shape the administrative rules of electoral competition and voter participation. This study is the first to address how these groups interact in constructing election administration rules and why efforts to reduce or raise administrative barriers to voter participation are successful in some times and places and unsuccessful in others.

The study of election administration speaks to enduring normative concerns of equality and democracy. Because elections serve as a central means for citizens to hold their representatives accountable, administrative obstacles that suppress voter participation – particularly among marginal groups least able to overcome such obstacles

– may diminish the quality and legitimacy of representative democracy. In general terms, as Schaffer (2008, 195) puts it, “[t]he conduct of elections determines the degree to which people’s preferences are expressed freely, weighed equally, and recorded accurately.”

Specifically, procedural barriers to voting may effectively keep some voters from participating, which in turn may affect election outcomes. Even where election outcomes are not clearly swayed by barriers to voting, by turning some voters away, onerous procedural hurdles may disengage some citizens from politics more generally.

“Conversely, easy access to the franchise enhances the likelihood that marginal voters will participate, which may encourage challengers to run and to stimulate competition or launch effective appeals that could further draw voters into the active electorate”

(Hayduck 2005, 16). Of course, the ease of voting is only one element of ensuring citizens their right to freely cast a ballot. Where meaningful electoral competition is circumscribed, or where a voter’s choice is coerced or effectively ignored through the manipulation of election results, the ease with which one may vote means little; thus “the Soviet Union went to the extreme of enabling astronauts in space to vote” (Birch 2011, 21, note 14), but the vote offered little choice to Soviet citizens. In the context of relatively fair competitive elections, however, administrative barriers to voting carry significant practical and normative implications.

Election Administration Inclusiveness

As chapter 2 shows, since the late 1990s scholars have increasingly studied the effects of election administration variables on voter turnout. The underlying theoretical basis for most studies of election administration’s effects on turnout is an informal rational choice framework: rules and procedures that raise the cost of voting (in terms of

money, time, or effort) will lead some potential voters to weigh the costs greater than the benefits and therefore abstain (Alvarez, Bailey, and Katz 2007, 5-6). Beyond the rational choice framework, election administration practices may also impede participation by invoking or exploiting fear, distrust, or embarrassment (Schaffer 2008, 21) rather than by affecting the costs of voting.

Of course, the administrative procedures surrounding voting are not the only, or even the most important, determinants of voter participation. As an enormous body of research shows, both individual-level demographic and socioeconomic variables (such as education, age, and residential mobility) and institutional and contextual variables (such as political mobilization, proportional representation, and compulsory voting laws) affect turnout levels (see, e.g., Blais 2006; Geys 2006). But administrative measures that make voting more or less accessible to citizens may affect turnout and other outcomes of interest.

The administrative rules and procedures that shape voters' access to the ballot are wide ranging. The difficulty of voter registration requirements, whether elections are held on weekends or holidays, the number and location of polling sites, the ways in which voters cast a ballot, the discretion of poll workers to turn away voters, and many other factors can all contribute to voter inclusion or exclusion. Table 1.1 (below) provides an undoubtedly incomplete list of relevant factors affecting voter access, divided into four broad categories (voter registration, getting to the ballot box, casting a ballot, and voter education), as well as descriptions of the types of rules and practices that make up high, medium, and low levels of inclusiveness.

Collectively, these electoral procedures determine the level of what I call *election administration inclusiveness*, or the degree to which the administration of the electoral process facilitates or hinders the ability of eligible citizens to vote. The concept of election administration inclusiveness is related to, yet distinct from, other concepts in the literature and broader debates about election administration. One such concept, *voter suppression*, tends to assume a partisan intent to manipulate electoral outcomes by raising the costs of voting for certain groups of citizens (see, e.g., Wang 2012). Similarly, the concept of *administrative disenfranchisement* has been used to denote situations in which “a citizen formally and legally has the right to vote and to register to vote, but is prevented from exercising that right because the costs of doing so are too high” (ACE Project 2013a). While useful, this definition only treats a limited range of the inclusiveness spectrum – namely, the end of the spectrum in which administrative restrictions effectively prevent voter participation. Finally, the concept of *convenience voting* has been employed in recent research on election administration in the United States, and refers to measures such as early voting and vote by mail that offer voters more accessible means of casting a ballot. Like administrative disenfranchisement, however, convenience voting treats a narrow range of variation in inclusiveness and does not address the inclusiveness of traditional electoral procedures such as voter registration.

Table 1.1 Election Administration Inclusiveness

		High	Medium	Low
Voter Registration				
1	Extent of state responsibility for registering voters	The state is responsible for voter registration. Achieved through automatic registration (drawing voter rolls from a national civil registry or other data-sharing arrangements between government agencies) or door-to-door registration by election officials.	Registration is voter-initiated, but the state makes efforts to facilitate registration (such as registration drives targeted at certain populations or mobile registration units in remote areas).	Registration is voter-initiated, and the state makes little or no effort to facilitate registration.
2	Difficulty of registration process (applicable to voter-initiated registration systems only)	Simple registration process. Registration sites are accessible and have ample hours of operation; mail and/or online registration is allowed; and voters can complete the registration process (including obtaining voter ID, where applicable) in one step.	Moderately complex registration process involving at least one barrier, such as: difficult-to-reach registration sites with limited hours of operation; process requiring multiple trips to a registration office by the voter; or complicated registration paperwork serving as de facto literacy test.	Complex registration process marked by some combination of barriers, such as: difficult-to-reach registration sites with limited hours of operation; process requiring multiple trips to a registration office by the voter; and complicated registration paperwork serving as de facto literacy test.
3	Ease of access to ID documents required for registration	ID documents are easily accessible with minimal effort and are free of charge.	Obtaining ID documents is difficult for at least some voters and/or entails a modest financial cost.	Obtaining ID documents is difficult for many voters and/or entails a significant financial cost.
4	Registration closing date ¹	Registration closes within one week of election day.	Registration closes between one week and three months before election day.	Registration closes more than three months before election day.

Continued on next page

¹ The significance for inclusiveness of the voter registration closing date depends on whether registration is automatic or voter-initiated. Where registration is automatic, the closing date is less relevant.

Table 1.1, continued

		High	Medium	Low
5	Residency requirements	There is no residency requirement to register in a new precinct, and registration automatically transfers when voter changes residence.	There is a modest residency requirement (3 months or less) to register in a new precinct, and/or re-registration is required when voter changes residence.	There is a lengthy residency requirement (more than 3 months) to register in a new precinct, and re-registration is required when voter changes residence.
6	Provisional registration	Citizens may pre-register in the year or two before coming of voting age.	Citizens coming of voting age may pre-register under limited conditions (e.g., only during a registration drive of limited duration).	Citizens may not pre-register prior to reaching voting age.
7	Registry consultation	Provisional voter rolls are distributed to parties and posted publicly in accessible locations and formats for voters to review and correct errors.	Provisional voter rolls are available for review, but are not easily accessible (e.g., posted in a limited number of places, not searchable online) and/or do not contain all relevant information (e.g., the polling places to which voters are assigned).	Provisional voter rolls are generally not available for review by parties or voters.
8	Purging of voter rolls	Voters are not purged from the rolls for failure to vote.	Voters may be purged from the rolls for failure to vote in three consecutive elections.	Voters may be purged from the voter rolls for failure to vote in one or two elections.
Getting to the Ballot Box				
9	Accessibility of polling places	Polling places are generally a short distance from voters' residences; public transportation is available on election day, where needed; mobile voting units used for remote areas, where applicable.	Polling places are generally a short distance from voters' residences, but some polling places are distant and public transportation on election day is limited.	Polling places are highly centralized or otherwise distant from many voters' residences, and public transportation on election day is limited.

Continued on next page

Table 1.1, continued

		High	Medium	Low
10	Assignment of voters to polling places	Voters are assigned to the polling place closest to their residence.	Some voters are assigned to polling places based on residence, while others are assigned by non-residence criteria (e.g., alphabetically).	Voters are assigned to polling places by non-residence criteria (e.g., alphabetically).
11	Convenience voting measures	Several convenience voting measures are widely available, such as early voting, absentee voting, and voting by mail.	Some convenience voting measures are available, but their accessibility is limited (e.g., early voting is available for only a short period, or the availability of absentee voting is limited to small segments of the electorate).	No convenience voting measures are available.
12	Electoral calendar ²	Voting is held on a weekend or holiday during a time of year when travel to the polls is not unduly burdensome.	Either the day or the season when voting is held presents a modest barrier to participation for some voters.	Voting is held on a day or during a season that presents significant barriers to participation for a large number of voters.
Casting a Ballot				
13	Voter identification requirements	No identification is required to vote, or many types of identification or witnesses are accepted as proof of identity.	Identification is required to vote, and only a limited number of ID forms are accepted.	Identification is required to vote, and only a limited number of forms of ID are accepted. Obtaining the requisite ID is costly (either directly or through lost wages to visit an office to obtain it).
14	Wait time at the polling place	Waiting time for most voters is minimal (less than 30 minutes) and most polling places open on time.	Long lines and/or late opening of polling places result in modest waiting times (30-60 minutes) for many voters.	Long lines and/or late opening of polling places result in long waiting times (exceeding one hour) for many voters.

Continued on next page

² The barriers posed by holding voting on a weekday or during a particular season depend on local conditions, including labor migration patterns and prevailing work schedules, and the availability of convenience voting measures such as early voting and absentee balloting.

Table 1.1, continued

		High	Medium	Low
15	Provisional or tendered ballots	Provisional or tendered ballots are available for all or most voters whose information on the voter rolls appears to contain errors.	Provisional or tendered ballots are available only for a limited segment of voters whose information on the voter rolls appears to contain errors.	Provisional and tendered ballots are not allowed.
16	Assistance for disabled, illiterate, or other voters at the polls	Ballots are available in all major local languages and include party symbols or pictures of candidates, and voting mechanics include measures to assist disabled voters in casting a ballot.	Ballots and/or voting mechanics pose difficulties for relatively small segments of voters (e.g., blind, illiterate, or language minority voters).	Ballots and/or voting mechanics pose significant difficulties for substantial segments of voters (e.g., blind, illiterate, or language minority voters).
Voter Education				
17	State efforts to inform voters of where and how to register and vote	The EMB or other state agency makes extensive efforts to inform voters of electoral procedures; voter education campaigns have extensive territorial reach, are conducted in all major languages and carried out through diverse media appropriate for local conditions, and are carried out for a significant period of time before key deadlines (e.g., registration closing date).	The EMB or other state agency makes efforts to inform voters of electoral procedures, but voter education campaigns are limited in territorial reach, linguistic coverage, diversity of media usage, or duration.	There are no efforts to disseminate information to voters, or efforts are severely limited in reach and duration.

I propose election administration inclusiveness as a broader conceptualization of the administrative and procedural steps that a prospective voter must negotiate in order to cast a vote. The concept does not assume partisan intent in making voting easier or more difficult, nor is it limited to instances in which the costs of voting effectively prevent the participation of some voters.³ Rather, the concept considers election administration from the voter's perspective, incorporating all of the administrative measures – both formal rules and procedures and informal practices⁴ – that bear on the ease or difficulty of voting, and ranges from high inclusiveness (where registration and voting are highly accessible and convenient for all eligible voters) to low inclusiveness (where registration and voting procedures pose significant barriers to large numbers of voters).

This section provides an overview of some of the key dimensions of election administration inclusiveness; a discussion of the effects of election administration measures on voter turnout and other outcomes is taken up in the following chapter.

Voter Registration

A principal election administration measure that may pose an obstacle to voting is voter registration. As Wolfinger and Rosenstone (1980, 61) explain:

Registration raises the costs of voting. Citizens must first perform a separate task that lacks the immediate gratification characterizing other forms of political

³ It is worth noting that operationalizing the concept of election administration inclusiveness by reference to its effects on turnout would capture not only administrative inclusiveness, but also a variety of motivational and contextual factors that influence turnout. It is logically possible that even under highly burdensome election administration procedures that raise the costs of voting, all voters may be highly motivated and undeterred by administrative barriers; conversely, even mild administrative burdens may be sufficient to deter the participation of many voters.

⁴ I include measures that are specified in electoral laws and bureaucratic regulations as well as practices that are not legally mandated. In part, this is because elements of election administration vary in their extent of legal institutionalization across countries – such that one aspect of election administration may be regulated by the electoral law in one country and left entirely to the discretion of election administrators in another. For instance, in the case studies, the location of polling places was regulated by the electoral law in Guatemala, left to the discretion of election administrators in Nicaragua, and jointly regulated by legislation and administrative discretion in El Salvador.

expression (such as voting). Registration is usually more difficult than voting, often involving more obscure information and a longer journey at a less convenient time, to complete a more complicated procedure. Moreover, it must usually be done before interest in the campaign has reached its peak.⁵

A range of details may make the voter registration process more or less accessible. These include: 1) whether the responsibility for registration falls primarily on the citizen or the state; 2) the complexity of the registration process, including the accessibility of registration offices and their hours of operation and the number of required visits to a registration site; 3) the documentation required to register; 4) the registration deadline; 5) how a change of residence affects one's registration status; 6) the ability of underage citizens to provisionally register; 7) the measures in place for voters to consult the registry and correct inaccuracies; and 8) whether those who do not vote are purged from the voter rolls (see ACE Project 2013a; Carbó and Wright 2008, 66; Rosenstone and Wolfinger 1978, 24). On top of these formal aspects of voter registration, incumbents may manipulate the process to make it more difficult for likely opposition supporters to register.⁶

The types of obstacles voter registration imposes depend on the particular voter registration system used by a given country. A basic distinction is between *ad hoc voter registries* that are compiled before each election, either through door-to-door visits by enumerators or the use of registration centers, and a *permanent voter registry*, which is maintained from one election to the next and updated to incorporate new voters and changes of residence. Ad hoc registration tends to be inclusive, as the burden placed is on

⁵ Hershey (2009, 88-89) similarly notes the costs imposed by both registering to vote and obtaining the requisite identification documents, as both "take place in advance of Election Day,...are bureaucratic procedures, lacking the partisan content of the vote[,]... require spending time to find out what documents are needed and where and when registration (or getting documents) takes place...[and] involve opportunities forgone as well as the need for transportation to the registration or documentation site."

⁶ This has happened, for instance, before Cambodia's 2003 elections (Calingaert 2006, 140) and arguably before El Salvador's 1994 elections.

election administrators to register voters, but it is expensive (Robert 2009, 3-4).

Permanent registries are much more common.

Of central importance is the extent to which the state takes the initiative in two related aspects of voter registration: distributing the identification documents that citizens need to register and actually registering voters. Registering to vote often requires that a citizen provide documentation to prove his or her identity, which in turn necessitates obtaining the required identification. Countries vary widely in the documentation accepted for registration, with some countries accepting only one or a small number of forms of ID and other countries accepting many ID forms or witnesses that attest to a voter's identity (Carter Center 2013; Schaffer and Wang 2009). The most inclusive systems make obtaining the necessary identification documents simple and automatically register documented citizens to vote through various methods of data-sharing between government agencies (commonly by adding data from the civil registry directly to the voter registry).⁷ Such *automatic registration* eliminates the need for citizens to carry out the additional step of registering to vote, and is common in Western Europe and Latin America⁸ where many countries have a single national ID card which citizens are required to possess (Robert 2009; Rosenberg 2009). Not surprisingly, countries with automatic registration typically have very high voter registration rates (Robert 2009, 2; Rosenberg 2009, 3). Yet while automatic registration eliminates steps in the registration process, the first step of obtaining an ID card or other necessary documents (such as a

⁷ In countries with civil registries, a sometimes contentious issue of institutional design, as the case studies show, "is whether the body responsible for it (often the interior ministry) should be responsible for the voters list. Some countries give the same institution responsibility for both registries; others choose two agencies, each with responsibility for one of the lists" (ACE Project n.d.).

⁸ In Latin America, registration is automatic in Argentina, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Nicaragua, Panama, and Venezuela (Urruty 2007, 472).

birth certificate) remains; the difficulty of obtaining such documentation varies greatly across countries (Carter Center 2013).

While some states take responsibility for registering citizens through automatic registration, in other countries the responsibility to register is placed on the citizen. When, where, and how a citizen must register in these systems vary greatly, and different methods can present greater or lesser difficulty.

In some countries the voter registration period may be limited, and the voter rolls may be closed months prior to election day – before the election campaign and media coverage reach their peak. In other cases, registration is allowed up to and including election day – such as in a number of U.S. states that allow *election day registration* (EDR). Where EDR occurs at the polling place, it also spares the voter the time and potential expense needed to travel to a separate registration site. EDR is of particular use to youth and the residentially mobile who may be inclined to register up to the last moment before an election. An additional measure related to the timeframe of registration is *provisional registration*, whereby young people can be added to the voter registry within one or two years of turning voting age and are then automatically added to the active voter roll upon coming of age. Provisional registration is used in a number of countries, including Argentina, Australia, New Zealand, and Portugal, as well as a number of U.S. states (Robert 2009, 15; Rosenberg 2009, 3).

Aside from the registration deadline, the location and operating hours of voter registration sites affect the ease with which citizens may register. Distant registration offices and limited hours (for instance, offering registration services only during weekdays) can present barriers to registration. These obstacles can be minimized where

election administrators complement their ordinary voter registration procedures with targeted door-to-door registration of certain populations, such as remote rural communities (Robert 2009, 4; Rosenberg 2009, 13-14, 21). This is the case, for instance, in Mexico, where “the government deploys mobile units to register voters in rural areas and other places with historically low registration rates” (Rosenberg 2009, 5). The obstacles posed by distant locations and limited hours are also eliminated through mail or online registration, both of which are becoming more common, at least among high income countries (Robert 2009, 6-7). When in-person registration is required, a further impediment can be the need to make multiple visits to a registry office – for instance, one visit to fill out registration paperwork and a later visit to retrieve a voter registration card.

Once a voter is registered, a change of residence may affect one’s registration status. In some countries, a change of residence (especially to a different election precinct) requires re-registering to update one’s residence on the voter rolls. Like first time registrations, such changes of residence on the voter rolls may be prohibited many months before election day in order to prevent fraud, and a voter may be required to live in a jurisdiction for a specified period before being eligible to register. In other countries where the state more actively registers voters, election authorities share data with other agencies (such as the postal service) “to learn of address changes without having to rely on voters to remember to submit the necessary paperwork to election authorities every time they change residences” (Rosenberg 2009, 16).

Even after having registered, the voter registry may contain inaccuracies that prevent qualified citizens from voting. Many countries try to minimize this risk of disenfranchisement by publicizing the provisional voter rolls before election day, either

by posting them in local public spaces or mailing personalized registration information to voters, and allowing voters the opportunity to correct any errors (Rosenberg 2009, 20). Finally, provisions for purging voters from the rolls for not voting vary by country. Purging voters from the rolls for failing to turn out for two or three consecutive national elections has the benefit of eliminating “deadwood” (deceased or emigrated voters) from the voter rolls, but also entails the risk that citizens who vote irregularly will face the burden of re-registering.

Getting to the Ballot Box

Another component of election administration inclusiveness is the accessibility of polling places. Where polling places are remote, voters are burdened with time and travel costs. This obstacle is more severe where public transportation is not available or is relatively costly. Polling stations may also be relocated at the last minute to confuse voters, a trick used historically in the United States (Campbell 2005, 7). The availability of absentee balloting for those who are not in their normal precinct on election day can reduce the burden of reaching a polling station; absentee voting can be conducted in a variety of ways, including by mail, in-person at a restricted number of polling stations, or in-person at any polling station. Some countries make absentee voting available for all voters, for some subset of voters (such as those hospitalized or serving in the military), or not at all (see ACE Project 2013b).

Polling place accessibility is determined not only by where polling places are located, but also by when voting is held. The hours that the polls are open affect accessibility, as does the day(s) on which voting is held. Convenience is increased when voting is held on the weekend or election day is a holiday, and when election day falls

during a time of year when travel is convenient (Katz 1997, 116). Early voting allows voters to cast a ballot, either in person or by mail, before the official election day, and thus reduces potential time constraints for voters. Where it is used, the early voting period may range from several days to several weeks, and like absentee balloting may be available to all voters or only certain types of eligible voters (ACE Project 2013b).

Casting a Ballot

Once at the polling place, voters may be impeded from casting a ballot by several factors. Overcrowded polling places may generate long waits and confusion, and some voters may give up without voting.⁹ A potentially greater obstacle is that voters may be required to prove their identity by showing ID at the polls. Countries vary in the conditions under which voters must show ID, the types of identification papers accepted to vote, the ease with which citizens can obtain the necessary documents, and the provisions in place for voters who lack identification documents (Schaffer and Wang 2009). Identification requirements pose little burden on voters where the government or election officials make significant efforts to ensure eligible voters obtain ID (as in many European countries) and where witnesses can vouch for the identity of voters lacking ID (as in Canada, Italy, and Portugal) (Schaffer and Wang 2009, 401-403). Where obtaining the requisite identification is onerous and where there are few provisions for voters lacking identification, however, voter ID requirements may impede participation.

In Latin America, most countries require a national ID card to vote, although the difficulty of obtaining the ID varies, in part due to differences in formal regulations and state capacity. Partisan manipulation of the distribution of ID cards has also posed

⁹ For this reason, “international standards advocate no more than 1,000 voters per polling unit” (Lopez-Pintor 2000, 172).

obstacles for some voters in several Latin American and African countries (Carter Center 2013, 10, 18).

Even duly registered and documented voters may find that their name does not appear on the voters list when trying to cast a ballot. Erroneous omissions from the voters list can result from technical problems and administrative inefficiencies, as occurs even in advanced industrial democracies like the U.S., where paper-based registration in many jurisdictions results in some registered voters not appearing on the rolls (Pew Center on the States 2010; Ponoroff 2010). Omissions from the voter rolls can also be an intentional strategy of electoral manipulation, as partisan election officials may “remove, misspell, or leave off names of voters who are members of certain demographic groups, such as first-time voters or those concentrated in geographic areas where support for opposition candidates is strongest” (Calingaert 2006, 140). Such manipulation of the voter rolls is thought to be a common (and difficult to verify) practice; for instance, the 1999 presidential election in the Dominican Republic is thought to have been stolen by the incumbent through the deletion of 100,000-200,000 names from the voter registry (Birch 2011, 36).

A partial remedy for such situations is provisional balloting, which “provide[s] an opportunity to vote for persons who allege that they have been subject to administrative error in the compilation of voters lists, or in the marking on these lists of persons who have already voted” (ACE Project 2013b). Where poll workers erroneously mark someone on the voter list as having voted, or “a voter claims to have registered to vote at that voting station yet their name cannot be found on the voters list” (ACE Project 2013b), provisional balloting can prevent disenfranchisement. Yet the availability and

ease of provisional balloting varies by country, and its use requires safeguards against multiple voting.

Voter Education

Aside from (and intersecting with) the procedures for registering, obtaining identification, arriving at the polling place, and casting a ballot is the issue of voter education. In order to meet the requirements of voter registration and identification, and to reach one's polling place at the appropriate day and time equipped with some familiarity with the voting act, citizens must be informed of the administrative procedures to follow. Voter education involves disbursing information about when and how to register, how to find the appropriate polling place and check one's status on the registry, what documents to bring to the polling place, how to mark one's ballot, and so on.¹⁰ Modes of voter education range from printed flyers and posters in public spaces to telephone hotlines, newspaper advertisements, mobile brigades and kiosks, radio and television ads, websites, direct mailings, and text messaging (ACE Project 2013b; Ellis et al. 2006, 20-21). Such voter education activities are typically considered the responsibility of electoral management bodies, although civil society organizations also often carry out similar activities.

¹⁰ Ellis et al. (2006) label these types of activities "information campaigns," and distinguish them from "advertising campaigns" which "address the motivational issue as to why electors should participate in the electoral event" (20). Information campaigns focus on the "how" of voting, while advertising campaigns emphasize the "why." Sometimes EMBs conduct both types of campaign, although the motivational messages are often the domain of civic groups (21). This study is more concerned with information campaigns that lower barriers to voting, rather than advertising campaigns intended to motivate citizens to vote.

Even in longstanding democracies, voters may lack information about registration and voting procedures¹¹; in newer democracies and countries with low levels of literacy or access to information technology, the problems are often more severe. Thus the extent of voter education – including its geographic coverage and duration, its provision in all major languages within a country, and the fit between the informational content and delivery and wider cultural norms – can be a significant factor in the ease or difficulty of voting.

Research Design

Measuring Election Administration Inclusiveness

Because prior research has focused largely on isolating the effects of specific administrative measures on voter turnout (see Chapter 2), we know little about how different administrative rules are combined in practice to produce more or less inclusive election administration regimes. There are no existing datasets that document – much less quantify – the inclusiveness of election administration practices across countries, and even information clearinghouses such as International IDEA¹² and the ACE Electoral Knowledge Network (or ACE Project)¹³ do not compile systematic data on most election administration practices.

Compounding the problem of the lack of cross-national data are challenges of measurement and aggregation. As Table 1.1 suggests, a large number of administrative

¹¹ In the U.S., for instance, a large post-election survey in 2008 “found that one in four voters assumes election officials or the U.S. Postal Service will update his or her voter registration automatically with each move [i.e. change of residence], which is almost never the case. The same survey found more than half of the voters asked were unaware they could revise their voter registration information at state motor vehicle agencies, as mandated by the National Voter Registration Act (NVRA)” (Pew Center on the States 2010, 7).

¹² www.idea.int

¹³ aceproject.org

practices affect inclusiveness, and while measuring some of these practices (such as whether or not early voting is used) is fairly straightforward, measurement of other practices (such as the quality of voter education) is much more difficult.¹⁴ Even more challenging is the issue of aggregation, as it is not readily apparent how the components of election administration inclusiveness might be aggregated into a quantitative index in a theoretically meaningful way.¹⁵ The challenge of aggregating and weighting different features of an electoral process – and whether it is “possible to develop a uniform weighting scheme that is meaningful and applicable cross-nationally to countries all around the world” (Carroll and Davis-Roberts 2013, 93) – is noted by scholars and election observers with regard to determining the overall quality of elections more generally (see Kelley 2012a, 13). The problem of aggregation is particularly important because many (perhaps most) cases will likely exhibit complex combinations of scores on individual components – low barriers to access on some measures, and more restrictive practices on others.

Given the complexity of the dependent variable and lack of existing measures, it is difficult to determine the range of values that election administration inclusiveness takes in the population of cases, which consists of all countries with competitive,

¹⁴ As Keith Jennings of the National Democratic Institute observed of voter education: “The cumulative effect of all voter education in an election should be evaluated by the degree to which pertinent information is reasonably available to all eligible voters in a form they can comprehend, and in a timely fashion (i.e., allowing a reasonable time for the audience to make use of the information). The information should adequately discuss essential facts, procedures, rights and issues. There are no fast and simple methods by which to make these evaluations” (Jennings 1999, 8).

¹⁵ For instance, it is not clear how each component should be weighted – e.g., whether convenient polling site location should be weighted equally with election day registration. Some work has developed measures of voter registration restrictiveness; for example, Bowler and Donovan (2008) construct an index based on ten factors, each one measured dichotomously, which are then aggregated. While useful for their purposes, such aggregation assumes that each factor – such as whether one must register to vote prior to election day, or whether there is a cutoff date for receiving an absentee ballot – poses an equal barrier to participation. Similar aggregation problems plague measurements of other concepts, such as indices of democracy (see Munck and Verkuilen 2002).

relatively free elections.¹⁶ The most readily available measure, voter turnout, cannot be used as a direct indicator of election administration inclusiveness, since many other factors affect voter turnout. Voter registration rates might be a useful indicator of the restrictiveness of registration laws, but reliable comparative data on registration rates is lacking.¹⁷ Even less comparative data is readily available for such factors as the accessibility of polling places.

In the absence of systematic comparative data or even reliable indirect measures of the dependent variable, I rely on coding the inclusiveness of election administration practices based on the close examination of cases. Drawing on each country's election laws, documents from electoral management bodies, election observer reports, and secondary literature, I gathered data on as many indicators listed in Table 1.1 as possible, and, given the problems of aggregation noted above, used qualitative assessment to place cases on an ordinal scale of inclusiveness (high, medium, and low). While factors shown in the existing literature to pose high barriers to participation, such as registration requirements and polling locations (see Chapter 2), are given particular consideration, coding through qualitative assessment allowed for consideration of the totality of circumstances surrounding a country's election administration, rather than assigning scoring weights to each component of the dependent variable *a priori*.¹⁸

¹⁶ Electoral authoritarian regimes in which competition is restricted and election results are determined *a priori* through fraud or other means may mobilize voters in order to generate high turnout to legitimize the regime. In these cases, the inclusiveness of election administration is less relevant than it is for democratic regimes.

¹⁷ For instance, International IDEA compiles turnout and registration data on their website for most countries, but in some cases the number of registered voters in a country exceeds estimates of the country's voting age population. This is often a result of outdated or otherwise inaccurate voter registries or census data. See IDEA's methodology Web page at <http://www.idea.int/vt/methodology.cfm>

¹⁸ Descriptions of election administration inclusiveness are presented in each case study chapter, and are summarized in Tables 3.1, 4.1, 5.1, 6.1, 7.1, and 7.2. Due to a lack of systematic data, I exclude waiting time

Method and Case Selection

Because the causes of variation in election administration practices have not been the focus of systematic study, we lack not only measures of the dependent variable, but also theories that offer explanations of variation in election administration inclusiveness.¹⁹ Lacking well-developed extant theories, this project undertakes an inductive approach to theory development, seeking to “inductively identify new variables, hypotheses, causal mechanisms, and causal paths” (George and Bennett 2005, 75) through the careful examination of cases.

Case selection is guided by several criteria. First, while the complete range and distribution of values of the dependent variable in the population of cases is unknown, it is possible to select cases with wide variation in the inclusiveness of election administration practices, both across cases and within cases over time. Such selection of cases with wide variation on the dependent variable facilitates theory generation (Seawright and Gerring 2008, 300). Relatedly, selecting cases with extreme values on the dependent variable is particularly appropriate for theory development (George and Bennett 2005, 81; Seawright and Gerring 2008, 302; Van Evera 1997, 25), as well as when dealing with a phenomenon that is difficult to operationalize and precisely measure (Gerring 2001, 217). Thus, cases selected for this study fall into the high or low categories of the dependent variable for at least some of the period studied.

Second, cases are selected to exploit several case study methods. Choosing cases that vary on the dependent variable but are similar on a number of dimensions facilitates

at the polling place (row 14 of Table 1.1) and assistance for voters (row 16 of Table 1.1) from the tables in the case study chapters, although I discuss those issues in the case narratives where the data permits.

¹⁹ Though as discussed in the following chapter, hypotheses can be gleaned from the existing literature.

controlled comparison using Mill's method of difference. For this study, cases are selected that are similar on several potentially relevant variables, such as level of economic development and electoral system structure. However, given the limitations of small-n controlled comparison for causal inference (George and Bennett 2005, ch.8), controlled comparison can only suggest potentially important causal relationships and frame the analytical problem to be addressed (Collier, Mahoney, and Seawright 2004, 100). Within-case analysis is a necessary complement to controlled comparison, and this is facilitated by choosing cases that vary on the dependent variable over time. This allows for congruence tests to determine whether independent and dependent variables co-vary in expected directions within a case over time (George and Bennett 2005, ch. 9).

Variation within cases over time can also allow for a before-after analysis if the value of a hypothesized independent variable changes abruptly at a particular point in time. For example, a change in the structure of a country's electoral management body or the inauguration of a new government can provide an opportunity to isolate the effects of that change within a case.

While all of these methods – controlled comparison, congruence tests, and before-after analysis – can generate hypotheses and provide evidence of their plausibility, perhaps the most effective mode of within-case analysis for causal inference is process tracing (George and Bennett 2005). Once potential independent variables are identified through other modes of within-case analysis and controlled comparison, process tracing can evaluate the causal mechanisms underlying the relationship between these independent variables and the dependent variable through fine-grained analysis of the causal chain leading from cause to effect. In this study, process tracing is used to examine

the process by which hypothesized causal variables led to the adoption of particular laws and administrative practices bearing on voter access.

Using these criteria, the cases selected for this study fall into the high or low categories of the dependent variable for at least some of the period studied (providing wide variation and relatively extreme values on the dependent variable), vary over time in their election administration practices (providing additional variation on the dependent variable), and are similar on several potentially relevant variables, such as level of economic development and political culture.

The cases selected for close examination are Guatemala, Nicaragua, and El Salvador. All three countries transitioned to a democratic regime with free elections between the mid-1980s and mid-1990s, but they have differed widely in the extent to which the administration of elections has posed obstacles to voter participation, with Guatemala and El Salvador initially having low levels of inclusiveness and Nicaragua having a high level of inclusiveness. After 2000, however, Guatemala and El Salvador became more inclusive, while Nicaragua's election administration has become less so since the mid-2000s.

In Guatemala, administrative features of the electoral process – particularly difficult voter registration procedures, highly centralized polling locations, insufficient voter education efforts, and the holding of elections during the rural labor migration season – posed significant obstacles to participation for many citizens. Yet over time electoral reforms increased the inclusiveness of the country's election administration practices, most notably by decentralizing polling sites to reduce travel time for rural voters.

In El Salvador, administrative barriers to voter participation were initially similar to those in Guatemala, including onerous voter registration and identification requirements and centralized and inaccessible polling places. Yet like Guatemala, El Salvador's electoral administration practices have become more inclusive over time, though in a different sequence: voter registration processes have become simplified by automatically adding citizens to the voter rolls once they obtain a national identity card, while the decentralization of polling places has been implemented gradually after repeated delays.

In contrast to Guatemala and El Salvador, Nicaragua established fairly inclusive election administration practices in its early democratic period. The voter registration process was easy to negotiate, with the state making significant efforts to register voters and distribute identification documents. Additionally, polling locations tend to be located close to voters' residences, so that travel to the polls is minimized. The accessibility of voter registration and convenient polling locations have been reinforced by other measures related to voter education and casting a ballot. Yet since the mid-2000s, obtaining an identity card needed to vote has become more difficult for those not tied to the governing party, while voter education efforts have diminished.

Thus, emerging from similar processes of democratic transition, Nicaragua adopted election administration practices that kept barriers to voter participation low, while El Salvador and Guatemala adopted measures that made voting a costly and time-consuming activity for many would-be voters. Over time this pattern has begun to reverse. The empirical focus of this project is to explain this initial variation and

subsequent dynamics in an effort to shed light on the broader research problem of why democratic countries vary in the extent to which voting is accessible to all citizens.

As with any research design, there are trade-offs involved in the research strategy adopted. A first challenge for this study is the problem of accurately estimating the impact of a large number of variables with a small number of cases. However, this challenge is partly addressed through process tracing (George and Bennett 2005), or what Collier, Brady, and Seawright (2004) have called “causal process observations.” This methodology relies not on correlation across cases, but careful analysis of evidence that links cause and effect within each case; this methodology thus circumvents the “degrees of freedom” problem.

A second challenge involves generalizing to a wider population from a small number of cases. In particular, the cases selected are all post-conflict countries, and the dynamics of institutional development in these cases may be unique to such settings. In particular, the destruction of physical infrastructure and the problems of enfranchising voters who have been displaced by violence and often lack identification documents pose particularly severe logistical and political challenges for election administration (Lyons 2004, 46; Prather and Herron 2007, 354). Additionally, all three cases are developing countries, and the findings of this project may not generalize to developed democracies that face different sets of election administration challenges.

Nevertheless, it is reasonable to take as a starting point for theory development that all democracies – whether rich or poor, post-conflict or not – face similar tasks of voter registration, polling location, voter identification, voter education efforts, and so on. Additionally, the identification of cases that exhibit significant variation in election

administration inclusiveness, despite similarly being post-conflict developing countries, suggests that differences among cases within these categories may result from general causal factors at work in other contexts. There are thus no strong *a priori* grounds for assuming that the findings in these cases will not have broader applicability; at the same time, the challenges of generalizability and the importance of clarifying scope conditions must be kept in mind, as with all research designs.

The Argument

The argument developed through the case studies in the following chapters focuses on several key explanatory factors that shaped election administration inclusiveness in the countries studied. The general argument is briefly laid out in this section; a more empirically grounded statement of the argument is presented in the concluding chapter.

I argue that historical antecedents powerfully shaped the initial choice of election administration rules in these new democracies. In particular, where major episodes of election fraud had occurred under authoritarian or semi-authoritarian regimes, democratizing regimes adopted election administration rules that sought to ensure the rectitude of electoral processes at all costs, resulting in election procedures that limited voter participation. As memories of these fraudulent practices faded, less restrictive election administration measures became politically possible. However, institutional inertia and path dependence caused some election procedures that were instituted under authoritarian or early democratic regimes to persist long after the initial conditions that gave rise to those procedures had faded.

I also argue that the composition of a country's electoral management body (the agency charged with administering elections) is an important variable affecting election administration inclusiveness. I find that a non-partisan electoral management body (EMB) can be an independent and authoritative force for inclusive electoral reform, for instance by drafting legislation and lobbying for reform in the legislature, and is also more likely to develop the bureaucratic capacity that is often necessary to reduce procedural barriers facing voters. Yet non-partisanship is neither a necessary or sufficient condition for inclusive electoral procedures; rather, EMBs staffed by partisan appointees can also carry out inclusive practices under some conditions, such as when the dominant party on the EMB expects electoral victory in a fair contest or when there is intense pressure to legitimize elections to an international audience.

The interaction between EMB structure and the political party system is also critical. I find that where political parties are able to identify their supporters in the electorate and control the EMB, they can suppress the vote of those who are not their own partisans, for instance through manipulating the delivery of voter ID cards. Partisan calculations can also delay the introduction of inclusive election administration measures if the major parties are uncertain of the electoral consequences of reform. Parties that cannot identify their likely supporters (typically either catch-all or weakly institutionalized parties) are less likely to attempt exclusion through election administration measures, and are less reluctant about making voting easier.

Finally, I consider the effects of international influences, particularly international election observation and technical and financial aid for elections, as well as the effects of domestic advocacy for electoral reform from civil society groups. I argue that

international financial and technical assistance are often necessary for less developed countries to institute inclusive election administration practices, but such assistance is not sufficient to ensure inclusiveness. Recommendations from election observers have less impact: while they overwhelmingly tend to advocate for inclusive practices, they ultimately have little impact on domestic election reform processes. I find that domestic civil society groups, including election observers, have minimal influence on election administration practices despite their persistent efforts in advocating electoral reforms. Civic groups and public opinion exercise little influence in shaping the rules of the electoral game; rather, election administration is an elite game dominated by legislators, party officials, and election administrators.

Thus key influences on election administration practices in the cases under study include historical experiences with election fraud, partisan interests and the nature of the party system, EMB institutional design, international political pressures, and international electoral assistance. The argument presented here is thus, to be sure, far from parsimonious. Yet this is consistent with other work on election-related phenomena that identifies a wide range of causal variables, such as research on electoral system reform (Renwick 2010) and on vote buying (Schaffer 2007, 194). Like these other areas, the case studies in the following chapters strongly suggest that election administration rules and practices are subject to multiple historical, institutional, and instrumental influences.

Roadmap

The remainder of the dissertation proceeds as follows. Chapter 2 surveys the literature on election administration and draws hypotheses from prior work regarding the influences on election administration inclusiveness. Chapters 3 through 7 present the

empirical case studies. Chapter 3 analyzes Guatemala's restrictive election administration rules from its democratic transition in the 1980s up until the early 2000s. Guatemala's electoral reform process that significantly lowered barriers to voting is the subject of chapter 4. Chapter 5 discusses Nicaragua's election administration during the 1984-1996 period, during which administrative practices were largely inclusive. The erosion of Nicaragua's election administration inclusiveness since the mid-2000s is taken up in chapter 6. Chapter 7 analyzes the case of El Salvador, covering both the country's early period of highly restrictive election administration and the long period of electoral reform that has slowly lowered obstacles to participation. The conclusion in chapter 8 offers a summary of findings and a discussion of their implications.

CHAPTER 2

STUDYING ELECTION ADMINISTRATION INCLUSIVENESS

Scholars have long been interested in the choice of electoral systems and the consequences of those systems for a variety of political phenomena. Large literatures have addressed the adoption of electoral systems, especially proportional representation (Ahmed 2010; Benoit 2007; Boix 1999; Calvo 2009; Cusack et al. 2007), and the consequences of electoral systems for outcomes such as party competition and voter turnout (Cox 1997; Duverger 1954; Jackman 1987; Norris 2004; Selb 2009; Taagepera and Shugart 1989). While amassing a large body of knowledge about the origins and effects of proportional representation and other institutions, the field of comparative electoral studies has focused overwhelmingly on electoral systems defined as the institutions for translating votes into seats. Issues of election administration – the administrative and bureaucratic rules and procedures governing electoral processes – received little attention before 2000. The story was similar in the field of American politics, where election administration was often ignored. Whether in comparative or American politics, most scholars simply did not “think enough about the nitty-gritty of carrying out elections – about how the registry is prepared, what documents voters must present, how voters cast their ballots, and how ballots are counted” (Schaffer 2008, 5).

Yet in the wake of the administrative problems surrounding the 2000 U.S. presidential election, as well as similar experiences in democracies in developing countries, scholars have paid more attention to the extensive logistical and technical components of election administration. This has opened up new lines of research in both

American and comparative politics, while a related literature has developed in international relations focused on international election monitoring. Yet the study of election administration to date has focused overwhelmingly on the effects of election administration variables rather than on the origins of different election administration practices. This literature has been most developed in the area of American politics, with scholars focused on the effects of voter registration rules, convenience voting methods, voter identification laws, and polling place accessibility. The following section briefly reviews the findings of this literature; subsequent sections review the literature on comparative election administration and international election monitoring before drawing together these strands to map the primary influences on election administration identified by prior research.

Election Administration in the United States

Until the 1990s, the enormous literature on voting in the U.S. paid little attention to issues of election administration. As early as the 1920s, Merriam and Gosnell (1924) identified important procedural obstacles to participation in Chicago elections, including limited polling hours, poor location of polling stations, holding registration and voting on work days, and the requirement to state one's age when registering to vote (which discouraged some women from registering). But subsequently, the only aspect of election administration to receive sustained scholarly attention was voter registration. The role of registration laws involving poll taxes and literacy tests in disenfranchising black and poor white voters in the post-Reconstruction South are well known (Key [1949] 1984; Kousser 1974; Rusk and Stucker 1978). More generally, Rosenstone and Wolfinger (1978) found that restrictive voter registration requirements, such as early deadlines for registration and

limited registration office hours, depressed voter turnout significantly. A number of subsequent studies have concluded that restrictive registration laws reduce voter turnout (Mitchell and Wlezien 1995) and that the elimination of registration burdens through election-day registration increases turnout (Brians and Grofman 2001; Fenster 1994; Knack 2001).²⁰

Similarly, liberal registration laws such as “motor voter” provisions have been found to increase turnout in states that implemented them in the 1970s to early 1990s (Knack 1995), though the effect of the national motor voter law passed in 1993 appears to have been minimal (Brown and Wedeking 2006; Martinez and Hill 1999). While some liberalizing registration reforms such as mail-in registration and prohibitions against purging people from the voter rolls for failure to vote have not been shown to boost turnout (Highton 2004, 510; Knack 1995), the evidence is clear that some voter registration requirements within the U.S. have had substantial effects on voter participation, even within the limited range of variation found across the 50 states in the post-Voting Rights Act period.

Scholars have recently devoted more attention to other aspects of election administration, particularly following the 2000 presidential election. Much of this literature addresses “convenience voting,” or the variety of modes of casting a ballot that have become more common since the 1990s.²¹ Convenience (or non-precinct) voting

²⁰ However, election day registration has not altered the composition of the electorate, as the participation rates of those with lower socioeconomic status are not drastically affected (Brians and Grofman 1999; 2001; Highton 1997).

²¹ Another strand of literature has focused on voting technology, including issues of ballot design, the machines used to record and count votes, and technology’s effects on under- and over-voting and the residual vote rate. See Stewart (2011a) for a review of this literature.

includes early in-person voting, vote centers, voting by mail, and absentee voting. As Stein and Vonnahme (2011, 307) explain:

In-person early voting allows voters to ballot at any number of locations days or weeks before Election Day. Mail-in voting allows voters to request or receive an unsolicited ballot in the mail that they can return on or before Election Day by mail. A newer mode of non-precinct voting is the Election Day vote center, which allows voters to cast their ballots at any number of voting places on Election Day. Common to all modes of nonprecinct voting is either the opportunity to vote before Election Day and/or to vote at any number of locations rather than just one polling place proximate to the voter's residence. The latter feature of both in-person early voting and vote centers provides voters with places at which to vote that are more convenient and central to where they work, shop, attend school and travel. Similarly, in-person early and mail-in voting provides voters with the added convenience of voting days, or even weeks before Election Day.

Most research on convenience voting has focused on its effects on turnout, and the conclusions are mixed. There is little evidence that convenience voting methods substantially increase turnout. Neither early in-person voting or no-excuse absentee voting have been found to affect turnout (Gronke et al. 2007; 2008, 443; Karp and Banducci 2001), while voting by mail has been found to increase turnout in low-stimulus elections, although it has little effect in high profile contests (Karp and Banducci 2000; Kousser and Mullin 2007; Southwell 2009; Southwell and Burchett 2000). Early and mail voting also do not reduce the socioeconomic skew in participation, as those who take advantage of convenience voting methods tend to be partisan voters who would be motivated to vote in any case (Alvarez et al. 2012; Berinsky 2005; Karp and Banducci 2000; Neeley and Richardson 2001; Stein 1998; Stein and Vonnahme 2008, 488). Most studies also find no partisan advantage to early voting (Alvarez et al. 2012; Gronke et al. 2008, 444).²²

²² Meredith and Malhotra (2011) do find evidence, however, that vote by mail and early voting may affect election outcomes without altering turnout or attracting new voters, as early voters cast their ballots before receiving late stage campaign information that might alter their voting decisions.

More noticeable effects on turnout have been linked to the accessibility of polling places. Gimpel and Schuknecht (2003) found that larger distances between a precinct's population center and polling place were associated with lower turnout in several Maryland counties in 2000, while Haspel and Knotts (2005) found that small differences in the distance between voters' residences and polling places affected the likelihood of voters turning out in Atlanta elections. Dyck and Gimpel (2005) also found that distance affected turnout and voters' choice between precinct and mail voting in a Nevada county in 2002. Similarly, the reduction in the number of polling sites has been found to depress voter turnout. Brady and McNulty (2011) study the consolidation of polling places and reassignment of some voters in Los Angeles County in 2003, finding a small but statistically significant decrease in turnout due to the reduction in polling places, mostly due to voters needing to search for their new polling place rather than a change in distance to the polling place. McNulty, Dowling, and Ariotti (2009) conducted a similar analysis of a local referendum in a New York town that underwent precinct consolidation, and found that having one's polling place changed substantially affected the likelihood of turning out. Finally, Stein and Vonnahme (2008) find evidence that the use of vote centers – which allow voters to choose a voting location that may be on the way to work or other daily destinations – boosted turnout in a Colorado county. Thus, even with a limited range of variation in distance to polling places²³ and where public voter information efforts were substantial, studies find that both distance and the

²³ The average change in distance to one's polling place for those affected in Los Angeles County was about one-sixth of a mile (Brady and McNulty 2011), while the median distance from voters' residence to the polls in Atlanta was .69 miles (Haspel and Knotts 2005, 564).

information costs of finding out where one is assigned to vote have noticeable, if relatively small, effects on voter turnout.²⁴

Finally, the impact of voter identification requirements on voter participation has received close scrutiny, reflecting concern that such requirements may disenfranchise lower income, minority, elderly, and youth voters who lack the necessary documentation. Different studies have come to different conclusions, but it appears that voter identification requirements have not had discernible effects on voter turnout at the aggregate level (see Alvarez, Bailey, and Katz 2007; Erickson and Minnite 2009; Mycoff, Wagner, and Wilson 2009). Studies have found, however, that Hispanics and African Americans are disproportionately asked to present ID at the polls (Ansolabehere 2009; Atkeson et al. 2010; Cobb, Greiner, and Quinn 2012), suggesting the importance of studying not just formal legal requirements but also how voter ID laws are administered.

Thus, while there are many other factors that affect voter turnout, the literature on participation in the U.S. shows that some factors that shape the convenience or difficulty of voting – particularly registration laws and the accessibility of polling places – have noticeable effects on the number of people that participate.

Comparative Election Administration

Election administration has also garnered more attention in comparative politics, where there is much greater variation in electoral institutions. General analyses have emphasized the importance of high quality election administration for the legitimacy of

²⁴ These studies carry conflicting implications, however. Haspel and Knotts (2005, 570) conclude that “[o]ur study suggests that splitting precincts helps increase turnout even if voters incur information costs due to the change.” Brady and McNulty (2011), in contrast, find that information costs have a greater impact on turnout than does distance to polling places. The rationale behind election day vote centers also suggests that convenient location, rather than distance from one’s home, is the relevant factor influencing turnout.

new democracies (Elklit and Reynolds 2002) and for stability in post-conflict societies (Lyons 2004). The empirical focus of much comparative work has been the institutional design of electoral management bodies (EMBs), the agencies charged with carrying out the administration of electoral processes. Of particular concern has been the independence of EMBs from the government and political party influence, which has received much attention in the election policy community (International IDEA 2006; López-Pintor 2000).

A fairly strong consensus holds that EMBs that are independent of the executive branch of government are preferable to government EMBs. As Birch (2008, 308) puts it, “[a]mong practitioners in the fields of electoral assistance and observation, independent central electoral commissions have come to be regarded as the hallmark of accountable electoral administration.” Lehoucq (2002, 31) goes so far as to argue that in early 20th century Latin America, the independence of electoral bodies was “one of the central institutional developments that made democratization stick in some places, but not in others.” Birch (2008) studies the impact of formal EMB independence on voter confidence in the fairness of elections across 28 countries, finding a surprising negative correlation between EMB independence and popular confidence. As Birch acknowledges (312-313), endogeneity and measurement problems may affect the results: independent EMBs may be introduced in countries with low quality elections, and the formal independence of EMBs does not necessarily measure their actual independence from partisan interests.²⁵

²⁵ A policy document makes a similar point: “The formal model [of EMB structure] says very little about an EMB’s actual independence. In fact, most nondemocratic regimes in today’s world boast an Independent Model of electoral administration” (IDEA 2012, 9).

Other studies have focused on the effects of party-based and expert-based EMB structures. Limiting their analysis to Latin American presidential elections, Hartlyn and colleagues (2008) devised a measure of EMB professionalism and nonpartisanship and found that electoral processes are significantly more likely to be found acceptable by observers where the electoral body is professional and nonpartisan.²⁶ As Hartlyn, McCoy, and Mustillo (2008) explain, their results suggest “that independent, professional [electoral] bodies are close to being a sufficient condition for successful elections” (89). Nonpartisan EMBs are not a *necessary* condition for successful elections, however; multiparty EMBs “can bring confidence if all major political parties feel represented,” although they may “lead to stalemates or to lower technical competence if directors are chosen for political affiliation rather than skills” (Hartlyn, McCoy, and Mustillo 2008, 90). In contrast, Rosas (2010) finds that nonpartisan EMBs are associated with lower levels of confidence in the electoral process among Latin American elites in countries at high levels of democracy.

While research is beginning to come to tentative conclusions about the effects of EMB structure on election quality, very few studies have addressed the origins of election administration institutions. In a policy-oriented study, López-Pintor (2000) documents the widespread proliferation of independent electoral management bodies, although he does not offer a theoretical explanation for this trend or for variations across countries. Other studies address the development of electoral management bodies in particular countries, as Eisenstadt (2004) does for the Mexican case, or electoral reforms to reduce

²⁶ In their statistical model, the effect is large: a multiparty EMB improves the odds of an acceptable election by 37 percentage points over a single-party EMB (from .48 to .85), while a fully independent EMB improves the odds of an acceptable election by another 13 percentage points (to .98) (Hartlyn et al. 2008, 84).

fraud more generally, as Lehoucq and Molina (2002) do for Costa Rica. The only scholarly comparative study of the choice of EMB structure is that of Mozaffar (2002), who finds that colonial legacies, postcolonial authoritarian regimes, ethno-political cleavages, and resulting political negotiations influence institutional design in Africa. Yet Mozaffar's analysis is limited to a relatively small number of cases, and focuses on the formal legal independence of electoral bodies rather than their partisan independence.

Cross-national studies of the effects of election administration practices on voter turnout are also scarce. Quantitative studies of turnout generally do not incorporate election administration variables into their models, with the occasional exception of voter registration requirements.²⁷ The major qualitative work in the field is Schaffer (2008), who demonstrates that election reforms ostensibly aimed at eliminating fraud and misconduct can potentially keep voters from the polls through legal disenfranchisement, administrative exclusion, or partisan demobilization. Beyond this comparative study, some individual country studies examine the effects of election administration variables on voter participation. For instance, Lehoucq and Wall (2004) have found that, controlling for other factors, turnout in Guatemala is lower in larger municipalities and in municipalities with higher ratios of registered voters to voting stations, suggesting that travel distance and waiting time at polling sites depress voter participation. Yet while country studies often note the importance of election administration for participation, few studies have addressed such issues comparatively.

Thus the comparative literature suggests the importance of election administration for overall election quality and possibly for larger outcomes such as democratic

²⁷ Though see Franklin (2002), who finds that voting on a Sunday and postal voting are each associated with an additional 5-7 points of voter turnout in a sample of 31 countries.

consolidation, and some evidence suggests that non-partisan electoral management bodies are associated with better quality elections. Yet less is known about the specific effects of various EMB institutional arrangements or election administration practices, or the factors influencing the choice of such institutions.

International Election Monitoring

Another literature at the intersection of comparative politics and international relations has focused on the growth of international election monitoring as an international norm since the 1980s. A wide variety of intergovernmental and nongovernmental organizations monitor elections,²⁸ and by the early 2000s about 80 percent of elections in “non-established” democracies were monitored (Beaulieu and Hyde 2009, 406; Kelley 2008, 223). Since the 1990s election observation missions have increasingly sent long-term observers to monitor all facets of the electoral process. Most observer missions regularly meet with election officials and political parties, issue periodic statements during the electoral process, and issue a final report after each election containing specific recommendations for improvements.

Although studies of election observation have not focused specifically on election administration inclusiveness, the findings on the relationship between election observation and electoral quality are relevant. Observers may improve elections through several mechanisms: by increasing the costs to incumbents of cheating and raising the benefits of holding clean elections through international verification; by offering

²⁸ Prominent international organizations involved in election observation include the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE), the United Nations, the African Union, and the Commonwealth Secretariat. Important NGOs involved in monitoring include the Carter Center, the National Democratic Institute (NDI), the International Republican Institute (IRI), and the Asian Network for Free Elections.

recommendations for improvements in the electoral process; and, over the medium or long term, by socializing domestic actors into norms of electoral conduct through repeated interaction (Kelley 2012a, 10-11). Thus, observers “issue numerous interim statements throughout the election period, providing feedback to the election authorities and sometimes pressuring governments to remedy problems such as incomplete voter registration lists before election day” (Hyde 2011, 110), and “can expose (and thus enable election administrators to correct) administrative shortcomings that might otherwise lead to massive disenfranchisement or some other electoral ill” (Kelley 2012a, 105). Post-election recommendations “may influence domestic actors either because they learn new norms and behaviors, or because they underscore precisely what the international community expects from them if they want the international community to endorse their elections” (Kelley 2012a, 105).

According to Carothers (1997, 20), international election observers have helped disseminate certain election administration practices:

For more than ten years, observers have stressed to election officials, politicians, and others in countries attempting democratic transitions that, for elections to gain international credibility, certain procedures must be followed: ballots must be counted at the polling stations and the results for each station posted at the site; measures must be taken to ensure that voters cast only one ballot; voter-registration lists must be posted in public areas before election day; poll workers must be trained; local political-party observers and domestic monitoring groups must be allowed to monitor the process; and so forth. In combination with extensive technical assistance to help election commissions effect such reforms, these efforts have led to significant improvements in the quality of many elections. They have also established a much broader recognition of a set of ‘best practices’ concerning the administration of elections.

Scholars have found some evidence of election observation’s touted effects. In a natural experiment in Armenia, Hyde (2007) found that the incumbent won a lower proportion of votes in monitored than in unmonitored precincts, suggesting that observers

deter ballot stuffing. Using statistical matching, Kelley (2012a, ch. 7) finds that monitored elections are of higher quality and more likely to result in government turnover than are unmonitored elections.

Evidence of long-term improvements resulting from election monitoring is scant, however. In a series of case studies, Kelley (2012a) finds that observers often have limited influence over election quality over the long term. While recommendations from observers sometimes inform subsequent electoral reforms, many election problems tend to persist and new problems often emerge. Improvements also usually take a long time, “and when progress does occur, the main role of international monitors usually is to reinforce domestic actors” (Kelley 2012a, 141).

Election observation may also have unintended consequences that lower the quality of elections, as incumbents strategically alter their manipulation tactics to avoid condemnation by observers. Scholars suggest that observers are more likely to condemn election day fraud and blatant manipulation such as ballot stuffing and misuse of government resources than administrative problems or irregularities occurring before voting takes place (Hyde 2011, 164-165; Kelley 2012a, 66-67). When confronted with administrative problems such as inaccurate voter registries, “international observers have a difficult time distinguishing between intentional manipulation and administrative incompetence” (Beaulieu and Hyde 2009, 404; see also Simpser and Donno 2012, 503). Judith Kelley’s exhaustive analysis indeed finds that observers are often “willing to give countries the benefit of the doubt when the problems might stem from inexperience or lack of capacity. Administrative problems such as errors in voter lists, complaints about the conduct of the electoral commission, problems with voter information, logistical

issues during voting, and so forth were not likely to trigger criticism by monitors” (Kelley 2012a, 81).

Thus indirect tactics of election manipulation may proliferate as observers make more blatant forms of cheating more difficult. Such tactics include inaccurate voter rolls or cumbersome voter registration processes that can be blamed on administrative incompetence, inadequate voter education efforts in opposition strongholds, tightening government control over the media, or selective application of the law (Beaulieu and Hyde 2009, 400; Carothers 1997, 22; Hyde 2011, 179; Simpser 2008). Some studies find evidence for such a shift in manipulation tactics: Hyde and O’Mahony (2010) find pre-election fiscal manipulation to be more likely in countries hosting election monitors, while Simpser and Donno (2012) find “that high-quality election monitoring missions are associated with a decrease in the rule of law, bureaucratic quality, and media freedom” (502). Beaulieu and Hyde (2009) find that election observation is associated with a greater probability of the political opposition boycotting elections, possibly because of incumbent strategic manipulation and the danger of participating in a manipulated yet internationally certified election. Kelley (2012a), in contrast, finds that bad things go together: the types of irregularities unlikely to be condemned by observers tend to coincide with more obvious forms of cheating. “That is, safer and riskier forms of irregularities are complements, not substitutes, as would be expected if politicians were shifting into safer forms of manipulation to avoid criticism” (Kelley 2012a, 86).

While the issue of strategic manipulation resulting from election observation remains unsettled, the literature shows that international election observation influences electoral conduct in monitored countries. The impact of monitoring on election

administration inclusiveness, however, is less clear – particularly as observer recommendations may promote either inclusive or restrictive practices.

Explaining Election Administration Practices

As the previous sections show, a large body of scholarship on election administration has developed in recent years. This literature shows that several facets of the administration of elections – such as the stringency of voter registration requirements and the location of polling places – have discernable effects on voter turnout in U.S. elections; that efforts to clean up elections, such as through the introduction of voter identification requirements, can have disenfranchising effects; that the structure of electoral management bodies is related to the perceived legitimacy of electoral processes among elites and observers; and that international election observation improves the quality of elections in the short term, while potentially also inducing a shift to more opaque forms of political manipulation.

Yet despite this extensive literature, very little work has addressed the origins of different election administration practices. In other words, scholars have largely treated election administration as an independent rather than dependent variable. This has important implications for understanding the effects of election administration practices, where unknown factors may be correlated with both the adoption of particular practices and with outcomes such as voter turnout.²⁹ It also means that we know little about the

²⁹ This is a problem of omitted variable bias. In the U.S. context, Hanmer (2009) notes that previous research is marked by a “failure to account for the reasons underlying state-to-state variations in election laws” (26) and argues that “ignoring the reasons why some states are inventive and interested in encouraging participation – and others are not – has serious implications for the ability to draw conclusions regarding the effect of the policy being studied” (7). Norris (2004, 173) notes a similar endogeneity problem facing comparative work, such that permissive administrative practices may be introduced in countries seeking to increase their low voter turnout – and thereby appear negatively correlated with turnout in large-n studies.

origins and evolution of an important subset of electoral institutions that are often pivotal in struggles for political power.

Despite the focus of prior work on the consequences of election administration, a number of factors influencing the origins of election administration can be gleaned from the existing literature and from the wider body of scholarship on electoral systems and suffrage rights. This section draws out these potential causal factors and distills a number of hypotheses regarding the origins of election administration practices.

Partisan Interests

Because election administration practices affect voters' access to the ballot and potentially influence election outcomes, partisan interests can be expected to play a large role in the adoption of electoral procedures – as they do in the adoption of other electoral rules. Indeed, most studies of electoral system choice adopt an office-seeking approach focused on partisan interests. In this view, “parties prefer electoral rules that maximize their seat share relative to those of other parties” (Benoit 2007, 378), and ruling parties prefer to maintain existing electoral rules unless the competitive environment changes (due to the entry of new parties or changes in voters' preferences, for example), at which point they will seek electoral reforms to stay in office or minimize their losses (Benoit 2004; 2007; Boix 1999, 2010; Remmer 2008; Wills-Otero 2009).

The historical record of the U.S. suggests the importance of partisan interests in shaping not just electoral system choice but also election administration rules. After outright disenfranchisement and ballot stuffing became untenable in the South following Reconstruction, a slew of procedural impediments to the vote – including stringent voter registration laws, literacy tests, and poll taxes – were erected. While racism was central to

these disenfranchising moves, the partisan interests of the Democratic Party in the South were also behind laws to eliminate the black and poor white vote (Campbell 2005, 102-103; Highton 2004, 509; Kousser 1974). The adoption of voting procedures aimed at reducing fraud, such as the secret ballot and voter registration, was also in part intended to disenfranchise some voters for partisan advantage (Campbell 2005, 97-100; Keyssar 2001, 126-127).

Partisan divisions have also been central to more recent election administration reforms in the U.S. The 1993 National Voter Registration Act (NVRA) that mandated voter registration services to be offered in motor vehicle and public assistance offices was passed by a unified Democratic government over Republican opposition (Martinez and Hill 1999, 296-297), and Democrats have generally supported election day registration while Republicans have opposed it (Carbó and Wright 2008, 68, 71; Hanmer 2009).³⁰ Similarly, partisan divisions over voter identification requirements and other election administration procedures have been intense since 2000, with Republicans endorsing more restrictive rules ostensibly to prevent voter fraud and Democrats supporting more inclusive rules to ensure access for voters likely to support the party (Hasen 2012). A similar pattern has been evident in Britain, where Labor has sought “to lower the cost of voting and thereby increase participation (particularly among key Labour constituencies)” while Conservatives and Liberal Democrats “have invoked the specter of fraud in pushing for greater controls on access to voting” (Elmendorf 2006, 432).

These examples highlight the potential for a governing party to craft electoral procedures to facilitate the participation of its supporters and/or to impede the

³⁰ In the 1990s some states adopted election-day registration with Republican support in order to be exempt from the provisions of the NVRA.

participation of opposition voters. The literature also suggests the potential for major parties to collude in restricting participation to their mutual benefit. As Bowler and Donovan (2008, 44) explain in reference to the U.S.,

Parties in power may act as cartels to limit the competition they face from potential rivals who are still out of power and hence restrict participation to a well-established group of voters....Voters who do not much care about politics who start to participate may well unsettle the political system, either by giving effective voice to their previously unarticulated demands or through their unpredictability. Well-organized political parties, both Democrat and Republican, may thus have an interest in excluding new voters from the electorate in general.

Critics claim that both major parties in the U.S. “strenuously resist vast increases in the franchise because they cannot predict the party allegiance of the newcomers, or how they would vote” (Scher 2011, 174), and Bowler and Donovan (2008, 45-46) find evidence that “[s]tates with a history of hierarchical, traditional party organizations were more likely to have longer requirements for registering in advance of elections.”

A similar view holds that incumbent politicians who have been elected under current rules have individual (rather than partisan) interests in maintaining those rules, and the interests of incumbency drive the choice of electoral procedures. In a comparative study of electoral system reform, Bowler, Donovan, and Karp (2006) find that incumbents are less likely to support electoral reforms than are outsider politicians and that “[w]inners from government and opposition parties appear quite similar in their hesitance to endorse electoral system change” (441). In the U.S., former president Carter has attributed his failure to gain support for national election-day registration in the 1970s to the fact that incumbents in safe districts did not want unpredictable voters entering the electorate (Carbó and Wright 2008, 69; see also Hayduck 2005, 28).

While politicians may have partisan or individual interests in increasing or limiting access to the ballot through administrative measures, the literature suggests that whether or not parties seek advantage through election administration depends in part on the ability of parties to identify their supporters and the supporters of the opposition. Intentional disenfranchisement through election administration practices for partisan gain requires accurate knowledge of voter preferences (Schaffer 2008). Thus, the ability of the dominant Democratic Party to identify Republican and Populist supporters through the identifiers of race and class made disenfranchisement through election administration a viable partisan strategy in the post-Reconstruction U.S. South. Campbell (2005, 271) notes more broadly how party identification patterns may facilitate cheating: “By fragmenting the electorate into groups with predictable voting behaviors, the parties have an easier job identifying those who will likely vote for and against them, which make vote-buying and vote-suppression much easier tasks.”

This is illustrated by negative vote buying (or buying abstention) in nineteenth century New York, where “[b]uying off the opposition (paying voters US\$10-25 to stay at home), whose members party canvassers identified in the weeks before election day, worked in a world of stable communities – places where party activists knew every citizen and therefore could reasonably predict the inclinations of voters” (Lehoucq 2007, 39; see also Schaffer 2007, 187). As Schaffer (2008, 121) suggests, “[w]e might expect negative vote buying in today’s reforming democracies, then, only in places where parties can easily identify rival supporters.” The ability to identify rival supporters is also necessary to effectively carry out other voter suppression tactics for partisan advantage, such as purging opposition voters from the voter rolls – a practice facilitated historically

in Costa Rica, for example, by the fact that candidates printed the names of their supporters in newspaper ads to demonstrate their popularity (Bowman 2003, 267).

Therefore, we might expect less inclusive election administration practices when a ruling party can single out opposition supporters for exclusion, whether due to geographic, ethnic, or socioeconomic factors associated with partisan loyalties (Schaffer 2008, 42-44). This suggests that countries with catch-all parties or fluid party systems marked by low levels of partisan attachments might exhibit more inclusive electoral procedures, since it would be relatively difficult for ruling parties in such systems to identify opposition supporters. Additionally, as the literature on electoral systems suggests (Benoit 2007, 383-384; Bowler et al. 2006, 435), uncertainty about parties' social bases may be particularly high in transitional settings, when many parties are new and voter preferences are not widely known.³¹

However, a contrary hypothesis regarding the effects of party systems can also be deduced. Restrictive election administration practices often have their largest impact on citizens of low socioeconomic status (see, e.g., Highton 1997), since those with fewer resources are least able to overcome the increased costs of voting that arise from administrative barriers. This suggests that where partisan loyalties correspond to class cleavages, the relative inclusiveness of election administration practices will depend on the extent to which the party or parties with lower class constituencies can influence election-related legislation and the decisions of the electoral body. Where such parties wield significant influence, we might expect fewer barriers to voter participation – unless

³¹ Renwick (2010, 11-12, 56-57) suggests that under such circumstances, parties will be unable to predict the partisan implications of different electoral rules and may choose electoral systems behind a Rawlsian 'veil of ignorance.'

there are means of voter exclusion available that can target higher socioeconomic groups without impeding participation of lower class constituents.

The ability to identify opposition voters may be a necessary condition for efforts to adopt restrictive election administration practices in order to shape the electorate for partisan advantage. Yet the literature offers less guidance on when parties will be motivated to pursue such a strategy. The competitiveness of the electoral environment may be critical, as ruling parties that perceive themselves to be electorally vulnerable may resort to voter suppression and other tactics to stay in power (Schaffer 2008, ch. 2). Yet the effects of competitiveness may be indeterminate: ruling parties may respond to rising opposition through either electoral manipulation or electoral reform aimed at increasing legitimacy and defusing protest – both of which were evident during Mexico’s democratization process, for instance (Schedler 2002, 116). Indeed, the literature on suffrage and democratization shows that in competitive electoral environments, elite parties have sometimes supported broadening voting rights in order to win over new social classes entering the electorate – or at least to not alienate such groups by opposing their enfranchisement (Collier 1999; Keyssar 2001, 33; Lehoucq and Molina 2002, 250). Aside from such strategic considerations, the values of political elites may sometimes trump the pursuit of partisan advantage. Bowler, Donovan, and Karp (2006) find that in addition to self-interest, values and ideology have effects on politicians’ preferences for electoral reform, and note that “[a]ttitudes about the proper role of mass participatory democracy, for example, may well produce a commitment to, or at least positive affect for, specific types of electoral arrangements that do not necessarily advance a politicians’ own electoral prospects or ability to control policy outcomes” (436).

In sum, partisan interests are sure to matter for the crafting of election administration practices, and the ability of parties to identify the opposition's supporters may be particularly important. Beyond that, it is unclear when parties (either individually or in collusion) will pursue strategies of inclusiveness or restrictiveness, or when other values will take priority over office-seeking.

Electoral Management Body Structure

Related to partisan interests is the institutional structure of electoral management bodies (EMBs), and in particular the independence or partisanship of election administrators. While parties can legislate election rules that shape voter access to the ballot, election administrators often have significant discretion in implementing election rules and deciding electoral procedures not specified by law.

Merriam and Gosnell (1924) long ago noted the potentially negative consequences of partisan election boards in the U.S., and observed that “the failure of the local boards to perform their tasks efficiently had a depressing effect upon the number voting” (108). Partisanship and decentralization are often blamed for election administration problems in the U.S. today. As Hasen (2012, 197) puts it, “[t]he core problems with how American elections are run are no secret: they are partisanship and localism.” Comparatively, although many observers acknowledge the appropriateness of multiparty EMBs in some circumstances – especially in post-conflict situations in which parties are distrustful of each other and seek mutual guarantees (IDEA 2012, 6, 14; Lopez-Pintor 2000, 63; Lyons 2004) – many analysts suggest the importance of independent and non-partisan electoral commissions for election quality (e.g., Pastor

1999, 18; Reilly 2003, 21). International election observers also often recommend that countries move towards independent and non-partisan EMBs to improve election quality.

The partisanship of election administrators might affect inclusiveness in several ways. First, top-level election officials with partisan ties may directly institute measures that facilitate or impede voting, depending on their party's interests. Such measures might include decisions about where to locate polling places, what paperwork to require for voter registration, or how vigorously to conduct voter education campaigns. Non-partisan election administrators, in contrast, will have no partisan motives to institute rules that hinder voter participation. As Schaffer and Wang (2009, 411) note in comparing the partisan election chief in Indiana and his non-partisan counterpart in Canada, "the Chief Electoral Officer in Canada has a freer hand and clearer mandate to protect the voting rights of *all* citizens, regardless of how they are likely to vote."

Second, the discretion of election workers at the local level may result in administrative impediments to voting, a possibility perhaps made more likely if local workers are partisan appointees. Poll workers play an important role given their "discretion in deciding who must show identification at the polls, how to handle voters who cannot be readily located in the voter registration rolls, and how to handle problems at the polls" (Alvarez and Hall 2006, 496; see also Scher 2011, 14). Thus if an EMB's partisan makeup penetrates down to the poll worker level, the potential for manipulation – including the inappropriate exclusion of voters at the polls – increases.

Finally, independent and non-partisan election commissions may play an active role in electoral reform. Elmendorf (2006) suggests several mechanisms through which commissions may influence electoral reform, including shifting public opinion towards

its proposed reforms, influencing judicial review decisions by providing independent analysis of election legislation, and gaining endorsements for its proposals from legislators who fear alienating election administrators. While this policy analysis and advocacy role of electoral management bodies has been largely overlooked in the literature, it may be the case that non-partisan EMBs not only prevent restrictive administrative measures being introduced with partisan intent, but also influence election administration inclusiveness by affecting election legislation.

A final consideration concerning electoral management bodies is their degree of centralization, an issue largely neglected in the literature. In the U.S., the highly decentralized system of election administration is sometimes blamed for a variety of ills, including administrative procedures that make voting more difficult (e.g., Hayduck 2005, 30; Scher 2011, 92), while Ewald (2009, 129-134) suggests that local control of election administration has sometimes led to greater inclusion. There is perhaps more consensus that decentralized authority over election administration produces vested bureaucratic interests, as evident by the resistance of state and local election officials toward any efforts at centralization (Ewald 2009, 6; Hasen 2010, 1098; 2012, 125). Such bureaucratic turf struggles have not been the focus of much research, but could potentially have important consequences for attempts at electoral reform.

Thus, prior research suggests that non-partisan EMBs may be associated with more inclusive election administration procedures. But the effects of EMB structure are only beginning to be studied systematically, and it is unknown whether, and under what conditions, independent electoral management bodies are more likely to lower barriers to voting than are partisan electoral bodies.

The Specter of Election Fraud: Access versus Integrity

Another prominent theme in the literature and in wider contemporary debates about election administration is the potential trade-off between making voting easier and preventing electoral fraud. As Schaffer (2008) demonstrates, election administration measures aimed at ensuring that only eligible voters cast ballots and that they cast them freely may – either intentionally or not – make it more difficult for eligible citizens to vote. This “access versus integrity” trade-off (Hasen 2012, 163) is evident in debates over voter identification and voter registration in the U.S. and discussions of online voting generally.³² Proponents of voter identification laws and opponents of election day registration cite concerns about voter fraud, while others emphasize the potential for strict rules to keep people from the polls. These debates are not new: in early twentieth century Costa Rica, for example, a requirement to show photo ID at the polls was “repeatedly postponed...ostensibly because legitimate voters would be deprived of their suffrage rights because they had not obtained their photographic identification cards” (Lehoucq 2000, 462). The historical record in the U.S. is also replete with efforts to make voting more difficult that were motivated, or at least justified, by the desire to eliminate election fraud – such as the introduction of voter registration requirements and lengthy residency periods to vote within a jurisdiction (Hayduck 2005, 21; Keyssar 2001, 103-104, 122-123).³³ While the remedies for fraud have been numerous, so too have the types of

³² On internet voting in the U.S., Campbell (2005, 286) notes that “[b]y 2000, election officials throughout the nation were still struggling with the age-old dilemma of making elections more accessible to a wider populace without opening up new opportunities for cheating.”

³³ As Keyssar (2012) explains: “Many of the late 19th- and early 20th-century laws [restricting voting] operated not by excluding specific classes of citizens but by erecting procedural obstacles that were justified as measures to prevent fraud or corruption. It was to ‘preserve the purity of the ballot box’ that legislatures passed laws requiring voters to bring their sealed naturalization papers to the polls or to present

election fraud that reformers have sought to curb, including double voting, voting by non-citizens, and the importation of voters from outside jurisdictions – a phenomena variously named colonizing, pipe-laying (Campbell 2005, 19, 23), and pre-electoral residential registration (Fukumoto and Horiuchi 2011).

Despite the centrality of the ‘access versus integrity’ theme in many election administration debates, there is little comparative analysis of how these tradeoffs manifest themselves and how they are resolved in different contexts.³⁴ There are thus few clear hypotheses offered in the literature regarding how concerns about election fraud shape election administration inclusiveness. Yet two ideas are suggested by previous work: a history of election fraud may lead democratizing countries to adopt strict safeguards against fraud (which may in turn impose procedural barriers to voting), and parties that are the victims of election fraud will be the likely supporters of strict safeguards.

The importance of past election fraud is suggested by Lyons (2004, 45), who lists among the challenges in post-conflict elections “the memories of earlier electoral fraud as in El Salvador, Liberia and Tajikistan. Where a disputed election was a cause of the conflict, the character of the post-conflict election will be scrutinized and regarded with great suspicion” (Lyons 2004, 45). This may apply equally in democratizing states that have not experienced recent armed conflicts, as transitional regimes may attempt to inoculate the electoral system against the types of fraud that occurred under authoritarian

written evidence that they had canceled their registration at any previous address or to register annually, in person, on one of only two Tuesdays.”

³⁴ Noting parallel processes of debating vote fraud and the effects of ballot security measures on participation in the U.S. and Britain, Elmendorf (2006, 441) suggests “[t]here is much we might learn about electoral commission impacts on law reform through a comparative study of the politics of ‘access versus security’ in the United States and the United Kingdom.”

elections. This is consistent with the more general notion that transitional regimes will often reject authoritarian-era electoral institutions, as post-communist regimes did in the case of single-member districts that had been used under communist rule, for instance (Benoit 2004, 384). Hanmer (2009, 77) suggests the applicability of this hypothesis in the U.S. by suggesting that election day registration has been less viable in states with a history of election fraud.

That political parties victimized by election fraud would support strict measures preventing double voting and participation by ineligible voters (as well as ballot stuffing and manipulation of the vote tally) is suggested by the historical record in the U.S., as when Whigs supported registry laws to stop the fraudulent practices of Democrats (Campbell 2005, 14).

Election Costs and Financial Resources

Because elections are administratively complex undertakings, the ability of election administrators to reduce barriers to voting are undoubtedly affected by the availability of financial resources and technical capacity, as well as a country's physical infrastructure. After all, state efforts to register voters, conduct voter information campaigns, and employ a large number of polling places on election day can be costly. The availability of resources and technical capacity is in turn partly a product of a country's level of economic development and the general level of professionalism or corruption in the civil service.³⁵ Yet even in wealthy countries, efforts to cut costs can

³⁵ Regarding the state's role in voter registration, one source notes that "[s]tate-initiated registration is bound to cost more than self-initiated registration because the state must make the effort to contact all citizens....To a certain extent state-initiated registration presupposes a greater capacity on the part of the electoral administration to locate all citizens. This capacity is likely to exist in an economically advanced country..." (ACE Project 2013a).

motivate less inclusive administrative practices, such as reducing the number of polling places in the U.S. case (McNulty, Dowling, and Ariotti 2009, 436). It is thus the allocation of resources and trained personnel to election administration that is most directly relevant.

While inclusive administrative practices may often cost more than less inclusive practices, in some instances inclusion and cost savings coincide. For instance, a purported benefit of voting by mail in the U.S. is its cost savings (Southwell 2009, 212; Stewart 2011b). Yet more generally, little is known about the costs of different non-precinct voting methods in the U.S. or the extent to which cost considerations have influenced their adoption (Stein and Vonnahme 2011, 309). Nevertheless, it is plausible that election administration practices will be more inclusive where electoral management bodies have greater resources, while resource-strapped EMBs will face difficulties conducting adequate voter education campaigns, carrying out voter registration drives, and holding voting in easily accessible locations throughout the country.

Civil Society and Public Opinion

Other potential influences on election administration come from civil society groups and public opinion. Civil society groups may pressure for more inclusive administrative practices, and several episodes of reform in the U.S. are suggestive of civil society's influence. Voter registration reform was carried out by several states in the 1980s, "thanks in part to the energetic lobbying of a broad coalition of progressive and good-government groups" (Keyssar 2001, 255), while "[i]t could be argued that the quiet activism of the disabilities rights community was responsible for the accessibility

requirements that were built into HAVA [the Help America Vote Act]” (Stewart 2011a, 372).

Comparatively, Birch (2011) finds that the strength of civil society and especially a free media are associated with higher quality elections, as they make electoral manipulation more costly for political elites. A form of civil society activity that is particularly likely to influence election administration is domestic election monitoring. Such monitoring groups have been active in at least 66 countries worldwide and engage in a range of activities including advocating for electoral reform and offering recommendations for improving election administration (Lean 2007). Domestic election monitoring has received little scholarly attention, but given their efforts to ensure fair and inclusive elections, the presence and strength of such groups (in terms of size, prestige, mobilizational capacity, and so on) could be an important factor in explaining election administration practices.

A more diffuse societal influence may be public opinion. Although issues of electoral system reform and election administration may not ordinarily arouse the passions of citizens, scholars of electoral system choice suggest that public opinion may work to constrain the self-interested behavior of elites, if only modestly. As Benoit (2004, 385) explains,

Some self-interest-maximizing institutional changes will be excluded from consideration as being simply beyond the pale, according to the limits set by public acceptability, opposition threats to withdraw support for the democratic institutions, or the simple bounds of political propriety. Yet extensive political practice shows that considerable and meaningful institutional change may occur within these broad and vague constraints.

Renwick (2010) also argues that unpopular electoral reforms can entail legitimacy costs to elites, such that a party perceived by voters to be wantonly acting in its own

interests when it comes to electoral reform may lose support. Norris (2010, 6) similarly notes that public opinion and political culture may constrain elites in choosing electoral systems. In the U.S. context, Hanmer (2009, 28) suggests that the adoption of voter registration laws may be influenced by “attitudes regarding the value of political participation, or the ‘taste’ for participation,” while Knack (1995, 798) similarly suggests that “some underlying and difficult-to-quantify cause, such as a strong ‘participatory culture’” influences the choice of voter registration rules.

Thus while the literature does not go far in specifying the conditions under which organized civic groups or diffuse public opinion may exercise influence over electoral rules, previous work does suggest the importance of being attentive to such societal influences on the choice of election administration practices.

International Influences

The literature on international election monitoring suggests several points about the influence of election observers on inclusiveness. First, for any given election, the presence of election observers may make certain forms of administrative disenfranchisement (particularly those that occur on election day) less likely, and during the electoral process observers may advocate for election administration procedures that affect inclusiveness. It is not clear, however, whether observers generally advocate inclusive election procedures or lean towards restrictive procedures that safeguard against fraud – or whether different observer groups offer a mix of (potentially conflicting) recommendations.

Secondly, because many administrative (as opposed to legal) shortcomings in the electoral process generally do not lead observers to give negative evaluations of an

election, the post-election recommendations of observers addressing administrative issues can be expected to have relatively little impact. While full observer reports, issued long after election day, often contain more detailed and critical remarks on election administration than observers' immediate post-election statements, "by the time the longer report comes out both the media and the world's attention have moved on, and details in the reports frequently escape attention. Thus, the world primarily hears the statements made shortly after the polling or the overall assessment that is usually repeated in the executive summary or conclusion of the final report" (Kelley 2012a, 61). Pressure from observers also eases between elections, and thus long-term recommendations are often neglected (Kelley 2012a, 177). Given these findings, international observer advice is likely to play only a modest role, at least absent significant domestic pressures for electoral reform (Birch 2011, 154; Kelley 2012a, 148-149).

A third point on the influence of observers concerns the geopolitical interests of foreign powers. As Kelley (2012a, 145-147) points out, the influence of observers can be limited or strengthened depending on the behavior of foreign powers and the host country's desire for cooperation with the West. Where foreign powers favor electoral reform and the country desires good relations with the West, the influence of observers will be strengthened as the host country seeks to enhance its democratic legitimacy; where foreign donors have other priorities or where a host country is not dependent on Western favor, pressures for holding high quality elections will be lessened (see also Birch 2011, 56-59).

International influences on elections beyond election monitoring are scarcely addressed in the literature, but at least one other type of international influence warrants attention: the extensive technical assistance that international organizations, bilateral donors, and NGOs offer to election administrators worldwide. Organizations such as the International Foundation for Electoral Systems (IFES) and the Center for Electoral Promotion and Advising (CAPEL) offer financial and technical assistance in carrying out a wide range of electoral tasks, including voter education and voter registry modernization. Such assistance may contribute to more inclusive election administration by enhancing the capacity of the electoral bureaucracy in recipient countries.

Conclusion

Although election administration inclusiveness has not been the object of systematic investigation, a number of hypotheses regarding the causes of variation in election administration inclusiveness suggest themselves in the existing literature, as the above discussion indicates. Table 2.1 below summarizes these hypotheses drawn from the extant literature. Despite the long list of potential influences on election administration, however, little is known about the empirical validity or scope conditions of these hypothesized explanations. The case studies in the following chapters thus pay close attention to the potential influences on election administration outlined in Table 2.1, while also being attentive to the possibility that some important causal factors may be at work that have been overlooked in prior research.

To evaluate these hypotheses, I draw on data gathered during field work in each case study country in 2011 and 2012. I attempted to interview current and former election officials, party leaders and legislators from different parties that played roles in drafting

electoral legislation, members of civil society involved in election observation and analysis, and knowledgeable academics. In total I conducted over 60 interviews, including interviews with more than 20 current and former EMB magistrates and staff members, more than a dozen legislators and political party leaders, over a dozen civil society leaders, and a number of academics, journalists, and international experts.³⁶ I also gathered data from archival sources, particularly legislative records and documents from electoral management bodies. I use this data, along with information drawn from news sources, election observer reports, and the secondary literature, to identify and assess the causal factors underlying election administration inclusiveness in the three cases.

It is to the case studies that we now turn.

³⁶ For a complete list of interviews, see the references section.

Table 2.1 Hypotheses on Election Administration Inclusiveness

Partisan Interests	H1: Where a ruling party can identify opposition supporters, election administration inclusiveness will tend to be low, whereas countries with catch-all parties or fluid party systems marked by low levels of partisan attachments will tend to have more inclusive electoral procedures.
	H2: Parties with strong lower class support (typically populist or leftist parties) will support inclusive rules.
Electoral Management Body Structure	H3: Partisan EMBs will tend to implement less inclusive measures as partisan election officials attempt to impede the participation of some parties' supporters.
	H4: Independent, non-partisan EMBs will be associated with inclusive rules in part by playing an active role in electoral reform.
The Specter of Election Fraud	H5: A history of election fraud will lead democratizing countries to adopt strict safeguards against fraud, which may in turn impose procedural barriers to voting.
	H6: Parties that have been the victims of election fraud will support strict safeguards that reduce inclusiveness.
Election Costs and Financial Resources	H7: Countries with more resources will have more inclusive election administration.
Civil Society and Public Opinion	H8: Strong civil society, particularly domestic election observation groups, will increase election administration inclusiveness.
	H9: Public opinion will set limits on the extent to which elites can pursue self-serving election administration rules.
International Influences	H10: International observers will prevent extremely restrictive measures in elections that they observe, particularly measures that are highly visible on election day.
	H11: The recommendations of election observers will have little impact on election administration practices.
	H12: When a country seeks good relations with Western democracies, the influence of election observers will be enhanced and inclusive election administration practices will be more likely.
	H13: Technical and financial assistance will make inclusive measures more likely by enhancing domestic bureaucratic capacity.

CHAPTER 3

GUATEMALA: RAISING OBSTACLES TO VOTER PARTICIPATION, 1983- 2003

Guatemala's Transition to Electoral Democracy

Guatemala has held relatively free and fair elections since the country's return to civilian rule in 1985. Prior to that transition, Guatemalan politics was marked by direct and indirect military rule following the 1954 coup that ended a brief democratic period. While elections were held regularly throughout the 1960s and 1970s, contestation was limited by the banning of leftist parties, the parties' nomination of active military officers as presidential candidates, and in later years by election fraud. By the early 1980s, in the context of economic crisis, rigged elections, and massive state violence against a guerrilla insurgency, the military regime found itself lacking legitimacy both domestically and internationally. In this context, the military sought a return to civilian rule, and during the military-led transition a new electoral regime was developed.

The gradual transition began when a military coup was carried out in 1982, before the fraudulently elected winner of that year's presidential election took office. The new government formed a subcommittee on electoral matters tasked with drafting a new electoral law. The subcommittee worked quickly to set up new electoral machinery, working with little interference from the military or existing political parties (Interview 19). The subcommittee's work resulted in a series of laws issued by the government in March 1983.

One of these laws (Decreto 30-83) created an independent electoral management body – the Supreme Electoral Tribunal (TSE) – made up of five non-partisan magistrates to be chosen from candidates (all lawyers) put forward by a nominating committee consisting of university rectors and law faculty deans. A Law of Political Organizations (Decreto 32-83) established less restrictive rules for political parties, while a Citizens Registry Law (Decreto 31-83) created the Citizens Registry (charged with overseeing the voter lists) under the control of the new TSE. Another law (Decreto 33-83) was to create a new identity document to replace the old *cédula de vecindad*; however, this law never went into effect, as the government gave in to public pressure generated by concerns about the military regime gathering personal information through the new registration process (Escobar Armas 1987, 17-18; Gálvez Borrell 2008, 135; Medrano 2005, 42; Interview 16). Consequently, a new law on voter registration was put into place (Decreto 138-83), and more than 20 years would pass before a new identification document was finally introduced.³⁷

With this structure in place, elections were held the following year for a national constituent assembly, with a temporary election law put in place to govern the process (Decreto 3-84). The constituent assembly was tasked with drafting a new electoral law, which was promulgated in 1985. The assembly used the 1983 and 1984 electoral laws as a template when combining the various decrees into a unified Electoral and Political Parties Law (LEPP, by its Spanish acronym) (Interview 19).³⁸ The 1985 electoral law established the framework for Guatemala's electoral regime up to the present. As a law of

³⁷ Decree Law (*Decreto*) 33-83 gave the TSE's Citizens Registry oversight over what was to be the new ID document. Later debates over a new identification document would see fierce battles over whether the TSE or another agency would oversee the process of issuing ID cards.

³⁸ General elections held in 1985 were governed by a temporary election law, Decreto 47-85. The Electoral and Political Parties law approved in 1985 went into effect the following year.

constitutional rank, any amendments must be approved by a two-thirds vote in Congress and pass a prior review by the Constitutional Court. The law has been amended a number of times, but until 2004 the reforms consisted of relatively minor changes.³⁹

The 1983-1985 electoral laws and the establishment of a non-partisan electoral commission marked a profound departure from the electoral regime that had been in place previously. The electoral body created by the 1965 constitution – the *Registro Electoral* – had been under the executive branch’s control, which facilitated election fraud. Additionally, contestation had been limited by onerous requirements for the registration of political parties and the arbitrary application of those requirements, in addition to an outright ban on leftist parties (Gálvez Borrell 2008; Interview 19).⁴⁰ Under the new legislation, the selection of nonpartisan election officials nominated by a committee of legal experts and approved by at least two-thirds of Congress resulted in a technocratic and neutral electoral management body.

However, the electoral laws and subsequent regulatory decisions of the TSE also included provisions that presented significant obstacles to voter participation. In fact, these two features of the new electoral regime – ensuring fair elections free of fraud and raising substantial barriers to voter participation – were intimately related. In order to inoculate the electoral system against fraud, the act of voting was in many ways made more difficult. These administrative and procedural restrictions ranged from getting registered to vote, to finding information about the election process, to reaching the polling station and casting one’s ballot. The following sections document the barriers put

³⁹ See Decretos 74-87, 10-89, and 35-90.

⁴⁰ The restrictions on political party registration included requiring a minimum of 50,000 affiliates, all of whose names needed to be published in the official newspaper. In addition to the legal restrictions, the electoral body would also arbitrarily reject party registrations when it saw fit to do so in order to limit the number of parties (Gálvez Borrell 2008, 72-73, 88, 132; Interview 19).

in place, discuss the effects of those barriers on voter participation and electoral politics more generally, and explain why procedural barriers to participation were put in place as Guatemala's electoral system was restructured during the country's democratic transition.

Election Administration and Procedural Barriers to Voting

Voter Registration

The administrative barriers faced by voters began with voter registration, which has been described as “a long road of obstacles” (Boneo and Torres-Rivas 2000, 105) and “unduly bureaucratic” (NDI 1995, 9). Unlike countries that use some form of automatic registration, voter registration in Guatemala is voter-initiated and requires several steps. The process for registering required the citizen to go to one of the delegations of the Citizens Registry located in each municipal capital. The need to travel to the centrally located registry, often a great distance from one's residence, created a burden for many people, especially in rural areas and for those lacking transportation (OAS 1997a, 30; UNDP 2005, 198).

The process required two trips to the registry on the part of the citizen: a first visit to fill out the registration form and a second visit (after the registry had checked the applicant's information) in order for his or her identity document to be stamped with the voter registration information (Boneo and Torres-Rivas 2000, 109). When initiating the process, the citizen would present their identity document and fill out a long form, requiring extensive information. As an election observer report noted, “if one considers that the information required during the registration process has already been supplied by the citizen during the process of inscription in the civil registry after turning 18 years old, this proceeding constitutes in reality a duplication of the civil registration process” (OAS

1997a, 31). Thus, rather than automatically adding citizens to the voter rolls from the information available in the civil registries – which emit the identification documents – citizens are required to initiate and carry out a separate process to register to vote. Had plans for a new identification document been carried out in 1983, greater coordination between the civil registry and voter registry would have resulted.⁴¹ Instead, the country maintained its municipal-based civil registry system, with the issuance of identification documents controlled by the municipalities, and instituted a separate voter registry.

For the many citizens lacking an identity document, prior trips to the municipal capital were required in order to first register in the civil registry and obtain a *cédula*. Obtaining a *cédula* in turn required a birth certificate, which could require multiple trips to the registry office and payment of a fee (Boneo and Torres-Rivas 2000, 106-108; Sieder et al 2002, 30). Only after obtaining a *cédula* could a citizen then register to vote. Traveling to the municipal capital to carry out these transactions could require citizens to spend an entire day away from their home or farm and pay for transportation in order to register, while a further financial burden was imposed by requiring citizens to purchase photographs for their document. These procedures could also alienate indigenous people who “often wish to avoid taking photographs or signing their names, fearing they will be manipulated by unscrupulous people” (NDI 1995, 9).⁴²

⁴¹ Decreto 31-83 called for coordination and information sharing between the voter registry (*Registro de Ciudadanos*) and the civil registry (*Registro General de la Población*), with the voter registry actually “supervising” the identification process carried out by the civil registry. While the legislation was not entirely clear in spelling out the division of responsibilities between the two registries, it is easy to imagine that a system of automatic voter registration would have resulted had the government not backtracked on plans to introduce a new identification document.

⁴² The burdens posed by the registration process are also summarized by López-Pintor and Urrutia (2002, 38), who note that “the requirement that citizens visit registration offices several times partly explains why large sectors of the population do not register. Costs, such as those of transport and photographs, are also incurred as part of the registration process. Economic, geographic and cultural factors as well as lack of an ID card make the process even harder.”

Another obstacle to voter registration related to the de facto adoption of a residency requirement in 1987. Whereas for the 1984 and 1985 elections citizens could register to vote in the jurisdiction in which they were living at the time, after 1987 citizens could only register to vote in the municipality listed on their *cédula*. For instance, a person from the municipality of Cobán (in the country's north) living in Guatemala City in 1985 could register and vote in Guatemala City; after 1987, the citizen would either need to obtain a new identity document issued in Guatemala City or return to Cobán to vote (Conde Rada 2003, 38; Interview 13). No system of absentee voting is in place to accommodate such circumstances. This change to a voter roll based on *vecindad*,⁴³ as it is known, was a decision of the TSE rather than a provision in the electoral law, and was included in its 1987 regulation (*reglamento*) of the electoral law. By requiring voters to hold a *cédula* from the municipality in which they register to vote (and thereby giving up, in theory, their *cédula* from their municipality of origin), the TSE essentially adopted a quite restrictive residency requirement – since one year of residency was required to obtain a *cédula* in a given municipality (Interview 14). Thus, when moving to a new municipality, the citizen would need to carry out two separate time consuming proceedings – obtaining a new *cédula* and registering to vote – or return to their old municipality to vote (which would also involve voting for local officials in a jurisdiction in which the citizen no longer lived).⁴⁴

⁴³ Based on the municipality where the voter has received his or her *cédula de vecindad* (ID card), rather than based on the voter's current residence.

⁴⁴ The extent to which voters maintain their registration and vote in a municipality in which they no longer live is not known, but it may be common. One interview respondent admitted to keeping their registration in Guatemala City despite the fact that they now live in a neighboring municipality, so that they could cast a vote for the more important post of mayor of the capital city rather than mayor of their town. Besides such strategic motives, no doubt many voters chose not to re-register after moving to a new municipality in order to avoid the bureaucratic process involved. In 2003 the TSE returned to residence-based registration, as discussed in the following chapter.

These obstacles to voter registration were compounded by the limited opportunities for voters and political parties to review the preliminary voter register and rectify errors or omissions (NDI 1991, 44; Boneo and Rivas 2000, 53-54). Although the voter roll is formally a public document that interested parties may consult (LEPP, Art. 225), citizens must visit a registry office to do so (the lists are not posted in public places prior to election day) and the country's electoral law does not guarantee the distribution of the voter register to political parties for review (EUEOM 2007, 26; Ramirez Barrios 2002, 35). However, in recent elections the TSE has distributed the voter register to political parties, while also being criticized for the minimal information contained in the distributed lists (making it difficult to rectify errors) (EUEOM 2003, 11; OAS 2005, 11; 2009a, 23-24).

In addition to what citizens must do to register to vote is the issue of when they must do it. The electoral law requires voter registration to close 90 days prior to election day (LEPP, Art. 9; Reglamento a la Ley Electoral y de Partidos Políticos 1987, Art. 6 [hereafter Reglamento 1987]), meaning voters must register before campaigns and civic education programs reach their most intense stages (OAS 1997a, 31). The 90 day closing date is relative to the first round of elections; because Guatemala employs a run-off election for the presidency if no candidate receives a majority in the first round (which has been the case in every presidential contest since the return to democratic rule), voters cannot participate in the final election of president without registering some five months ahead of time. One observer mission to the 1995 elections noted that many citizens try to register to vote during this period between the closing of registration and election day (OAS 1997a, 31), and many people apparently also try to register between the first and

second rounds of presidential elections as well (Prensa Libre 1985d [hereafter PL]). The author observed firsthand a steady stream of people arriving at a voter registry office in the department of Baja Verapaz the day before the 2011 general elections, some of whom hoped to register to vote.

It should be noted that for the 1985 elections, which were held under a temporary electoral law (Decreto 47-85), the deadline for voter registration was only two months before election day (Art. 19, 21), and for the 1984 constituent assembly elections the deadline was an even shorter 30 days (Decreto 3-84, Art. 13 and 15). A reform to the election law in 1987 pushed the deadline back to three months (Decreto 74-87, Art. 3).⁴⁵ Another element specific to the 1985 elections was the fact that voting for literates was compulsory, with nonvoting punished by a small fine. However, the fine applied only to those people who were registered to vote and failed to turn out (PL 1985a; 1985b). Thus, not registering was a way to avoid a fine for not voting.

In short, as an OAS observer mission put it, “the registration process in Guatemala, given the socioeconomic characteristics of the country, is long and costly, both in terms of time and money” (OAS 2005, 18). And while the voter registration process has become easier in recent years (as discussed in the following chapter), it continues to be burdensome for potential voters.

Getting to the Ballot Box

In addition to registering to vote, citizens also face the task of getting to their polling location in order to cast their ballot. Until 2007, this task presented a significant barrier for many prospective voters in Guatemala. Voting centers were limited to the

⁴⁵ The electoral law approved in 1985 went into effect the following year, and it did not specify a registration closing date. However, elections were not held under the new law until after the 1987 reform.

capitals (*cabeceras*) of each of the country's 330 municipalities,⁴⁶ each of which is roughly equivalent to a U.S. county; the location of polling sites outside of these capitals was prohibited, first by the 1984 decree calling for the election of a constituent assembly (Decreto 3-84, Art. 30) and by the temporary law governing the 1985 elections (Decreto 47-85, Art. 36), and more forcefully in the 1985 electoral law (LEPP, Art. 231).

As a result of this centralization, many voters – mainly those residing in rural areas – would need to travel long distances to reach their polling site. Each polling site, known as a voting center (*centro de votación*), contains a number of voting tables (*Juntas Receptoras de Votos*, JRV), ranging from just one or two JRVs to several dozen. While the electoral law fixes a maximum of 600 voters assigned to each JRV, and in practice the number has averaged less,⁴⁷ the important factor is the concentration of JRVs within a limited number of voting centers. Thus there were 5,142 JRVs in 1985, 5,630 in 1990, 6,348 in 1995, 7,601 in 1999,⁴⁸ and 8,885 in 2003 (ASIES 1986, 6, 9; OAS 1997a, 11; Mirador Electoral 2007a; TSE n.d.[b], 115). However, the number of voting centers was much more limited: for the 2003 elections, for example, there were roughly 1,245 voting centers (Lopez-Pintor 2005, 122)⁴⁹ – a relatively small number for the country's five million registered voters, averaging over 4,000 registered voters per voting center.

For those residing in rural areas – about 60% of the population in the mid-1990s and 52% a decade later (OAS 1997a, 11; 2008a, 44) – traveling to the municipal center to

⁴⁶ The number of municipalities later increased to 332.

⁴⁷ Based on calculations from ASIES 1986 (6, 9), OAS 1997 (11), and Inforpress Centroamericana and Friedrich Ebert Stiftung 1995 (2).

⁴⁸ Sources vary slightly on the number of JRVs used in the 1999 elections. Mirador Electoral (2007) gives the figure of 7,601, while Azpuru (2004) gives the almost identical figure of 7,602. OAS (2000, 32) reports a figure of 7,295, but also notes (p. 17) that their observers visited 3,237 JRVs representing 43 percent of the total, suggesting a total number close to that given by the other sources.

⁴⁹ OAS (2005, 15) reports 1,291 voting centers; Prensa Libre (2003) reported 1,262 voting centers for the first round of voting and 1,331 for the second round; while Ortiz Loaiza et al. (2008, 24) give the figure of 1,295.

vote could pose a substantial burden. Citing an extreme case, Horacio Boneo (2001, 80) notes that “the inhabitants of the village of Xocolá must travel 160 kilometers to arrive at their JRV located in the municipal capital of their municipality of Nahualá.” Others have pointed out examples of villagers traveling 3-4 hours on foot just to reach public transportation that could bring them to their municipal center (Ramirez Barrios 2002, 56). While the required travel was less extensive for most voters, the required trip from a rural village to the municipal capital was a burden for many citizens.

While centralized voting raised barriers for rural voters, the method of assigning voters to polling stations also posed obstacles for urban voters. Voters were assigned to a polling station based on their registration number rather than their residence. Thus, a voter in the capital city might be required to travel not to the nearest voting center, but to one across town to which he or she had been assigned.⁵⁰ Likewise, family members might vote in different parts of the city based on their registration numbers (ASIES 1997, 61-62; Boneo 2001, 80). The 1983-1985 election laws included references to ordering the voter lists by number,⁵¹ and the 1985 electoral law maintained this requirement (Art. 224), which was made more explicit in the TSE’s 1987 regulation of the law (Reglamento Art. 54).

A related issue has been the lack of free public transportation on election day, posing obstacles especially to lower income urban voters (EUEOM 2007, 59). While the issue of election day transportation would arise during later debates over electoral reform, the delays in reform prevented the government from offering free public transport to

⁵⁰ A similar system was employed in El Salvador, but with voters assigned to voting centers alphabetically rather than by the order of their registration number (Boneo 2001, 80).

⁵¹ Decreto 138-83, Art. 9 indicated that the lists should be “correlatively ordered”; Decreto 3-84, Art. 16 indicated that they must be “in rigorous correlative order according to the registration numbers assigned to each one; Decreto 47-85, Art. 22 also required the lists be “in rigorous correlative order...”

facilitate travel to polling sites (Acción Ciudadana et al. 1999, 164). Election day transportation became an issue in the 1999 elections, as the OAS observer mission noted: “The most important complaint received by the Mission referred to an allegedly deliberate stoppage of public transit in the metropolitan district of Guatemala City, with the intention of preventing certain sectors of the population from going to the polls” (OAS 2000, 19). As discussed below, the unavailability of public transportation, in the context of centralized voting and failure to assign urban voters to polling places based on residence, led to political parties playing a large role in transporting voters to the polls.

A final hurdle getting to the ballot box for many voters prior to 2004 was the fact elections were held during the labor migration season, when many rural laborers migrate to different municipalities to work on harvests. Since there is no system for absentee voting, tens of thousands of migrant workers (and perhaps more) were effectively unable to vote (Boneo and Torres-Rivas 2000, 115-123).⁵² The lack of absentee voting procedures also means that no provisions exist to allow the hospitalized or prisoners awaiting trial to vote (EUEOM 2007, 23).

Casting a Ballot

Once registered and after traveling to one’s assigned polling place, the actual process of voting presented further obstacles. Before receiving a ballot, the voter would need to show his or her identity card to the poll worker, and if the document wasn’t stamped with the voter registration information, he or she would be asked for a registration ticket; without the registration stamp in the *cédula* or a registration ticket, the

⁵² CRE (1998, 59) gives an estimate of 500,000 migrant workers in the country, although it is not certain how many would have been working a significant distance from their home municipality to be effectively unable to vote. This problem was recognized as early as the 1985 elections (see Prensa Libre 1985c).

voter could not vote – even if their name were on the voters list. A voter would also be turned away if their name was not on the list, even if the registration number on their *cédula* corresponded to the range of registration numbers assigned to that voting table. Also, if the number of the voter listed on the voter roll did not match the number on their *cédula*, even if the names were the same, they could not vote (CAPEL and CEDEP 1986, 39-40, 45-46; TSE 1995, 20).

There were thus multiple ways a voter could be prevented from casting a ballot at the polling place: not having either a registration stamp on their identity card or a registration ticket, or having these but not appearing on the voter list, or a mismatch between their identity document number and the number listed on the voter roll – situations that would likely be common where voter registration was done manually. There is little systematic evidence regarding how many voters were affected by such rules, and it is possible that poll workers sometimes applied the rules leniently. But in 2003, when problems with the voter rolls were particularly severe because of technical problems resulting from a new method for updating voters' residences,⁵³ the domestic election observer group Mirador Electoral estimated that between 44,200 and 57,400 people “turned out to the polls but could not vote” (NDI n.d., 29).⁵⁴ Similar problems reappeared in the 2007 elections (EUEOM 2007, 50). Most likely fewer voters were affected by similar problems in prior elections, but the potential existed in the rules for minor errors in the voter rolls to result in disenfranchisement of voters, in marked

⁵³ This updating of the voter rolls was part of the process of allowing people to vote in their municipality of residence and preparing for the decentralization of polling sites, discussed in chapter 4. The main problem was that after updating their voter registration information in order to vote in the municipality where they resided, some voters found their names missing from the voter rolls at their new polling site.

⁵⁴ The EU observer mission reported that “in around 15% of polling stations there were some voters who were unable to find their names in the voter lists” (EUEOM 2003, 9), but no estimate how many voters were affected is given. The OAS mission only reported “a large quantity” of complaints of pollworkers not allowing registered voters to cast a ballot because they did not appear on the voter list (OAS 2005, 66).

contrast to Nicaragua's more permissive rules (see chapter 5). There is also no system of provisional ballots that could alleviate such problems. Errors in the voter lists have also contributed to excessively long waits to cast one's vote (MIOE 2003, 52, 58), another potential barrier to participation.

An additional obstacle to participation in indigenous areas has been the failure to staff polling stations with poll workers that speak the local languages.⁵⁵ With some 22 indigenous languages spoken in the country in addition to Spanish, and an estimated 43 percent of self-identified indigenous people speaking only their native Mayan language (Moreno 2008, 11), the linguistically unrepresentative makeup of polling station staff has posed a further barrier to participation for some indigenous peoples. As one observer noted, the lack of representativeness not only generates distrust in the electoral process, but also results in cases of voters getting to the voting table after waiting several hours in line only to find that the poll workers do not speak their language and cannot explain any problems that might occur with the person's registration or documentation (Interview 12). The lack of instructional assistance to voters in indigenous languages has been a particular problem considering that five different ballots are used for the country's concurrent elections (EUEOM 2003, 11).⁵⁶

⁵⁵ Even as recently as 2007 – after reforms to the electoral law had required the TSE to take diversity into account when staffing polling stations and other levels of the electoral bureaucracy (Article 172) – the indigenous observer mission noted that in 40% of the districts they visited, staff did not speak the local indigenous language (MIOE 2007, 127-128). Indigenous people and women are especially underrepresented on municipal and departmental election boards (see *Mirador Electoral* 2008, 16, 100). The TSE has generally opted to retain temporary staff at local and departmental levels from one election to the next, in order to benefit from their experience and training; the trade-off has been failure to make these levels of the election administration bureaucracy more representative of the population.

⁵⁶ Voters cast separate ballots for president, congressional representatives for the national district, congressional representatives for departmental districts, municipal councils, and the Central American Parliament.

Voter Education

The obstacles of onerous voter registration procedures, centralized polling locations, and restrictive procedures for allowing voters to cast a ballot have been compounded by voter education efforts that have been generally characterized as insufficient, given Guatemala's socioeconomic and cultural context. Numerous observers have noted the insufficiency of efforts by the state to provide voters with information concerning the registration and voting process (Azpuru 2004; Boneo and Torres-Rivas 2000, 166), an evaluation shared by many interview respondents and even the TSE itself (CRE 1997, 4-5, 8). The effectiveness of voter education programs has been limited by their uneven territorial coverage and a lack of a unified pedagogical method (Interview 02), as well as the lateness with which education campaigns are launched and the challenges of translating voter information into different indigenous languages.

Voter education efforts consist both of general get-out-the-vote campaigns and (more importantly for our purposes) informational campaigns to instruct voters about the registration and voting process – such as when and where to register, what documents are needed, where to vote, how to mark one's ballot, and so on. They take the form of printed materials, radio and television spots, and increasingly, internet resources. The TSE has carried out informational campaigns since its first elections, for instance publishing lists of voting stations in the capital city with corresponding voter registration numbers in the country's largest daily paper and establishing phone lines for voters to call for information (PL 1985e; 1985f).

Over time, the TSE has devoted increasing resources to voter information efforts, but at least before the mid-2000s the TSE's efforts were widely considered insufficient to

inform the country's diverse population of the voting process. An observer mission to the 1995 elections noted the efforts of the TSE and the international electoral assistance organization CAPEL to promote voter registration, but emphasized "the lateness of the effort ...as well as the limited geographical reach of the effort" (NDI 1995, 19). Another observer team similarly noted that the TSE conducted an intensive voter education campaign in the days prior to the election, but it did not have the resources to carry out a long term effort (OAS 1997a, 32-33) – thus the voter education campaign was minimal prior to the close of voter registration. Evaluations of voter education campaigns have been more positive since 1999 (e.g., OAS 2000, 10-11), but many remain critical. López-Pintor (2005, 126-127) notes the insufficiency of information provided in indigenous languages in some areas, while acknowledging improved efforts on the part of election officials. Mirador Electoral's evaluation in 2003 was that "[t]he TSE is not effectively disseminating information to the public on such things as voting places, ballots, and tables," suggesting that "[t]he TSE should intensify its informational campaign on how and where to vote" and noting "the obligation to do so in all of the national languages of Guatemala" (Mirador Electoral 2003). The National Democratic Institute (n.d., 25) offered a similar evaluation regarding the inadequate publicity surrounding the updating of the voter rolls in 2003.

As discussed in the following chapter, efforts to provide voters with necessary information improved for the 2007 and 2011 elections. But as late as the 2003 elections, many observers were critical of the lateness with which voter education campaigns began and the limited reach of the campaigns especially in indigenous areas, noting "the lack of information in Mayan languages" (MIOE 2003, 43) and asking whether the information

campaign “was designed for the Guatemalan population with all of its characteristics: rural, young, multilingual, pluricultural...” (OAS 2005, 16).⁵⁷ Importantly, given the early closing date for voter registration, voter information and publicity campaigns were sometimes launched too late to impact those people not registered to vote – as was the case in 2003, when the information campaign began on October 1 (OAS 2005, 13), after voter registration had ended.

Guatemala’s restrictive election administration measures during this period are summarized in Table 3.1 below. The following section discusses the effects of these measures.

Table 3.1 Election Administration Inclusiveness, Guatemala 1983-2003

Dimension	Description	Inclusiveness	Juridical Basis*
Voter Registration			
Extent of state responsibility for registering voters	Voter-initiated, no state efforts to register citizens	Low	Electoral law
Difficulty of registration process	Complex process involving multiple trips to centralized registration offices (partially decentralized after 2001); cost of providing photograph.	Low	Administrative regulation / Electoral law / Administrative practice
Ease of access to ID documents required for registration	Difficult; obtaining <i>cédula</i> required birth certificate and entailed travel to centrally located offices and financial cost	Low	Administrative regulation
Registration closing date	30 days (1984); 2 months (1985); 3 months (1986-present)	Medium	Electoral law
Residency requirement	De facto 1 year (1987-2002), 6 months after 2002; updating registration required	Low	Administrative regulation

Continued on next page

⁵⁷ The OAS report (2005, 13) also commended the TSE for carrying out an information campaign in 13 non-Spanish languages, but noted that the campaign “didn’t achieve the desired impact among the indigenous population, which in many localities didn’t learn of the campaign.” See also EUEOM (2003, 9, 11).

Table 3.1, continued

Dimension	Description	Inclusiveness	Juridical Basis*
Provisional registration	No provisional registration	Low	Administrative regulation
Registry consultation	Very limited opportunities to review and verify registry data	Low	Administrative practice
Purging of voter rolls	Voters not purged from the rolls for failure to vote	High	n/a
Getting to the Ballot Box			
Accessibility of polling places	Polling places centralized in municipal centers; limited public transportation	Low	Electoral law / Administrative practice
Assignment of voters to polling places	Numerical (not based on residence)	Low	Electoral law
Convenience voting measures	Not used	Low	Electoral law
Electoral calendar	Voting held on Sunday during labor migration season	Low	Electoral law
Casting a Ballot			
Voter ID requirement	<i>Cédula</i> required; exact match between information on ID and voter rolls required	Low	Administrative regulation
Provisional or tendered ballots	Not used	Low	Administrative practice
Voter Education			
State efforts to inform voters of where and how to register and vote	Limited in territorial and linguistic coverage (but increasing over time); limited duration, beginning late in electoral cycle	Medium	Administrative practice
Overall Inclusiveness		Low	

* Electoral law refers to those elements based on the electoral law that are not open to modification by the electoral management body. Administrative regulation refers to those elements that are officially prescribed in the TSE's implementing regulations, contained in its *Reglamento a la Ley Electoral y de Partidos Políticos*. Administrative practice refers to those elements that are not explicitly codified either in the electoral law or the TSE's regulations, but are instead matters of bureaucratic performance and administrative discretion.

The Effects of Procedural Barriers to Voting

These procedural obstacles to voting have had several effects on Guatemalan electoral politics, particularly the level of voter turnout, the composition of the electorate,

the quality of the voter rolls, and even the success of particular parties and the patterns of partisan mobilization.

Voter Registration

The system of voter registration led to a situation of both under- and over-registration: difficult registration procedures kept many eligible citizens from registering, while the separation of civil and voter registries and ineffective collaboration between the two resulted in voter rolls bloated with deceased and emigrated persons. While precise rates of registration are unknown due in part to the unreliability of census data, all estimates suggest relatively low rates of voter registration: an estimated 27.5 percent of the voting age population was not registered to vote for the 1985 elections (ASIES 1986, 6, 9), 30-35 percent for the 1990 elections (NDI 1991, 51), and 29.1 percent in 1995 (OAS 1997a, 28-29). The prior step of acquiring an identity document played a role in under-registration, as an estimated 15 percent of Guatemalans did not possess a *cédula* in 1995, due in part to the destruction of some civil registry offices during the war (OAS 1997a, 29). While possession of identity documents increased over time, even by the mid-2000s significant numbers still did not possess identification, with women, indigenous, and rural residents particularly affected (UNDP 2005, 199).⁵⁸

Voter registration rates among women, indigenous, and rural citizens were particularly low. Despite making up 52% of the population, only 40.7% of registered voters were women in 1995 (Inforpress Centroamericana and Friedrich Ebert Stiftung 1995, 2; OAS 1997a, 29, 44), increasing gradually to 44.4 percent in 2003 (Acción Ciudadana et al. 1999, 27; OAS 2008a, 39). A 2000 survey estimated that voter

⁵⁸ The UNDP (2005) estimated that 7.3% of rural residents (compared to 4.2% of urban Guatemalans), 8.1% of women (compared to 3.3% of men), and 7.2% of those classified as Maya (compared to 5% of those classified as ladino/mestizo) lacked identification cards.

registration rates were 83% for men and 64.3% for women, and 76.4% for ladino/mestizo compared to 67.8% for indigenous Mayans. Registration rates were also uneven geographically, with an estimated 79% registration rate in urban areas and 67.8% in rural areas (UNDP 2005, 199).

As might be expected, the level of voter registration, particularly among women and indigenous citizens, has increased alongside the gradual improvements in the accessibility of voter registration since 1999 (see chapter 4). In absolute terms, the voter roll increased by 10 percent for the 1999 elections (compared to less than 7 percent for 1985 and 1990) (Boneo and Torres-Rivas 2000, 114),⁵⁹ and has expanded more rapidly since – by 12% between 1999 and 2003 and by 18% from 2003 to 2007 (OAS 2008a, 36). The number of registered women increased by 24% in 2007 over 2003 (compared to an increase of 12 percent for men); as a result, women came to account for 46.02% of the voter rolls in 2007 (OAS 2008a, 38). In 2011, women would make up more than half of the voter roll for the first time in the country's history (PL 2011e).

Alongside low rates of voter registration, the voter registry accumulated errors due to incomplete purging, the failure to update voters' residences when they moved to a new municipality, and the inclusion of people who had initiated the registration process but never completed it by making the final trip to the registry office. Boneo and Torres-Rivas (2000, 51-55) estimated that about 25 percent of the voter registry suffered from these types of errors, with roughly 13-14 percent of the voter roll consisting of emigrants or deceased. Some 10 percent of officially registered voters "were never able to vote since they had not completed the registration procedures" (López-Pintor and Urrutia 2002, 39). Independent audits of the voter rolls have similarly found extensive problems

⁵⁹ Sáenz de Tejada (2005, 150) reports a much higher increase of 16 percent between 1985 and 1990.

with the accuracy of the data (Erazo 2007; NDI n.d., 25). Bloated voter rolls have made estimates of voter turnout problematic, with analyses suggesting that turnout as a proportion of registered voters is actually higher than previously thought, but turnout among all eligible citizens dismally low (Boneo and Torres Rivas 2000; López-Pintor and Urrutia 2002, 39). The conclusion that has been drawn is that the voter registration process has been a significant obstacle to voter participation; once citizens get registered, they tend to turn out on election day (Boneo and Torres Rivas 2000).⁶⁰

Voter Turnout and the Composition of the Electorate

Besides the impact on voter registration rates, the most frequently noted effect of restrictive election administration practices has been the low level of voter participation. Measured turnout rates in Guatemala were among the lowest in the world through the mid-1990s,⁶¹ with abstention concentrated among women, young people, and seasonal migrant workers (Torres-Rivas and González 2001, 45-46). Before 2011, voter turnout ranged from a high of over 60 percent of registered voters in the first round of the 1985 transitional elections (ASIES 1986, 6) to under 47 percent in the first round of the 1995 elections (International IDEA 2011).⁶² Taking into account the relatively low levels of voter registration among eligible voters, turnout as a proportion of the voting age population has actually been much lower, below 50 percent even for the first round of

⁶⁰ While it may be the case that the data is capturing the effects of motivation or interest in politics rather than procedural obstacles (those citizens motivated to participate get registered, while the unregistered would likely not vote in any case), the spike in turnout in 2011 after an expansion in voter registration, particularly among indigenous women, suggests that procedural barriers may have been important in suppressing women's participation.

⁶¹ Although as discussed above, bloated voter rolls make estimates of turnout difficult.

⁶² For some elections, the turnout figures vary significantly in different sources. For instance, some sources give a 69% turnout figure for the first round in 1985 (OAS 1997a, 48), while others give a figure of 61% (ASIES 1986, 6). While the sources are often not clear on this point, it appears that the lower figures only include valid votes. Given the large number of null or blank ballots cast, this can result in substantially different reports of voter turnout.

presidential elections (when legislative and municipal offices are concurrently elected) (see Appendix A). While socioeconomic factors and disaffection from political parties also contribute to low turnout, administrative hurdles have been important as well.

Election observers and analysts have often noted that the restriction of voting to municipal capitals, burdensome voter registration procedures, scheduling elections during the migration season, and insufficient voter education efforts have lowered participation (Azpuru 2004; EUEOM 2003, 59; OAS 1997a, 20; OAS 2000, 42; Spence 2004, 81). Observing the 1990 elections, NDI (1991, 50) suggested “[t]he lack of transportation and few voting precincts in rural areas may be partially responsible [for low turnout], particularly among women. Many men who had made the long walk from their homes to the polling sites said their wives had stayed home with the children or had gone to the market rather than vote.”

Examining the issue quantitatively, a UNDP report (2005, 202-203) found a positive correlation between the proportion of the population living in urban areas and voter turnout, consistent with the notion that traveling to municipal capitals in rural areas hindered voter participation. The European Union observer mission to the 2003 elections similarly found a negative correlation between municipality size (which captures travel distance to polling stations) and turnout among a small subset of municipalities (EUEOM 2003, 55-56).

More rigorous studies, employing differing methodologies, have come to similar conclusions. Using a multivariate analysis, Lehoucq and Wall (2004) compare turnout across Guatemala’s municipalities from 1985-1995 and find that larger size of the municipality and more voters assigned to each voting station (a measure of voter waiting

time) are associated with lower turnout. Drawing on surveys and qualitative analysis, Boneo and Rivas-Torres (2000) concluded that voter registration was a major barrier to participation, especially among women, with distance to polling sites a secondary but substantial impediment. Another study of four municipalities relying on survey data highlights the importance of procedural barriers to participation, particularly the lack of identification, not knowing how or where to register, and lacking the time or resources to register, with such obstacles generally affecting low income and indigenous people most severely (Nevitte, Cruz, and Estok 2007). Thus while the methodologies and emphases differ, studies of voter turnout in Guatemala have agreed that procedural barriers – from the complexities of voter registration to the distances travelled to reach one’s polling station – have been important in keeping turnout low.⁶³

As would be expected from the differences in voter registration rates across social categories, low turnout has been concentrated among women and rural voters who were most affected by procedural barriers. Turnout of registered women in 1999 was 47.6 percent, compared to 58.4 percent of men. Given the lower rates of registration for women, turnout as a proportion of voting age women was estimated at only 33 percent (Boneo and Torres-Rivas 2000, 74-75). Travel distance to the polls particularly affected women and elderly voters, while youth are especially affected by registration barriers. Young citizens vote at lower rates than adults, but young citizens that are registered to

⁶³ Effective turnout is even lower if the high proportion of null and blank ballots cast is considered. Such ballots often exceed 10 percent of all ballots cast (OAS 1997a, 48; TSE n.d.[a], 213; n.d.[b], 36). Many null and blank ballots may represent protest votes or cases where a voter turns out to vote for their local officials and chooses to leave their ballots for national offices (often considered less important) blank. However, lack of knowledge about how to mark one’s ballot (reflecting inadequate voter education efforts) may also cause many null votes. Boneo and Torres-Rivas (2000, 113) attribute the majority of null and blank votes to voter confusion when faced with the complexity of marking five separate ballots.

vote turn out at similar rates as older citizens, suggesting that not being registered keeps some youth from voting (Boneo and Torres-Rivas 2000, 64, 70, 169).

While administrative obstacles contributed to a heavily male, and perhaps middle-aged, electorate, they also gave greater electoral weight to urban areas. From 1985-1999, municipal-level turnout was negatively associated with the proportion of municipal residents living in rural areas (Sáenz de Tejada 2005). Partly as a result of higher turnout in urban areas, the election results in the largest municipalities such as Guatemala City were often decisive in determining presidential contests (see, e.g., Sáenz de Tejada 2005, 161, 176-177, 196, 235), until the decentralization of polling places changed this pattern in 2007.

Procedural barriers may also have affected the composition of the electorate through the practice of *acarreo* (carriage) – the provision of transportation by political parties on election day. The practice is widespread, with observers estimating that 15 percent of voters reached their polling station in a political party vehicle for the 1995 elections (OAS 1997a, 47). Observers have frequently expressed concern over the potential for parties to pressure voters that they transport, as well as the disadvantages for smaller parties that lack resources to mobilize voters in this way (EUEOM 2003, 56; OAS 1997a, 20). However, others have emphasized the secrecy of the vote and the ineffectiveness of *acarreo* as a means of capturing votes (Escobar A. 2000, 182; Interview 27). At the margins, the practice may have helped shape the composition of the electorate by ensuring access for some party supporters while leaving others to find their own means of reaching their voting center.

It is difficult to determine whether these effects on the composition of the electorate had consequences for policy preferences – in other words, whether non-voters differed from voters in their opinions or preferences. However, one geographically limited study suggests that such differences existed, finding “non-voters are significantly more likely than voters to identify economic matters – the lack of job opportunities and poverty – as the most serious problems facing the country” (Nevitte, Cruz, and Estok 2007). As the 2007 presidential election would also show, greater participation among rural voters could sway election results and affect campaign strategies (see Chapter 4).

“Certidumbre fue la primera cosa:”⁶⁴ Procedural Barriers to Protect the Integrity of the Vote

Why did Guatemala adopt such restrictive election administration rules and practices? This section examines the motivations behind the choice of administrative rules and procedures and the constraints on practices such as voter education.

The Origins of Centralized Voting

Several passing references in the literature indicate that polling sites were limited to municipal capitals as a response to past electoral fraud, which according to the conventional wisdom tended to occur at polling stations in rural zones. Accordingly, polling places were centralized to provide election authorities greater control over the voting process and prevent coercion of rural voters by landlords or local political bosses (ASIES 1997, 61; Boneo and Torres-Rivas 2000, 131-132; López Pintor and Urrutia 2002, 38; NDI 1995, 9; Nuñez 2008, 14). The idea that centralization was intended to

⁶⁴ “Certitude was the first thing.” One interview respondent (Interview 19) used this phrase when discussing the priority given to ensuring the security and transparency of the electoral process when designing the country’s electoral administration system in 1983.

prevent fraud was shared by all of the interview respondents who were asked about the issue. Former TSE magistrate Hugo Maul Figueroa has noted more broadly that the country's electoral law "is concentrated fundamentally in avoiding manipulation and fraud. Therefore, some writers have defined our electoral law as an anti-fraud electoral law" (ASIES 1997, 59).

While there were denunciations of election fraud throughout the 1950s and 1960s, it wasn't until the elections of 1974 (and then in 1978 and 1982) "that the alteration of voting results became systematic and global, with the end of modifying the first positions of the results..." (Gálvez Borrell 2008, 120). These instances of election fraud contributed – along with the continuing guerilla insurgency, the state's counterinsurgency violence, and economic crisis – to delegitimizing the military regime and prompting a slow transition to constitutional civilian rule. Protests took place against the fraud carried out in the 1982 elections, and when a coup brought General Ríos Montt to power in March of that year, before the fraudulently elected president took office, the coup plotters pointed to electoral fraud and the attendant loss in legitimacy of the country's political institutions to justify their actions (Fuentes Destarac 2008, 572; Gálvez Borrell 2008, 110-111). It was during Ríos Montt's brief rule, with previous election frauds fresh in mind, when transitional electoral laws were written to construct a new election administration.

Yet despite the widespread denouncement of fraud in the three elections between 1974 and 1982, and the consensus that the subsequent centralization of polling places was a direct response to how those frauds were carried out, the existing historiography offers few details on how those episodes of election fraud occurred. However, the literature is

suggestive that centralization of vote counting and government control of the electoral body were key mechanisms for perpetrating fraud (Gálvez Borrell 2008, 72, 109). For instance, in 1974 the official announcement of election results was interrupted, “feeding the idea that results were being altered in favor of the government’s candidate... It was only after a week that the official data appeared, when, we can suppose, the numbers had already been conveniently manipulated” (Sabino 2008, 141). Based on his interviews with people involved, Sabino (2008, 142) concludes that vote totals from the provinces were altered by the government, making reference to the centralized vote count and control over the diffusion of results as well as open alteration of the vote count in the capital. Sabino similarly mentions rumors that in the 1982 elections, vote counts had been changed in the capital to assure victory for the official party’s candidate (299).

At the same time, there is little documented evidence of vote manipulation in rural areas. However, several interview respondents suggested that landlords and local political bosses (*caciques*) would control the vote of their workers (Interview 01) and that ballot stuffing occurred in rural areas where there was little presence of opposition parties or election authorities (Interviews 09, 14, 15) and where the process of transporting materials from rural areas to the capital resulted in lost ballot boxes (*urnas perdidas*) (Interview 07). The centralization of voting sites was a means to prevent these types of manipulation and fraud, by making it easier for parties and civil society to monitor the election process and also lending more control to (now independent) election authorities over the transmission of election results (Interviews 09, 19). Yet while many people emphasize fraud that occurred in rural areas, the person charged with drafting the transitional electoral laws in 1983 suggested that fraud occurred at all levels – from the

voting tables in rural areas, to the transport of votes to departmental capitals (when votes would be diverted to someone's house to be modified), to the vote tallying at the national level in Guatemala City. Other problems included voters arriving at their polling site to find that someone had already voted in their place, or that their name was not on the voter list. Such fraud was facilitated by the absence of party poll watchers or their exclusion from voting centers (Interview 19).

Disagreement over the locus of fraud is also evident in the records of the National Constituent Assembly that drafted the 1985 electoral law.⁶⁵ Article 231 of the draft bill, which dealt with the location of voting sites, generated vigorous debate. In the draft bill, the article read simply "The Municipal Electoral Juntas are obligated to install polling stations in the respective Municipal capitals." Assembly members debated whether centralizing polling places would prevent the types of fraud that had occurred in previous elections and whether centralization would put an undue burden on voters.

Representative Carlos González Quezada of the centrist National Renewal Party (PNR), who was on the committee that drafted the bill, opened the discussion by noting that the purpose of limiting voting sites to municipal capitals was to "maintain the purity of the suffrage, in view of the sad experiences that we have had, of the location of [voting] tables in rural areas." He also noted that the TSE would have control over public transportation to help ease the burden on voters. In contrast, Representative Scheel Montes of the center-right UCN party raised the issue of voter exclusion, noting that some rural areas had larger populations than some municipal *cabeceras*, and arguing that with centralization "we wouldn't be protecting the purity of the electoral suffrage, but

⁶⁵ This section draws on the debates of the National Constituent Assembly published in *Diario de las Sesiones de la Asamblea Nacional Constituyente*, Tomo II, No. 117, August 28, 1985, and No. 118, August 29, 1985.

limiting [it].” Scheel suggested amending the article to allow for polling stations “in those places in which, in the judgment of the corresponding persons, there is a sufficient turnout of voters to merit the location of [voting] tables.”

Those supporting centralization raised several points. Representative Recinos Figueroa of the UCN argued that if voting were held in villages, landlords and local bosses (*caciques*) would be able to influence the votes of workers and local authorities would be able to intimidate voters, whereas voting in municipal capitals would help ensure a free vote. By this logic, centralized voting might be an obstacle to exercising one’s right to vote, but it would ensure that one’s vote was made freely. Representative Luis Alfonso Lopez of the rightist Anticommunist Unification Party (PUA), defending the original text of the article, argued that allowing for polling sites to be placed anywhere deemed “adequate,” “we’ll know that, as adequate places will be selected, in the first place, by the incumbent government, those that are precisely the places adequate to commit fraud...” Here and elsewhere in the legislative debate, the equating of the Supreme Electoral Tribunal with the government reveals the lack of trust in the independence of the new electoral authority that prevailed at the time.

Others suggested that centralization would not place an undue burden on voters. Representatives López (PUA) and Fuentes Sandoval (of the rightist MLN party) pointed to the recent elections for the constituent assembly, in which voting had been centralized for the first time, noting the high voter turnout and asking rhetorically whether there had been discrimination or insurmountable barriers to voting. Some deputies even suggested that party provision of transport to “their voters” would help alleviate the burden of distance, and that with public campaign financing allotted based on the number of votes

parties received, parties would be motivated to mobilize voters and get them to the polls.⁶⁶

Representative Scheel Montes (UCN) was more skeptical, asking “If we believe there is going to be pressure [on voters] in a hamlet or a village, why won’t there be that pressure in the municipal capital?” Scheel also foreshadowed later criticisms of election observers by arguing that the political parties offering transportation to the polls would exercise undue influence on voters. Interestingly then, while some feared that caciques would pressure voters if polling were conducted in remote rural areas, others expressed the inverse fear that political parties would pressure voters by controlling transportation if voting were centralized.

In debating the efficacy of centralization as a means of combating fraud and the consequences for voter inclusion, the central issues were the locus of prior electoral fraud and the normative issue of whether ensuring clean elections was worth the price of the exclusion of some voters. On the locus of prior election frauds, Representative Fuentes Sandoval (MLN) articulated the rural fraud thesis: in the “elections of 1982 and before, the electoral authorities always located voting tables in the parcels, in the villages, on the farms, etc., etc., that history reminds us, that there is where the popular will of the people was changed.” Representative López (PUA) bolstered the case for centralization by referring anecdotally to ballot boxes found thrown out “in a street in Alta Verapaz” and of ballot boxes being stuffed “in a certain departmental capital” – seemingly unaware that this latter example of fraud occurring in a departmental capital did little to justify limiting voting sites to such cities.

⁶⁶ As Representative López (PUA) put it: “I ask myself, if the place is distant, what do the political parties do, they can’t contribute to transport their electors?” Representative González Quezada of the PNR raised the issue of public campaign funds.

The rural fraud thesis did not go unchallenged. Representative Castellanos of the UCN argued “that the majority of fraud is done in the departmental governorships, and not in the [municipal] capitals, nor in the farms, nor the hamlets.” Representative Scheel concurred: “Gentlemen, let’s not deceive ourselves any more, we know Guatemala, and we know that electoral fraud isn’t done at the voting tables, it’s done where they count the votes, it’s done in the departmental capitals, where they bring the ballot boxes; this, we have seen in all the stages of our history, and that is the truth, it’s a reality.” Scheel offered his own anecdote to bolster his case:

Who commits fraud, has to be a well known person, let’s remember that famous case...of a mayor of Jacaltenango, that for being very honorable and very honest, carried the ballot box to deliver it personally in the departmental capital, and his fright that, at arriving at the municipality of Huehuetenango, found that the voting of the municipality whose votes he was carrying on his back were already tallied on the blackboard; that is to say, that that isn’t done in the [local] places or hamlets or villages.

If there was disagreement among the deputies about whether past instances of electoral fraud occurred at polling places in rural villages, at the vote counting sites in the departmental capitals, or all of the above, there were also differences among the deputies in striking a balance between clean elections and voter inclusion. Two members of the committee that drafted the bill put the issue starkly: Representative González Quezada (PNR) stated flatly “...we [in the committee] prefer that some citizens don’t participate in the process, because they are far from the voting station, than that the vote can be utilized, as an instrument, for fraud,” while Representative Recinos Figueroa (UCN) noted “it can be said, and it was said [in the committee], that there will be abstention, but we believe that a minimal abstention is preferable to having a spurious government.”

Representative Lopez (PUA) similarly articulated the normative issue at stake quite clearly:

We shouldn't be romantic, let's be practical, let's defend Guatemalan democracy in the face of abstention; what is more sinful, that in the elections the will of the people is mocked, or that a certain quantity of citizens don't show up to vote because the place is very distant?... I know municipalities, for example, one in Petén, that's called Piedras Negras, that to travel from Piedras Negras to Poptún, it's two days on the road; however, I ask myself, is it a sufficient argument that, because a group of citizens of Petén don't go to vote, we will permit fraud in the rest of the departments of the Republic?

Others expressed more preoccupation with the barrier that centralization would represent. For instance, the president of the constituent assembly Roberto Carpio Nicolle (of the Christian Democratic Party, DCG) noted the great distances that some would have to travel on foot to reach their voting site, and expressed reticence to centralize voting centers "supposing that there was always fraud, that there always could be fraud, that in Guatemala there isn't going to be democracy."

But on the heels of three consecutive fraudulent elections, the arguments for centralizing voting sites ultimately won the day. As the assembly debates show, legislators understood that centralizing polling stations would be an impediment to some prospective voters, but most felt that the threat of fraud in far flung voting sites outweighed this consideration. Opponents of centralization introduced an amendment to allow for the departmental electoral councils, in agreement with political party representatives, to place voting sites outside of municipal capitals.⁶⁷ Ironically, this proposal was almost identical to the solution ultimately settled on over 20 years later, after fierce battles between Congress and the TSE. But at the time, the amendment made

⁶⁷ The amendment was introduced by Representatives German Scheel Montes (UCN), Tomás Ayuso (DCG) and Abel Ordóñez (DCG). Roberto Carpio Nicolle also expressed support for it during the legislative debate.

no headway, with Representative Gonzalez Quezada arguing that many parties lacked the ability to place poll watchers at more polling stations, and suggesting that some parties would be at an advantage in deciding where to locate the polling stations.

It is worth noting that one deputy in the constituent assembly suggested the need for Guatemala to experience two or three elections with centralized voting sites in order to consolidate the (democratic) electoral system, and that the issue of decentralization could be revisited in the future.⁶⁸ Today in Guatemala, this is widely considered to have been appropriate. Despite the later consensus on the need to decentralize voting sites, many observers hold the opinion that centralization was appropriate at the time it was adopted and served its purpose. As one respondent put it, using an analogy of a child's growth, the country's electoral system needed to first learn to crawl, then learn to walk, then to talk – i.e. to hold elections free of fraud, then find ways of including more voters (Interview 06). In any case, the system set up in the early to mid-1980s did effectively rid the country of the blatant fraud common in prior periods,⁶⁹ whether as a result of centralization or (more importantly) through the establishment of an independent electoral management body.

There are alternative hypotheses to the claim that the centralization of voting sites was intended to reduce the chances of election fraud. Perhaps centralization was intended to impede rural, and especially indigenous, voters from casting ballots, and talk of

⁶⁸ As Representative González Quezada put it: "...if we are legislating under the phantom of the great electoral frauds, it is preferable that this society holds some three or two more elections, so that we consolidate democracy in Guatemala, and in the future the road remains open to us for constitutional reform of this same law...The future is open, if we manage to consolidate the democratic process, we can do the reform to this law in the next legislative period, or in the incoming , but today the circumstances oblige us to maintain, in every respect, to put a lock on any possibility of electoral fraud, because only the purity of the electoral process can consolidate the beginning of democracy in Guatemala."

⁶⁹ While large-scale fraud is a thing of the past, reports of vote buying at local levels are still common (see Carter Center 2003; Mirador Electoral 2003; NDI 1995, 10).

preventing fraud was a smokescreen for this ulterior motive. Such a motive could have been based on partisan goals for parties that enjoyed stronger support in urban areas, or based on general prejudice of predominantly male ladino legislators. Several considerations give this interpretation plausibility. First is the absence of leftist or ethnic parties in the constituent assembly that might have had a natural base among the country's indigenous *campesinos*; the elite-dominated parties that crafted the electoral rules may have been relatively unconcerned with or even hostile to participation among rural, indigenous, and poor voters. Second, the centralization of polling stations (and other barriers) would give parties a gate keeping function, ensuring access to their supporters by providing transportation on election day and helping them to register (see, e.g., Carter Center 2003), while independent voters or supporters of small parties with limited resources could potentially be left to their own devices to navigate procedural obstacles. Finally, several legislators made a reasonable case that the greater risk of fraud existed at the departmental level where vote counts were tallied rather than at rural voting stations.

However, there are several reasons to accept the fraud-prevention hypothesis at face value. First is the tremendous influence that election rigging in the three prior elections had in the country. These frauds contributed to the “total delegitimation” of the military regime and the consequent transition to nominally democratic rule (Interview 19). One of the expressed motivating factors for the 1982 coup that initiated the transition from military rule was the repeated electoral frauds, with the junta referring to “the fraudulent electoral practices” in its proclamation to the people (Castillo Milla 2006, 6).

It is therefore reasonable to conclude that ensuring fair elections free of fraud was the overriding priority of the staff and legislators who crafted the 1983-1985 electoral laws.

Secondly, the fraud-prevention thesis was accepted by all political analysts and participants interviewed for this project; no respondents, even former guerrillas, suggested that disenfranchisement for partisan gain was the motivation behind the centralization of voting sites. Similarly, the 1985 legislative debate on centralization was free of accusations of partisan motivations, despite opposing views of some of the deputies. The absence of partisan motives is partly understandable in light of the political uncertainty at the time: some parties lacked clear social bases and therefore had no partisan reasons to try to include or exclude particular segments of the population from the ballot box. One of the strongest parties in the assembly, the UCN, had just recently formed, and one of the party's representatives spoke in favor of centralization while two others were the most vocal opponents of centralization. The UCN had in fact performed more strongly in more urbanized municipalities than rural areas in the 1984 constituent assembly elections (Sáenz de Tejada 2005, 121, 127), but that did not prevent some of its members from advocating less stringent polling centralization.

Older parties had slightly more clearly defined social bases. The largest party in the assembly, the right wing MLN (which had been in power during parts of the authoritarian period), had a strong presence in rural areas (Sáenz de Tejada 2005, 126). Yet one of the party's representatives was a strong supporter of centralization. The social base of the Christian Democracy party (DCG) was even clearer. The DCG had a strong rural organization and had particularly strong support in indigenous communities, where it performed well in 1984 and in subsequent elections (Sáenz de Tejada 2005,

124, 126, 160, 162). Of all the parties represented in the constituent assembly, it would have been the DCG that might have opposed centralizing polling places. And in fact several DCG representatives supported an amendment to the elections bill to allow polling places outside of municipal capitals. Yet the party also had strong reason to safeguard the system against fraud, having been the victim of fraud in the 1974 presidential election. One former assembly deputy (for the PR party) noted that in the assembly “[t]here was really no talk of anything else but preventing election fraud, it was a priority subject, since there had been a permanent frustration in the parties, especially in Christian Democracy, that had suffered those constant election robberies. There was a desire to stop fraud by all means, particularly against the MLN...that made the law have that focus” (ASIES 2005, 88).

It is not clear if all DCG deputies opposed polling centralization, as the legislative records do not contain vote totals for the measure. All that can be concluded is that given the alignment of forces in the assembly, the measure could not have been approved without the support of some centrist deputies. Given the available evidence, it appears that the desire of parties to have a level playing field free of ballot stuffing was the priority of the day, overcoming potential partisan motives to facilitate or impede the participation of rural voters.

But if partisan motivations didn’t drive the decision to centralize voting, it is conceivable that general attitudes towards the political participation of rural citizens, indigenous peoples, and women did influence legislators. There is certainly an urban-centric culture in the capital city that sees rural sectors as less sophisticated than cosmopolitan urbanites, and when it comes to elections, rural voters are seen as easily

manipulated by populist demagogues, unlike the more sophisticated and discerning urban voter.⁷⁰ For instance, when electoral reform was debated in later years, an editorial in the country's leading newspaper expressed concern that decentralizing polling stations could "in practice be turned into a form of getting votes from citizens disillusioned by demagogic attitudes" (PL 2002a). Some people point out the general climate of racism and machismo that intersected with voting restrictions and hindered the participation of indigenous, women, and the poor, but without attributing the adoption of election administration measures to this climate (Interview 23). Ultimately there is no clear evidence linking the adoption of polling site centralization or other restrictions to prevailing discriminatory views held by political elites. Perhaps the most that can be said is that the decision to centralize voting was easier for legislators to take, knowing that those most affected would be rural, often indigenous, and poor.

Another consideration in the centralization of voting may have been the ongoing armed conflict between the government and guerrillas. Certainly, ensuring security for voting would have been difficult in some rural areas where guerrilla forces were active. Some respondents noted that putting polling stations in villages wasn't feasible in the context of armed conflict (Interviews 06, 19). However, these same respondents were clear that avoiding election fraud was the motivation for centralization: "there was no other reason for it," in the words of one respondent (Interview 06). Rather than a competing explanation, the armed conflict might be thought of as an additional security consideration for lawmakers who wanted to avoid irregularities and fraud at all costs.

⁷⁰ Such views surfaced occasionally during interviews and in casual conversations in Guatemala City.

Assignment of Voters to Polling Places

While the installation of voting sites only in municipal capitals was intended to prevent election fraud, other measures affecting where voters were assigned to vote also responded to a desire to prevent election irregularities, although other factors also played a role.

Requiring citizens to vote in the municipality where they received their *cédula*, rather than in the municipality of their current residence (which was often different), was a decision of the TSE rather than a provision in the electoral law, and was included in its 1987 regulation (*reglamento*) of the law. In the 1984 and 1985 elections, as a new voter list was drawn up, the voter rolls were based on voters' current residence. The decision by the TSE to switch to a more restrictive system was motivated by a desire to avoid manipulation of the voter rolls and to better organize the registration process. As the director of the voter registry at the time put it when discussing the change, "this is something we fixed," emphasizing the "certainty" (*certeza*) and "order" (*orden*) of the process that this ensured (Interview 16). In particular, limiting voting to the municipality where one holds an identification document would help prevent the transfer of voters to different municipalities for strategic electoral purposes (Interview 16) – a problem that is at the root of many electoral conflicts today, particularly after the switch back to a residence-based system. In a system with voter lists based on residence, a candidate for mayor might arrange for supporters from a neighboring municipality to fraudulently register to vote in his own jurisdiction, and on election day the candidate or his party would bus in these outside voters – the famous *traslado* (transfer) of voters.⁷¹ Requiring

⁷¹ In Guatemala, the terms *traslado* and *acarreo* are often used to describe this type of voting manipulation, but the use of these terms is sometimes confused by a failure to distinguish between two different practices.

an identity document issued in the municipality where one registers to vote would make this practice more difficult.

Like voting centralization, this measure represented a significant obstacle for some citizens living far from their place of birth, who (in the absence of any form of absentee balloting) would need to travel cross-country to vote or go through the process of obtaining a new identification document. And like centralization, this measure responded to the overriding objective of assuring clean election processes free of fraud. It also apparently encountered little opposition: while the measure was a TSE initiative, the political parties did not oppose it (Interview 16). By the mid-1990s, an initiative was proposed within the TSE to loosen the requirement by instituting a limited form of absentee balloting, allowing voters living outside of their *cédula* municipality to vote for national offices in the municipality where they were residing (holding a *cédula* in the new municipality would still be needed to vote for local offices). The idea was to facilitate the vote for those living away from their homes, while not complicating (or opening up for abuse) municipal and district elections (Interview 14). However, the proposal made no headway within the TSE, and it wouldn't be until 2001 that the TSE moved back to a voter roll based on residence (see chapter 4).

Another aspect of voter assignment to polling sites was the division of the voter lists in urban areas by voters' registration numbers rather than by residence, so that voters would not necessarily be assigned to the polling site closest to their home (LEPP, Art. 224 and 230). This method of assigning voters was carried over from the military-era

I use the term *traslado* to signify the (illegal) registration and voting of people in a municipality in which they do not reside, and *acarreo* to signify the traditional practice of parties or candidates providing transportation for voters to reach their polling site. The first involves voter registration fraud; the second is perfectly legal, though it raises questions about parties influencing voters in exchange for transportation.

electoral codes (Interview 19), but it is not clear why it was maintained when the electoral system was revised in the 1980s. One respondent suggested that the TSE simply lacked the technical capacity to divide the voter lists cartographically within municipalities (Interview 24), and this is plausible considering the significant external technical assistance needed to carry out polling site decentralization after 2004. However, other respondents suggested that the lack of technical cartographic tools was not the cause (Interview 16), and that at the very least it should have been possible to divide large cities into zones and assign voters to a voting center within their zone (if not necessarily the closest to their home) (Interview 19). Whatever the case may be, it is clear that this aspect of the voting process did not receive much attention at the time, unlike the centralization of voting sites, and the issue did not elicit debate among the legislators approving the electoral law. As a holdover from the previous electoral system, this method simply seemed the easiest way of ordering the voter lists, while the effects on voter convenience were apparently not foreseen (Interviews 16, 19). Whereas requiring citizens to vote in the municipality listed on their identity document was meant to give “order” to the voting process, one respondent suggested that the sequential division of the voter lists was simply a case of administrative “disorder” that lacked a logical basis (Interview 26).

Voter Registration and Casting a Ballot

If the centralization of polling sites is explicable as a means of controlling the election process and making fraud more difficult, “[t]he reasons and the logic for [the] administrative complexities” surrounding voter registration “are difficult to explain” (López-Pintor and Urrutia 2002, 42). This is because to some extent the complexities

resulted from administrative inefficiencies and inadequate coordination between the voter and civil registries. Yet to some extent the voter registration obstacles are also explicable in terms of protecting the system against fraud.

With regard to the closing date of registration, the move from one month to three months from 1984 to 1987 responded to the need for more time to prepare the voter lists (Interviews 04, 16, 19). This preparation involves compiling the registration data, verifying the data and purging the registrations of those ineligible to vote (such as active police and military personnel, who are not legally allowed to vote), and printing and distributing the lists to the departmental and municipal election boards and voting centers. The extension of the closing date also responded in part to concerns of fraud: according to the director of voter registration at the time, this three month period between the closing of registration and election day was needed to avoid irregularities with the voter lists (Interview 16). The 1985 electoral law required the voter roll to be purged and printed no later than 30 days before elections (art. 225), a measure surely intended to protect against manipulation of the voter lists (e.g., strategic transfers of registrations across municipal lines).

Another respondent suggested that extending the closing date to three months was intended to allow more time to verify the information on the voter register, particularly given the insecurity of the *cédula* which citizens used when registering to vote (Interview 19). The insecurity of the *cédula* – an easily forged paper document – also meant that the voter registration process involved security checks that resulted in applicants making multiple trips to the registry office. After receiving a voter registration application, the voter registry checked the applicant’s information against the municipal civil registry (a

check against falsified identity documents), and the civil registries were required to notify the voter registry if they received verification requests for a single person from more than one voter registry office (a check against multiple voter registrations) (Decreto 138-83, Art. 5, 12; Reglamento, Art. 2).

Thus several restrictive aspects of the voter registration process – an early closing date and a long process of multiple trips to the registry – were the result of concerns about voter registration fraud. But the system put in place was not particularly effective at preventing such problems. For instance, a lack of communication between the country’s decentralized civil registries (where citizens report births, deaths, and changes to civil status) and the TSE’s Citizen’s Registry (which produces the voter roll) posed obstacles to purging the voter lists. Although the civil registries were obligated to share information with the Citizen’s Registry, this often didn’t happen in practice, and the problem was often compounded by family deaths not being reported to the civil registries in the first place (OAS 1997a, 31; 2005, 17). Furthermore, the TSE historically did not have the technology available to adequately cross-check information in the registries (OAS 1997a, 32). Until recently, many registration offices lacked computers and entered voter registrations manually, which slowed down the process of compiling the voter rolls and was another reason for the TSE to prefer an early registration closing date (Interview 14). Thus, the decentralized and fragmented registry system resulted in the worst of both worlds: restrictive voter registration procedures and security checks that relied on inaccurate civil registries and thus provided imperfect protection against manipulation of the voter rolls.

After lengthening the voter registration closing date in 1987, changes were not considered until recently (Interviews 04, 13, 14). Despite improvements in technology in registration offices, the TSE has recently proposed not to move the closing date closer to election day but to end voter registration even earlier – six months before election day. According to the director of voter registration, the TSE considers the three month period to be inadequate to purge, print, and distribute the voter rolls (Interview 21). Surprisingly, despite the recognition that many people try to register after the closing date, and the widely noted Guatemalan cultural characteristic of doing things at the last minute, the early closing date has received practically no attention from election observers or civil society groups as an obstacle to participation. One exception is the study by Boneo and Torres-Rivas (2000), who suggest shortening the closing date to 30 days and note that no technical obstacles impede doing so (151).⁷² Yet this recommendation had little effect. In general, according to a former TSE magistrate, the TSE has prioritized the integrity of the voter lists, and has not considered under-registration of eligible voters to be a significant problem (Interview 13).

Voter Education

In providing voters with the information necessary to participate, two related factors have been critical: the low priority given to voter education and the resources available to carry out voter education activities. According to a long-time TSE staff person, voter education was a lower priority in the past than it is today, as the imperative of establishing clean elections absorbed the attention of election administrators (Interview

⁷² One respondent suggested that a closing date of two months would be feasible now, but also noted the challenges involved, since the voter lists are used to determine the number and location of polling sites and the necessary number of poll workers to be trained (Interview 14).

22). As a result, the educational efforts of the TSE were aimed at training poll workers and party poll watchers – actors with a direct impact on election integrity – more than voter information campaigns (CRE 1997; TSE and CAPEL 1986). Others also note the “lack of will” in carrying out information campaigns, and suggest that racism and sexism may play a role as well, as historically there was little interest in educating women and indigenous about the voting process (Interview 01).

Voter education gained higher priority in the late 1990s with the electoral reform process, and the funding devoted to voter education increased over time and was supplemented by international aid. However, funding limitations remained a constraint. One former TSE magistrate noted that funds had been a constraint in translating and providing informational materials in all indigenous languages, leading the TSE to focus only on the 4-5 most common languages (Interview 17). Observers have also pointed to the lack of resources as an impediment to long-term voter education efforts (OAS 1997a, 32-33). But funding shortages have not been the only problem. The social and cultural context presents enormous challenges: for instance, the Academy of Mayan Languages (ALMG) translates TSE educational materials, but there have been problems with the translations being in a formal style of indigenous languages that people do not understand. And in the face of such challenges, the TSE has not always been effective at utilizing low-cost alternatives, such as coordinating with local community radio stations to disseminate voter information in indigenous languages (Interview 22). Initially a low priority hampered by funding constraints, voter education has become a much more high-profile concern of the TSE since the late 1990s, and funding constraints have lessened

considerably in recent years. As discussed in chapter 4, the result has been more intensive voter information campaigns, although still marked by limitations.

Conclusion

When Guatemalan lawmakers and election administrators crafted the country's election administration in the 1980s, the past weighed heavily on their choice of rules and procedures. After experiencing three consecutive fraudulent elections, they sought above all else to safeguard Guatemalan elections against fraud in order to secure a democratic electoral system. To deter ballot stuffing and manipulation of rural voters, voting sites were limited to municipal capitals. To protect against voter registration fraud after the failure in 1983 to introduce a more secure identity document, a system of registry checks was put in place that resulted in a complex process of voter registration. And in the focus on rooting out election fraud, other issues such as voter education received lower priority. The result was a complex of administrative rules and procedures that was highly restrictive for voter access to the ballot box.

Other factors influenced election administration as well, such as financial constraints and simple administrative holdovers from the previous electoral system (Table 3.2 below summarizes the evidence for each hypothesis presented in chapter 2). But concerns about election fraud had the biggest impact on the electoral rules and procedures discussed in this chapter. The weight of the past influenced the electoral code in other ways as well: the minimal barriers for forming political parties adopted in 1983-1985, for instance, responded to the limited contestation that had been permitted under

the military regime (El Periódico 2011b; Gálvez Borrell 2008, 133-134).⁷³ Thus while voter access was restricted, electoral competition also became freer and fairer.

The electoral administration set up in the 1980s would prove difficult to reform in later years. Some technical components of the system would prove susceptible to path dependence, making change costlier as time went on. Other aspects would be subject to partisan and inter-institutional battles. During the reform process, the roles of partisan interests, civil society groups, and international election assistance become more prominent. It is to that process that we turn in chapter 4.

Table 3.2 Support for Hypotheses, Guatemala 1983-2003

Category	Hypothesis	Support	Comments
Partisan Interests	H1: Where a ruling party can identify opposition supporters, election administration inclusiveness will tend to be low, whereas countries with catch-all parties or fluid party systems marked by low levels of partisan attachments will tend to have more inclusive electoral procedures.	Inconclusive	Low levels of partisan attachments coincided with low inclusiveness, but partisan interests played little role in constructing election administration rules.
	H2: Parties with strong lower class support (typically populist or leftist parties) will support inclusive rules.	Inconclusive	Leftist and populist parties were small during the early democratic period.
Electoral Management Body Structure	H3: Partisan EMBs will tend to implement less inclusive measures as partisan election officials attempt to impede the participation of some parties' supporters.	Not supported	The nonpartisan TSE instituted several restrictive measures.
	H4: Independent, non-partisan EMBs will be associated with inclusive rules in part by playing an active role in electoral reform.	Inconclusive	
The Specter of Election Fraud	H5: A history of election fraud will lead democratizing countries to adopt strict safeguards against fraud, which may in turn impose procedural barriers to voting.	Supported	Most restrictive election administration practices were adopted because of concerns about fraud.

Continued on next page

⁷³ The number of signatures required to form a political party was reduced from 50,000 to 4,000.

Table 3.2, continued

Category	Hypothesis	Support	Comments
	H6: Parties that have been the victims of election fraud will support strict safeguards that reduce inclusiveness.	Inconclusive	At least some legislators from victimized parties opposed restrictive measures intended to prevent fraud.
Election Costs and Financial Resources	H7: Countries with more resources will have more inclusive election administration.	Inconclusive	Costs limited voter education efforts, but otherwise appear to have had little impact.
Civil Society and Public Opinion	H8: Strong civil society, particularly domestic election observation groups, will increase election administration inclusiveness.	Inconclusive	Organized civil society was not well developed for much of this period.
	H9: Public opinion will set limits on the extent to which elites can pursue self-serving election administration rules.	Not supported	No evidence of public opinion constraints was uncovered.
International Influences	H10: International observers will prevent extremely restrictive measures in elections that they observe, particularly measures that are highly visible on election day.	Not supported	Restrictive measures persisted despite the presence of observers.
	H11: The recommendations of election observers will have little impact on election administration practices.	Supported	Restrictive measures persisted despite observer recommendations for reform.
	H12: When a country seeks good relations with Western democracies, the influence of election observers will be enhanced and inclusive election administration practices will be more likely.	Inconclusive	
	H13: Technical and financial assistance will make inclusive measures more likely by enhancing domestic bureaucratic capacity.	Inconclusive	

CHAPTER 4

GUATEMALA: ELECTION ADMINISTRATION REFORM AND IMPROVING VOTER ACCESS, 2004-2011

After establishing highly restrictive procedural barriers to voting in the 1980s, Guatemala held several relatively free and fair elections marked by low levels of voter participation. By the mid-1990s electoral reform was on the agenda, with many proposals focusing on making voting more accessible. When the country's civil war came to an end in 1996 issues of election administration were included in the peace accords, beginning a long process of electoral reform that was still playing out as of 2011. This chapter recounts the story of the reform process in Guatemala and explains what made dramatic changes in election administration inclusiveness possible and why the reforms took the particular shape that they did, removing some obstacles to voting while leaving others in place.

Early Attempts at Reform

By the mid-1990s Guatemalan political parties, the Supreme Electoral Tribunal (TSE), and observers on all sides acknowledged the obstacles to voting presented by centralized polling sites, the manner of assigning voters to voting centers, and the processes of documentation and voter registration (OAS 1997a, 16, 37). A number of amendments to the electoral law were introduced in Congress in the mid-1990s to address these problems.⁷⁴ One 1993 bill would have located polling stations outside of municipal

⁷⁴ This section draws on compilations of reform initiatives in Catalina Soberanis 1995, OAS 1997 (Annex X), and Acción Ciudadana et al. 2005.

capitals,⁷⁵ while a bill introduced the following year by deputies of various parties would have allowed for polling stations outside of municipal capitals and mandated legislation on a new identification document. The TSE, using its power to initiate legislation, also proposed polling site decentralization and the creation of a new identification card (under TSE control) the same year, while a collection of civil society groups (the Assembly of Civil Society) proposed similar measures. Yet another bill would have decentralized polling stations, provided free public transportation to the polls, and instituted an absentee voting system.⁷⁶

Yet despite support from various quarters on the desirability of polling decentralization and a new identity card, these reforms made no headway. One obstacle was that most of the proposed amendments to make voting easier were tied up with other, more controversial measures. Several of the proposals would have allowed non-partisan civic committees to run candidates for Congress (they are currently limited to fielding municipal candidates), thus creating more competition for established political parties. One proposal would have instituted compulsory voting and changed a number of party registration and campaign finance rules, and was blocked by the Constitutional Court; another sought to circumvent the constitutional prohibition of presidential candidacies of those who have participated in a coup, intended to benefit FRG party leader Efraín Ríos Montt.

Another obstacle to reform was disagreement over the form that polling site decentralization should take. Some proposals from legislators called for drastic

⁷⁵ Introduced by deputy Vinicio Villar of the Christian Democracy party.

⁷⁶ Introduced by deputy Jose Fernando García Bravatti of the FRG party. Absentee voting would have taken the form of “national tables” at voting centers, where voters registered in other jurisdictions could have cast ballots for national (but not municipal or departmental) offices. A similar measure was debated internally within the TSE (Interview 14).

decentralization of polling stations to any population center of 200 or more registered voters, while the TSE wanted the power to decide where to locate voting centers and actively opposed the more radical decentralization proposals, noting the logistical difficulty of establishing voting centers in the country's 6,000 villages and the need for cartographic studies to choose appropriate sites. The TSE also opposed the proposed plan for absentee voting, fearing multiple voting in the context of weak safeguards against obtaining fake identity cards (TSE n.d.[b], 15).

Another obstacle was the fact that electoral reform was a low priority for the political parties at the time.⁷⁷ Additionally, many of the reforms were proposed when a national election was on the horizon, which made reform less likely (CRE 2004, 21) – despite the fact that some reforms would not have gone into effect until after the 1995 elections.

Thus the mid-1990s saw a number of failed proposals to increase election administration inclusiveness. As a number of participants noted, it took the end of the country's armed conflict and the resulting peace accords to give electoral reform a new boost and place it squarely on the political agenda (Interviews 06, 07, 08).

The Electoral Accord and the Commission on Electoral Reform

The Guatemala Peace Accords between the government and the URNG guerrillas were wide ranging, and one part of the agreements was the Accord on Constitutional Reforms and the Electoral Regime, signed in December 1996. The sections of the accord that dealt with the electoral regime put the issue of voter participation front and center,

⁷⁷ For instance, of the 19 parties or alliances participating in national elections in 1995, electoral reform was mentioned in the platform of only one minor alliance which did not win any seats in Congress (Inforpress Centroamericana and Friedrich Ebert Stiftung 1995, 21-62).

and recognized “[t]hat the electoral processes suffer from specific shortcomings which impede the effective enjoyment of the right to vote, and that include citizens’ lack of reliable documentation, the absence of technically prepared voter lists, difficulty of access to registration and voting, lack of information and the need for greater transparency in electoral campaigns” (section II). According to two URNG members, issues of electoral administration were included in the peace accords with the aim of opening up and democratizing what they considered to be a discredited political system (Interviews 08, 10).

To boost voter participation and improve the legitimacy of the electoral process, the accord addressed a wide range of issues – the majority of them dealing with election administration inclusiveness – as a minimum agenda for modernizing the electoral regime. Areas identified for reform were voter documentation, voter registration and the voter rolls, the voting process (the location of voting centers and the access of migrant workers to voting), voter information campaigns (carried out in Spanish and Mayan languages to emphasize the importance of voting and provide information on how to register and vote), transparency of parties and campaign finance, and strengthening electoral institutions. On voter documentation, the accord called for replacing the country’s antiquated and easily falsified paper identity document (*cédula de vecindad*) with a more modern general purpose identity card that would also serve as voter identification. The accord indicated that the TSE would issue the identity document – an issue that became deeply contentious later – and that the new document should be used for the next electoral process (in 1999); as it turned out, it would be more than a decade before distribution of the new ID card would begin.

Among the most contentious and challenging election administration matters contained in the accord were voter registration and voting center decentralization. On the decentralization of voting centers, the implementation of which would be hotly debated in the following years, the accord stated (section II, par. 12):

It is necessary to facilitate citizens' access to voting centers. To that end, the Parties propose that, based on the electoral rolls, the Supreme Electoral Tribunal, in consultation with political parties, identifies the places in which voting centers are to be installed in the interior of the municipalities where there are important population nuclei far from the municipal capital and which are also accessible to party poll-watchers and electoral observers.

To implement decentralization, corresponding changes in voter registration would be needed. In particular, voter rolls would need to include voters' specific places of residence and not just the municipality in which they resided. The accord also recommended facilitating voter access to registration centers, particularly in rural areas, and ensuring that deaths and changes of residence were more fully recorded in the voter rolls. Partly related to these recommendations were the suggestions on institutional strengthening, which included modernizing the national registry to "permit the automation of data and its integration into coordinated networks for the effective cross-checking, maintenance, and updating of electoral rolls" (section II, par. 20), as well as assuring the TSE had the necessary resources to implement the reforms. With a primary focus on increasing voter participation but also touching on issues of campaign finance regulations, the accord set an expansive agenda for reform.

To study and elaborate a proposal for the relevant reforms to the electoral law, the accord mandated the creation of an Electoral Reform Commission (CRE), to be presided by the Supreme Electoral Tribunal and with participation from all parties with

representation in Congress (7 parties with one representative each).⁷⁸ The commission was to complete its work within six months of being constituted (though its term was subsequently extended twice) and publish a report with the recommended legal reforms, and was “to encourage an extensive pluralistic debate on the subject of Guatemala's electoral regime” (section II, par. 3).

With its agenda based on the electoral accord, the Commission on Electoral Reform (CRE) began its work on April 1, 1997. The commission's work was supported by technical studies elaborated by the TSE with support from the Organization of American States, including reports on electoral cartography and the issue of migrant worker voting (CRE 1998). The commission also drew on election laws in other Latin American countries (Acción Ciudadana et al. 1999, 164). In addition, the CRE issued a public call for reform proposals, and a wide range of civic groups and individual citizens presented a total of 24 proposal packages to the commission,⁷⁹ most containing multiple recommendations. Many of the proposals reiterated the reforms called for in the electoral accord, including decentralization of voting sites (recommended by three parties and proto-parties without representation on the commission, the attorney general's office, the political science department of the University of San Carlos, and the village of Guineales, among others); “domicile voting,” or the assignment of voters to the voting center closest to their residence (mentioned in three proposals); and a new identity document (mentioned in four proposals). Some proposals also called for the provision of free public

⁷⁸ The commission's chair and two members were selected by the TSE (the chair and one member were active TSE magistrates; another member was a former magistrate). The parties with representation in Congress at the time were PAN, FRG, FDNG, DCG, UCN, MLN, and UD.

⁷⁹ This is the number of proposals by outside groups and individuals contained in TSE n.d. (c).

transportation on election day and voting rights for army and police members and for Guatemalans living abroad (Acción Ciudadana et al. 2005; TSE n.d.[c]).

Other proposals went beyond the CRE's minimal agenda, including requirements for parties to run indigenous candidates in top spots on party lists and allowing civic committees to run candidates for Congress (Cerigua Weekly Briefs 1998; TSE n.d. [c]). Thus the already extensive agenda was widened further through the proposals from civil society.⁸⁰

The CRE's work culminated in a 1998 report titled "Guatemala, Peace and Democracy" and an associated bill introduced in Congress proposing changes to 163 articles of the electoral law.⁸¹ The CRE's president, TSE magistrate Mario Guerra Roldán, urged Congress to enact the amendments swiftly so that they could be implemented for the following year's general election (Cerigua Weekly Briefs 1998).

The election administration measures included in the CRE package included decentralization of polling sites at the discretion of the TSE; assigning voters in large cities to the polling station closest to their home; state provision of free transportation on election day (and prohibiting parties from transporting voters); moving election day from December to August to facilitate the participation of seasonal migrant workers; and requiring the TSE to carry out permanent civic and voter education programs (CRE 2004). Changes tightening party registration requirements were also included. The CRE report also contained recommendations apart from specific legal reforms, including that

⁸⁰ In one of the more interesting recommendations to the CRE, local photographic businesses protested plans for the state agency issuing identity cards to provide citizens with their photograph, in contrast to the prevailing system whereby citizens needed to provide their own photo (TSE n.d. [c]). Photographic businesses would later protest the same measure when a new civil registry was created (PL, 2008a).

⁸¹ The TSE used its initiative power to introduce the bill in Congress. See "Proyecto de Decreto que Contiene Modificaciones a la Ley Electoral y de Partidos Políticos," introduced into Congress Nov. 5, 1998.

the TSE facilitate voter registration by shortening the process, utilizing mobile registration units, and extending hours of operation in registration offices (CRE 2004, 185). Other legal reforms proposed by civil society groups, such as allowing civic committees to run Congressional candidates and party quotas for women and indigenous people, were largely excluded from the final proposal. According to the CRE's executive secretary, these larger measures were excluded in the hopes of passing the other proposals quickly before the 1999 elections (Interview 06). The final package of proposed reforms thus "reflect[ed] closely those recommended in the peace accords themselves" (Cerigua Weekly Briefs 1998).

According to the CRE members interviewed by the author, there had been consensus among the party representatives and the TSE magistrates within the CRE on the major issues of voter access, such as polling site decentralization (Interviews 06, 07, 16), as political actors recognized that electoral procedures "suffered from certain shortcomings and technical weaknesses that were necessary to address with the explicit objective of stimulating electoral participation" (Torres-Rivas and González 2001, 61). These reforms were also supported universally by civil society groups, academics, and the recommendations of international election observers. Yet six years would pass before Congress approved changes to the electoral law. As legal reforms stalled in Congress, the TSE pursued administrative measures to lower barriers to participation.

TSE Initiatives to Improve Voter Registration

While changes to the electoral law were delayed, the TSE undertook measures to facilitate the vote that didn't require legal reforms. At this time, the issue of increasing voter participation was high on the agenda, and in the late 1990s a study being carried out

by Horacio Boneo and Edelberto Torres-Rivas and funded by international organizations emphasized the problem of voter registration (Boneo and Torres-Rivas 2000; Interview 13). Two TSE measures thus focused on voter registration: the employment of mobile voter registration units and the switch back to a voter roll based on citizens' residence (rather than *vecindad*). The use of mobile registration brigades began in 1999. These brigades consist of small teams that visit areas removed from the permanent registry offices (often in rural areas, but also in commercial centers in cities) for a short period to carry out voter registration. Today their coverage extends to all of the country's departments, with teams generally spending 5 days or more in a community to carry out registration (Interview 21; Sánchez del Valle 2000, 29; TSE n.d.[d], 828-829). These brigades, combined with greater publicity from the TSE promoting voter registration, resulted in significant increases in the voter rolls, particularly in predominantly indigenous areas (López-Pintor and Urrutia 2002, 39, 41-42). The brigades also serve as a means for voters to update or check their registration status.

Equally significant was the TSE's modification of its regulation of the electoral law in 2001. With this change, citizens could register to vote in the municipality in which they currently resided, even if they did not obtain their identity document in that municipality. Citizens already registered would be able to update their information, prior to the closing of registration, in order to transfer their registration to their municipality of residence (TSE 2001b). Another modification the following year established a six month residency requirement to register in a given jurisdiction (TSE 2002), but in practice there are few controls in place to enforce this.

This measure returned the voter registration process to what had been in place prior to 1987, with the goal of facilitating the vote in order to boost participation (PL 2001g). The updating of voters' registration data was also used to implement domicile voting, or assigning voters to the voting center nearest their residence (Interview 17). While expressing tentative support for the measure, some legislators and civil society observers expressed concern about the potential for voter fraud (PL 2001g), a concern that is still widespread. Since no documentation of residence in the jurisdiction is required when registering, this change did indeed open the possibility for voter registration fraud. If voters lie about their address when registering – a practice thought to be common – they can register in a different municipality in order to support local candidates in that town. This voter registration fraud – what Fukumoto and Horiuchi (2011) call “preelectoral residential registration” (587) – results in the infamous *traslado* (transfer) of outside voters to support mayoral candidates, often giving rise to election-related conflicts.⁸² This administrative measure aimed at increasing inclusion thus also loosened protections against voter fraud; this is particularly unusual given the TSE's tendency to prioritize safeguards against fraud, and is a problem the TSE hopes to address by requiring proof of residence when registering and an earlier closing date for voter registration to allow more time to detect anomalies on the voter rolls (Interviews 21, 22).

⁸² According to a long time TSE staff member, the true extent to which this practice occurs is unknown (Interview 22); however, the TSE verified some 50 cases in 17 municipalities following the 2011 elections (PL 2011h). Presumably it affects mostly municipal elections rather than Congressional contests, and mayoral candidates (typically incumbents) are thought to orchestrate this type of fraud.

Reforming the Electoral Law

While the TSE reduced administrative barriers related to voter registration, electoral reform was taken up in Congress in early 2000 following the general election in late 1999. Both the TSE and deputies from a range of parties in Congress agreed on the importance of the reforms in order to increase voter participation and concurred that the year following an election would be the ideal time to approve the reforms (PL 2000a; 2000b; 2000c.). The TSE magistrates and Congressional deputies agreed that the basis of discussion should be the CRE report, and all signs indicated that all of the party caucuses in Congress were disposed to approve electoral reforms that year (PL 2000c; 2000e).

Yet the reform process would follow a torturous path before finally resulting in wide ranging changes to the electoral law. In October of 2003, all but one of Guatemala's political parties subscribed to a Shared National Agenda, an accord promoted by the United Nations Development Program (UNDP) and the Netherlands Institute for Multiparty Democracy. One of the priorities of the agenda was to reform the electoral law, which took center stage in the new Congress inaugurated in 2004 (PL 2004a; 2004c). There were many calls – by independent analysts, some Congressional deputies, and above all the TSE – for further delay of the reforms to take additional proposals into account (especially those emanating from the TSE) (PL 2004b; 2004d; 2004e; 2004f).⁸³ Ironically, the delays in approving the reforms had led both to a sense of urgency and also the opinion among many that the reforms had already become dated (PL 2004e). Despite continuing disagreements over a number of measures in the reform package, the governing GANA coalition threw its support behind the electoral reforms as a result of a

⁸³ Op-eds in the leading paper *Prensa Libre* were almost unanimously critical of the failure to incorporate TSE recommendations and stronger regulations of campaign finance in the reforms.

“gentlemen’s agreement” with other parties over unrelated pieces of legislation pending in Congress. This cleared the path for the electoral reform bill that had been debated in 2001 to be approved (unchanged) on April 21, 2004, over the objections of the TSE, with 135 deputies voting for the amendments and only 10 deputies voting against (PL 2004g; 2004h; 2004k).⁸⁴ Many deputies voting for the bill acknowledged that the amendments included errors and omissions, and the passage of the reforms was accompanied by a pledge to approve follow-up changes within 90 days (PL 2004i).

It quickly became apparent that further reforms would not be approved quickly, and the Congressional Committee on Electoral Matters indicated that proposed amendments from the TSE and civil society would be considered – thus opening up the issue of electoral reform to consultation for the third time. The discussion of additional amendments centered on some of the most contentious issues, such as campaign finance regulation, implementation of a new identity document, and the participation of women and indigenous candidates. At this time, the term “second generation reforms” – meaning the inclusion of themes promoted by the TSE and civil society not treated in the 2004 reforms – gave way in Congress to talk of “harmonizing reforms,” limited to correcting errors included in the first round of amendments (PL 2004l; 2004p). Finally, on October 19, 2006, some two and a half years after its 90-day term to approve a second round of electoral reforms had passed, Congress approved the second set of amendments to the electoral law.

⁸⁴ Thirteen deputies were absent. The gentlemen’s agreement was with the FRG, PAN, and UNE parties.

Reform and Inclusion: Making the Right to Vote More Accessible

The reforms to the electoral law, coupled with the administrative initiatives of the TSE, significantly increased Guatemala's election administration inclusiveness. A centerpiece of the reforms was the decentralization of polling sites (LEPP, Art. 231). This led to the creation of new rural electoral jurisdictions (for voting centers outside of municipal capitals) and a major increase in polling sites: from 8,885 voting tables in 1,262 voting centers for the 2003 elections to 13,756 tables in 2,060 centers for 2007 (EUEOM 2007, 21; OAS 2008a, 54). Decentralization was widely praised by election observers, and election officials and party leaders held similarly positive evaluations (e.g., EUEOM 2007; OAS 2008a, 57). It also proved popular with the public, as rural communities solicited the TSE for voting centers prior to election day (MIOE 2007, 108).

Electoral reform also increased access for urban voters through implementation of "domicile voting" (LEPP, Art. 224). Domicile voting began on a limited basis with the updating of voters' registration information prior to the 2003 elections, as the TSE used voters' residence to geo-code their registration; prior to this, a voter's identity card contained only the department and municipality in which they were assigned to vote, and the voters lists contained no codes for residence (since such information did not affect one's assignment to a voting center) (Boneo 2001, 81; OAS 2009a, 18-19).⁸⁵ With the reforms to the electoral law, urban voters could now avoid travelling across town to reach their polling station. The reforms also moved up election dates from November to September, which served to facilitate the vote of migrant workers who work on the major coffee and sugar harvests from October to February, and also increased the transition

⁸⁵ While civil and voter registries had voters' addresses on file, these would often be outdated, especially since voters moving within a municipality would have no incentive to update their voter registration, since it wouldn't affect where they would be assigned vote.

time between the second round of presidential elections and inauguration (which had been exceedingly short) (ASIES 2005, 45; Núñez Vargas 2008a, 16; Interview 16).

Finally, the reforms explicitly added civic and voter education to the TSE's responsibilities, formalizing what the TSE already considered part of its duties. This corresponded with more extensive voter education efforts. For the 2007 election season, the TSE carried out voter education campaigns – through radio, television, printed materials, telephone hotlines, and the web – directed particularly at informing voters about decentralization, and also “sent approximately 3.5 million personalised telegrams including full polling centre details, corresponding to each telegram recipient” (EUEOM 2007, 35-36). In 2011, the TSE distributed 7 million mini-telegrams to registered voters with their voting center information, and employed information kiosks in commercial centers, text messages, print and online ads, and an extensive campaign of television and radio spots carried out in Spanish and four Mayan languages (TSE 2011a; 2011b; 2011c).

Election observers acknowledged the improved efforts to inform voters about where to vote and improved dissemination of information in Mayan languages (EUEOM 2007, 35, 49; MIOE 2007, 78; *Mirador Electoral* 2008, 116), while also emphasizing that voter information in indigenous languages still had limited reach (EUEOM 2007, 35; Jessup, Hayek, and Hällhag 2008, 7; MIOE 2007, 78; *Mirador Electoral* 2008, 25). Interviews with members of two of the largest indigenous language groups carried out by domestic observers in 2007 revealed that most people in these communities did not have adequate information about the polling decentralization process (*Mirador Electoral* 2007b, 9). More generally, despite more extensive efforts at informing voters about the electoral process, the TSE's information campaigns were again launched late, thus

hindering their effectiveness (EUEOM 2007, 36; Mirador Electoral 2008, 13). The informational campaign leading up to the 2011 elections was massive, but dissemination of information in Mayan languages continued to be slow (PL 2011b; 2011g).

The first elections held after the reforms, in 2007, saw a small increase in voter turnout. While the increase was slight (2 percentage points), decentralization appeared to facilitate the rural vote, as turnout in rural areas reached 70 percent, compared to 57 percent for urban areas (EUEOM 2007, 55). The increase in turnout from the prior elections was larger in predominantly indigenous departments than non-indigenous (MIOE 2007, 70). In the words of the European Union observer mission, “[t]here can be no doubt that, together with the growth and greater inclusiveness of the new voter register, polling station decentralisation significantly contributed to this rise in voter turnout, especially in rural areas” (EUEOM 2007, 55). The results were more dramatic in 2011. The voter rolls increased by more than 22 percent since 2007 (calculated from Mirador Electoral 2011, 14), with a 33 percent increase in registration for women – who for the first time made up more than half the voter rolls at 50.7 percent (PL 2011d; Siglo 21 2011b). Voter turnout reached 69 percent of registered voters (TSE 2012, 151), matching the historic high of the 1985 elections (but with a more inclusive voter roll).

Despite these significant changes, voter registration was left largely untouched by the electoral law reforms. For instance, the closing date for registration was unchanged by the reforms.⁸⁶ In practice, however, the bureaucratic complexity that voters faced when registering was reduced, as all voter registry offices were computerized by 2008

⁸⁶ One proposal presented to the congressional committee on electoral matters in 2000 by the union of TSE employees recommended shortening the registration deadline to two months before election day in order to facilitate participation (Sindicato 2000). It appears to be the only organization to have recommended this change in a proposal to Congress.

and able to complete a voter's registration in one office visit (Interview 21). Yet the increases in voter registration rates after 2007 were the result, at least in part, of the requirement put in place by the UNE government that social welfare recipients be registered voters. The departments with the highest numbers of welfare recipients through the program *Mi Familia Progresada* saw particularly large increases in voter registration (see Siglo 21 2011b).⁸⁷

The key part of the legal reforms that would have changed voter registration practices was the introduction of a new national identity document. The 2004 electoral law reforms made reference to the new document that would replace the *cédula*, and the following year Congress passed the National Registry of Persons Law. This created a new civil registry (RENAP) which for the first time created a centralized national registry and introduced a new identity card (DPI) to replace the *cédula* that had been issued by municipal registry offices.

Everyone agreed on the need for a new and more secure identity document, but the contentious issue was implementation. Since 1985 the TSE had advocated the creation of a new ID that the TSE itself would oversee, and it lobbied strongly on this point during the reform process; this was also the position of the CRE proposal for electoral reform and the initial decision of the congressional committee on electoral matters (PL 2005a; 2005b). The TSE made a strong case, considering the central role of the ID card in the voting process and the tribunal's established bureaucratic infrastructure (with registry offices in every municipality in the country), as well as its independence and integrity. Moreover, the task of issuing identity cards would have kept the TSE busy

⁸⁷ This was widely considered to be a clientelist scheme on the part of the government to increase its electoral support.

during its idle time between elections and likely cost less than setting up a new agency (Interview 14). Yet Congress ultimately decided to create a new agency in which to vest the new civil registry, to be overseen by one representative each from the TSE, Congress, and the executive branch.

Had the TSE been given control over the new civil registry, voter registration would have become automatic, as the CRE had intended (Interviews 13, 14); since citizens would register for an ID with the TSE, an additional voter registration process would have been unnecessary. Nevertheless, automatic voter registration was planned even with the creation of RENAP. The 2006 amendments to the electoral law aimed partly to reconcile the electoral and registry laws, and would have renamed the TSE's Citizens Registry the "Citizens' Electoral Registry" and allowed for direct input of civil registry data into the voter registry – thus eliminating the requirement to carry out two separate proceedings to register (Núñez Vargas 2008a, 15, 18). But when the draft of the 2006 reforms to the electoral law was reviewed by the Constitutional Court, the court ruled that the name change was unconstitutional. In short, the court determined that the civil registry, RENAP, could not carry out activities pertaining to the Citizens' Registry (i.e. voter registration), particularly because the civil registry law could not modify the responsibilities of the Citizen's Registry which are laid out in the electoral law, a law of constitutional rank (Interview 21). Therefore, automatic voter registration would apparently require a constitutional reform (Interview 09).⁸⁸

⁸⁸ There is some disagreement over this issue. Several interviewees suggested that automatic registration itself would be unconstitutional, since registration is not obligatory; another interviewee disagreed, noting that registering to vote is a legal obligation (though there is no penalty for not doing so). The ruling by the Constitutional Court did not directly address whether automatic registration *per se* was constitutional, only that the responsibility for carrying out inscriptions onto the voter rolls could not be removed from the TSE's Citizens Registry (see Corte de Constitucionalidad de Guatemala 2006).

The consequence of the court ruling was to maintain a two-step process for voter registration: first obtaining an identity card through RENAP, then registering to vote with the TSE. Other ways to facilitate voter registration were sought, such as placing voter registration tables in RENAP offices so citizens could complete both steps in one place (Interviews 02, 17). But as of 2011 there were only eight voter registration stations located in RENAP offices in the entire country, six of them in the capital city (Interview 21). This measure for facilitating voter registration (akin to the U.S. motor voter system) has been limited because of distrust between the TSE and RENAP, in particular the TSE's concerns about contaminating the voter rolls with potentially unreliable data from RENAP and fear of tarnishing the TSE's reputation by offering services in RENAP offices, considering the inefficiencies and controversies of titanic proportions during the new civil registry's first years in operation (Interviews 17, 21, 23). Another obstacle to collaboration was the lack of clarity in the legislation regarding the relationship between RENAP and the TSE (Conde Rada 2008, 47, 52-53; Mirador Electoral 2008, 119; Núñez Vargas 2008a, 39-40), although by 2011 collaboration had improved, with the registries sharing data for verification purposes and RENAP providing fliers from the TSE containing information on voter registration (PL 2011a).

Thus while the TSE made the voter registration process easier, a host of problems with the new civil registry (including long wait times and delays of weeks or months between soliciting an ID card and receiving it, often with clerical errors on the card) made the prior step of obtaining an identification document more difficult than before (PL 2009; 2010a). The service was so inefficient in some places that there were reports of

people sleeping outside of RENAP offices in order to sell their spots in the morning to people who needed to carry out registry transactions (PL 2010f).

Another consequence of non-automatic registration combined with an early closing date for registration is that young people turning 18 years old between the closing date of registration and election day cannot vote, since an identity card is needed to register to vote and cannot be obtained until one turns 18 (Interviews 04, 17). Moreover, with the long delays in obtaining an identity card due to inefficiencies in RENAP, beating the registration closing date could be difficult even for those turning 18 several months prior (Interview 21).⁸⁹ While RENAP made efforts to distribute ID cards to young people in order to remedy this problem, there were still some 85,000 ID cards of 18-20 year olds that had not been picked less than one month before the close of voter registration in 2011 (El Periódico 2011a; Siglo 21 2011a). Thus, while Guatemalans now receive a more modern and secure identity card, it has been difficult for many people to obtain due to delays and inefficiencies, and they still must carry out an additional process to register to vote, with young citizens particularly disadvantaged.

A summary of election administration inclusiveness in Guatemala for the 2004-2011 period is presented in Table 4.1 below.

⁸⁹ Addressing this problem would require a system of voter pre-registration, so that young citizens could provisionally register to vote before obtaining an identity card, and finalize their voter registration (with their ID) after the closing date. However, according to the director of voter registration, such a system is currently not technically feasible, as registry offices need a citizen's identification document number in order to add them to the voter registry (Interview 21).

Table 4.1 Election Administration Inclusiveness, Guatemala 2004-2011

Dimension	Description	Inclusiveness	Juridical Basis*
Voter Registration			
Extent of state responsibility for registering voters	Voter-initiated, modest state efforts to facilitate registration	Medium	Electoral law / Administrative practice
Difficulty of registration process	Fairly simple registration process completed in one trip to registry office, with registration services partially decentralized	Medium	Electoral law / Administrative regulation / Administrative practice
Ease of access to ID documents required for registration	<i>Cédula de vecindad</i> or DPI) required; obtaining DPI obstructed by bureaucratic inefficiencies	Low	Administrative regulation / Administrative practice
Registration closing date	3 months	Medium	Electoral law
Residency requirement	6 months; voter must update registration, but no documentation of residence is required	Low	Administrative regulation
Provisional registration	No provisional registration	Low	Administrative practice
Registry consultation	Information available through kiosks and mailed to voters; voter rolls distributed to parties	High	Administrative practice
Purging of voter rolls	Voters not purged from the rolls for failure to vote	High	n/a
Getting to the Ballot Box			
Accessibility of polling places	Polling places mostly decentralized; limited public transportation	Medium	Electoral law / Administrative practice
Assignment of voters to polling places	Residential for voters with updated registry information	High	Electoral law
Convenience voting measures	Not used	Low	Electoral law
Electoral Calendar	Voting held on a Sunday prior to labor migration season	High	Electoral law
Casting a Ballot			
Voter ID requirement	<i>Cédula</i> (or DPI from 2011 on) required; exact match between information on ID and voter rolls required	Low	Administrative regulation (Electoral law from 2006)

Continued on next page

Table 4.1, continued

Dimension	Description	Inclusiveness	Juridical Basis*
Provisional or tendered ballots	Not used (except in 2003)	Low	Administrative practice
Voter Education			
State efforts to inform voters of where and how to register and vote	Moderate territorial and linguistic coverage, extensive duration of information campaigns through diverse media	Medium	Administrative practice
Overall Inclusiveness		Medium	

* Electoral law refers to those elements based on the electoral law that are not open to modification by the electoral management body. Administrative regulation refers to those elements that are officially prescribed in the TSE's implementing regulations, contained in its *Reglamento a la Ley Electoral y de Partidos Políticos*. Administrative practice refers to those elements that are not explicitly codified either in the electoral law or the TSE's regulations, but are instead matters of bureaucratic performance and administrative discretion.

Explaining Electoral Administration Reform

The substantial changes in Guatemala's electoral administration since the late 1990s raise a number of questions. What made such reforms possible? Why were reforms on which all major political actors agreed delayed for so long? How did different variables – partisan interests, EMB structure, concerns over election fraud, and international electoral assistance – shape the form that electoral administration has taken? The following sections address these questions.

Delaying Reform

Why did Congress take so long to pass reforms that had been agreed upon by the major political parties by 1998? A number of factors intervened between the 1998 CRE report and the 2004-2006 reforms. One of the most important was the scope of the reforms being considered, which touched on nearly all aspects of the electoral system – including election administration, campaign finance, and internal party governance. Thus,

as was the case with many reform proposals in the mid-1990s, election administration measures were tied up with more contentious issues. The number of reforms being considered caused confusion among legislators and proved to be a stumbling block to passage (Interviews 03, 08);⁹⁰ as a former Congressional deputy admitted, there is little expertise of technical electoral matters in Congress (Interview 28). The timing of the reforms made matters worse. When the CRE sent its package of proposals to Congress in 1998, elections were on the horizon for the following year, and there was reluctance to change the rules of the game shortly before an electoral process (Interview 18). After the 1999 elections, the reforms were taken up by a new Congress with a new party in the majority. Turnover of TSE magistrates took place in 2002, and a new Congress took office in 2004 – turnovers which slowed down reforms, according to a former TSE magistrate (Interview 13). As new deputies entered Congress, they needed time to become familiar with the electoral reforms, which included issues with which many legislators were not well versed (Interview 04).

With more than 150 changes to the electoral law being considered, disagreements over the most conflictive issues – particularly campaign finance and political party regulations – held up passage of the reforms that everyone agreed on, such as the decentralization of polling sites (Interviews 06, 08). Matters were made worse when the governing FRG party inserted a clause in the reform bill that would have sidestepped the constitutional ban on candidacies of coup makers, allowing their leader Efraín Ríos

⁹⁰ A similar problem confronted constitutional reforms that followed from the Accord on Constitutional Reforms and the Electoral Regime. While the parties agreed on the reforms contained in the Accord, some parties and civic organizations hoped to take advantage of the opportunity to add further reforms – which naturally slowed down the process by expanding the scope of contestation (MINUGUA 1998, 1999).

Montt to run for president – a measure roundly opposed by everyone but the FRG.⁹¹ Other modifications in the committee bill would have infringed on the TSE’s autonomy, which drew fierce opposition from the TSE, opposition parties, civil society, and even other Central American electoral bodies (PL 2000g; 2000h; 2000i; 2000j). While Congress backtracked on the measures that would have infringed on TSE autonomy, and the Constitutional Court blocked the measure to allow Ríos Montt’s presidential candidacy, these controversial proposals held up the process long enough to lose the window of opportunity following the 1999 elections. By 2002, the closeness of upcoming elections was added to the reasons that opposition parties offered for not supporting passage (Interview 11; PL 2002b).

Even on issues of consensus, such as decentralizing polling sites, there remained disagreement over questions of implementation, as had been the case in the mid-1990s. The CRE proposal had left it in the hands of the TSE to decide the proper locations of polling stations (CRE 2004, 173-174; TSE 2001a, 161). Congress instead opted for a rapid and extensive decentralization, mandating a voting center for any population center (village, hamlet, etc.) containing 500 or more registered voters. The TSE wanted a more gradual decentralization based on its cartographic studies that had identified locations that would meet the criteria of security and adequate infrastructure as well as voter access – both to ensure control over rural voting centers and so as to not exceed the TSE’s capacity. Rather than a mandate to install polling stations based solely on the number of registered voters, the TSE wanted to maintain discretion over polling locations, allowing

⁹¹ This is based on Interview 07 and media coverage at the time. See especially Prensa Libre 2001b, 2001c, 2001d, and 2001e.

it to place stations in strategic locations where voters from several villages could converge (Azpuru 2004; EUEOM 2007, 21; TSE 2001a, 161).

The 2004 reforms reflected Congress' preference for a strict requirement based on the number of registered voters. This decision can be attributed to the genuine desire of the political parties to increase participation and facilitate access of their supporters to the polls, as well as to the legislators' lack of familiarity with the technical criteria employed by the TSE (Interviews 13, 16, 25).⁹² The 2006 amendments to the electoral law returned discretion to the TSE in locating polling sites after the TSE and Congress reached an agreement whereby the TSE pledged to establish more rural voting sites for the 2007 elections than it had initially planned in exchange for the authority to decide their locations and a budget increase in order to carry out the decentralization (Interviews 17, 27).⁹³

These disagreements over particular measures, combined with the procedural requirement of a two-thirds vote in Congress to reform the electoral law, slowed down the process. The short post-election window of opportunity to pass reform and the need for court review of any amendments to the electoral law also explain why Congress chose to pass error-riddled reforms in 2004 with a promise to immediately work on another round of changes (Interview 25). As the Carter Center (2004, 17) explains,

With the presidential mandate of just four years, a tradition of non-constructive opposition and a fatal tendency for party benches to fragment between elections, only a narrow window of opportunity, not exceeding one year, may exist for achieving the needed consensus before narrow interest politics take over and

⁹² The TSE tried to convince legislators on this point. However, as a journalist covering the reform process notes, meetings between the TSE and legislators on the congressional electoral committee were often poorly attended by the legislators (Interview 25).

⁹³ The TSE had developed several scenarios for decentralization, with a maximum of some 687 new rural sites (CEMs), an intermediate scenario of 311, and a minimal scenario of 166 (OAS 2008a, 45). Congress pushed for the maximum scenario (PL 2006a; 2006b). The pertinent change was to article 231 of the electoral law.

preclude agreement. Given these realities, many in the party and legislative leaderships concluded that reform efforts would more likely bear fruit, and more expeditiously, if the new Congress simply dusted off the 2001 reform bill and submits it to a third and final reading.

This option encountered a serious limitation. If the article-by-article discussion generated substantial modifications, the Constitutional Court would again have to pass judgment on the legislation's final version... In order to avoid a constitutional impasse that could torpedo the legislation entirely, the draft left pending in 2001 would have to be approved with only minor emendations, and more substantial corrections left for a later and uncertain date.

The Specter of Election Fraud

What of the concerns of election fraud that had been fundamental to the adoption of voting restrictions in the 1980s? Unlike during the debates surrounding the drafting of the 1985 electoral law, the issue of fraud was a secondary (though still important) theme during the reform process. There was some apprehension within both Congress and the TSE about the decentralization of polling sites resulting in election fraud (Interviews 07, 08, 14), along with general concerns about decentralization causing disorganization in the electoral process (Interview 06). But ultimately fears of fraud recurring played a minor role in the reform process (Interviews 27, 28), only arising periodically during the FRG government of 1999-2003 when there were concerns of decentralization being manipulated by the governing party (Interview 11; Azpuru 2004).⁹⁴ During the congressional debate over reform, Congressional Deputy Pablo Duarte discussed the issue of fraud colorfully (Congress of the Republic of Guatemala 2001a):

...the electoral and political parties law was created in that stigma that existed over the fraudulent electoral processes. I'll never forget that they used to say the fraud was committed in the villages, and on the farms the people would go to line up to vote, and the military commissioner would pass by... handing out election papers already folded so that they would put them in the ballot box. The person

⁹⁴ Accusations of the FRG planning to carry out fraud in the 2003 elections were common. See, e.g., NDI n.d. (7) and Prensa Libre 2001f.

would ask ‘...who did I vote for?’ And they would answer him: ‘jackass, don’t you know that the vote is secret?’ But we can no longer keep legislating over the fears of the past. We can no longer keep legislating over what happened and over all the blood spilled in this country, fraud, etc...

And indeed, the specter of fraud did not deter legislators from pushing for polling site decentralization. Rather, concerns about fraud most directly shaped election administration by preventing the implementation of absentee balloting: when such a system was considered to facilitate the vote of migrant workers, it was rejected by the TSE because of such concerns (“Exposición de Motivos...”, 25).⁹⁵

That the historical experience of election rigging exercised relatively little influence on the reform process is understandable considering the country’s experience in the intervening years. By the time the peace accords were signed, Guatemala had held three national and several municipal elections⁹⁶ that were largely free of fraud; by the time the reforms were finally approved, five relatively clean national elections had been held. Thus by the time reforms were discussed, the threat of traditional-style fraud had been greatly reduced, and confidence in the TSE had grown (Interviews 06, 09). In particular, the safeguards in place – such as party poll watchers receiving copies of the local vote tallies and improved technology (e.g., poll watchers having cell phones to report problems instantly) – lessened the risks associated with decentralization (Interviews 14, 27). This does not mean that accusations of fraud are in short supply around election time – they are still common, though generally focused on local rather

⁹⁵ The absentee system considered would have consisted of “national tables,” discussed above (note 3). The TSE opted instead to change the date of elections to address the migrant worker issue, and to make changing one’s residence for voter registration purposes easier.

⁹⁶ Some municipal elections were not held concurrently with national elections until the late 1990s.

than national races.⁹⁷ And the Guatemalan public remains deeply preoccupied with election fraud, according to public opinion polls (PL 2010b). But among lawmakers and election administrators, there was confidence that reforms such as decentralization would not lead back to the dark days of ballot stuffing. Lingering fears of fraud colored discussions over the form that polling decentralization would take, with many concerned about the risk of fraud inherent in a drastic decentralization that did not take security conditions into account (e.g., Castillo Milla 2006, 37); but no one suggested that polling stations remain centralized in municipal capitals for fear of fraud. But the late 1990s and early 2000s, low voter participation rather than fraud had become the central problem of election administration.

Partisan Interests

Just as purely partisan interests played little role in the construction of procedural obstacles to voting, they also explain little of the reform process that made election administration more inclusive. During the debates in Congress, no legislators publicly opposed the inclusionary aspects of reform, although there was disagreement over the form that polling decentralization would take (with some legislators supporting the TSE position). There were few differences along ideological lines: for instance, while the leftist URNG party that emerged from the guerrilla movements supported electoral reform throughout, other small leftist parties were consistent critics of some non-administrative elements of the reforms.⁹⁸

⁹⁷ The most common problems reported involve bloated voter rolls and “preelectoral residential registration,” or voters falsely swearing to changes of residence when updating their voter registration. See, e.g., EUEOM 2007 (24-25); MIOE 2007 (77); Mirador Electoral 2008 (19-20); and Prensa Libre 2011f.

⁹⁸ This draws on legislative records and media coverage at the time. See Congress of the Republic of Guatemala 2001a; 2001b; and Prensa Libre 2002c.

Consensus on reform was also longstanding: an election observer mission to the 1999 elections reported (OAS 2000, 13) that all of the candidates and parties interviewed were

unanimous in expressing their concern over the high rates of voter abstention recorded in previous elections... they all agreed that such behavior was clearly inimical to the democratic process, and pointed to the legal difficulties that citizens face in attempting to register and vote as one of the factors discouraging a greater voter turnout. All those interviewed were in favor of reforming the Elections and Political Parties Act.

Such contemporaneous public expressions of support were verified in interviews with observers and participants in the electoral reform process, all of whom agreed that the political parties supported polling decentralization and the goal of increasing voter turnout. While there were differences along party lines that delayed passage of the electoral reforms, there were few if any differences over administrative inclusion.

What is puzzling is that all parties would support administrative reforms that would prove to have significant political consequences. Centralization of polling sites had conferred potential advantages to parties or candidates with the resources to transport rural voters to the polls. Moreover, national elections had often been decisively influenced by the vote in urban areas, above all the department of Guatemala (with about one-fourth of all voters). But in the first elections after reform in 2007, the rural vote was decisive in electing the center-left Álvaro Colóm president (MIOE 2007, 74; Núñez Vargas 2008b, 61-62; Sáenz de Tejada 2005, 161, 188, 235). As an observer mission noted (EUEOM 2007, 59),

all the areas outside the capital responded to the political proposals that were more focused on rural development (an issue that was repeatedly stressed by Colóm, and strongly linked to his own personal biography). On the other hand,

the capital proved more receptive to proposals focusing on the fight against citizen insecurity (the clear *leitmotiv* of [Otto] Pérez Molina's campaign).⁹⁹

Again in the 2011 runoff election, there was a noticeable difference between the two candidates in their support in urban versus rural areas (PL 2011i), although this time the conservative Otto Pérez was able to win. Moreover, increased participation apparently contributed to a significant drop in the re-election rate of mayors in 2007, as "mayoral candidates had to be more sensitive to citizens' needs and interests, particularly those of women, youth, and indigenous people in rural areas who were voting for the first time" (USAID 2010). The decentralization of polling sites also reduced (but did not eliminate) the role of party transportation on election day, and has led parties to increase the territorial coverage of their campaigning and organizational structures in areas outside of municipal capitals, while also requiring parties to field larger numbers of party poll watchers on election day (Blanco 2008, 89; Nuñez Vargas 2008a, 17, 20, 27; OAS 2009a, 10).¹⁰⁰

Party support for reform can be explained by a confluence of several factors. First, before 2007 voting restrictions were not perceived to confer significant advantages on some parties over others, and most party elites did not foresee the consequences of reform. Secondly, any advantages that would be lost by larger parties would be compensated through reduced spending on voter transportation and advantages in fielding party poll watchers at more polling stations. Finally, the administrative reforms did not threaten the primary sources of power for party elites: campaign financing and the dominance of *caudillos* inside parties.

⁹⁹ See also Mirador Electoral 2008 (49-50).

¹⁰⁰ These effects were also mentioned by a number of respondents (Interviews 01, 08, 10, 26). This expansion of parties appears so far to not have contributed to more democratic internal party governance or party institutionalization, however (Interviews 05, 18).

Firstly, as might be expected, smaller and particularly leftist parties wanted to ensure the access of their likely supporters through election administration reforms (Interview 07), and at least one leader of the leftist URNG considers decentralization of polling sites to have helped the party (Interview 08). However, the desire to facilitate access for potential supporters was not limited to such parties, but was universal across the political spectrum (Interview 16). The barriers to participation that polling location and voter registration imposed were not widely perceived to benefit some parties over others (Interviews 18, 26), with one exception: larger parties with more resources were advantaged by centralized polling sites because they could afford to provide transportation to voters on election day (Interviews 12, 28).

That voting barriers did not benefit parties of particular ideological stripes is understandable in light of the nature of Guatemala's party system, which is highly fluid and marked by low levels of partisan attachments in the electorate. Most parties are clientelistic, catch-all parties centered on a single prominent personality rather than programmatic organizations with a clearly defined social base (Interview 05; Sánchez 2008). However, modest differences do exist in party support along urban-rural and rich-poor lines, as evidenced by the differences between two of the top contenders in the 2007 and 2011 elections, the National Unity of Hope (UNE) and the Patriot Party (PP). These differences proved decisive in the 2007 elections, but the parties appear to not have anticipated the effects that increased access to the polls for rural voters would have on election results (Interview 09). As Núñez Vargas (2008b, 62) puts it, "[w]hat [the 2007] election teaches is that the model of electoral organization centralized in municipal capitals also had political effects that hadn't been perceived with clarity until the moment

of this reform.” After 2007, parties appeared to have adapted to this reality, devoting more attention to capturing rural votes.¹⁰¹

Secondly, while larger parties might see their advantage in providing election day transportation reduced, this would be compensated by their greater ability to field party poll watchers for a greatly increased number of voting sites. Fielding a sufficient number of poll watchers has been challenging for smaller parties, and this is seen as an advantage for larger parties (Interviews 01, 08, 16). More important is that the ‘advantage’ of providing transport to voters was increasingly seen as a burden by political parties and candidates. As several people involved in the reform process noted, political parties hoped to save money on providing transportation to the polls, an expense that represented a significant proportion of total campaign spending (Interviews 07, 27). Moreover, parties recognized that there was no guarantee that the voters being transported to the polls would vote for them, and thus transporting voters wasn’t really worth the money (Interview 27). Even after decentralization, party transportation is still provided, but its importance has diminished (Interviews 08, 14) and it is less expensive (Interviews 09, 10, 28). At the same time, more effective means of capturing votes, such as vote-buying, are still available and thought to be widespread (Interviews 10, 12). Thus decentralization would shift election day costs from political parties to the TSE, and parties would lose little political advantage in exchange.

Finally, the reforms that passed through Congress ultimately did not infringe on the sources of political power of party elites. Most Guatemalan parties are highly

¹⁰¹ Besides campaigning, a manifestation of this strategy was the UNE government’s requirement that recipients of social welfare benefits be registered to vote, as discussed above.

personalistic, built around a single prominent political figure (or *caudillo*),¹⁰² and election administration reforms did not threaten these caudillos by dispersing political power inside parties. The reforms did little to promote more democratic procedures of decision making within parties, while administrative reforms to facilitate the participation of women and indigenous as voters did nothing to guarantee their participation as candidates (Interviews 10, 18). The increased regulations on campaign finance also fell far short of ensuring transparency or imposing meaningful spending limits. As progressive Congressional Deputy Nineth Montenegro of the small EG party put it, “it was an insufficient small reform [*reformita insuficiente*] that was always going to benefit the big parties” (Interview 64).

In sum, personalistic catch-all parties did not foresee significant consequences from making voting easier, while those consequences that were foreseen (reduced costs of transporting voters and increased numbers of party poll watchers) were anticipated to benefit larger parties. Thus election administration reforms represented a chance to increase voter participation without upsetting the balance of electoral power or threatening the internal control of political parties by *caudillos*.

However, while purely partisan interests were conducive to reform, the collective interests of Congress in securing patronage resources did have detrimental consequences for election administration inclusiveness. Namely, by creating a new civil registry (RENAP), Congress inadvertently derailed automatic voter registration. Subsequently,

¹⁰² An observer mission to the 1990 elections noted that most political parties were “relatively new, personalist electoral vehicles without extensive and permanent organizational structures” (NDI 1990, 15), and the same organization reported five years later that most parties “have traditionally been personalistic parties which have been vehicles for the personal ambitions of individual *caudillos*” (NDI 1995, 7). These observations are still accurate today; as a 2007 observer mission reported, “[p]arties are identified, primarily through their leaders’ personalities, as opposed to their proven track record and ideological underpinnings, or the loyalty of their grassroots support” (EUEOM 2007, 7-8).

the prospects for easier voter registration through TSE-RENAP collaboration were limited by RENAP's inefficiencies, bureaucratic turf struggles, and legal uncertainty over the relationship between the two bodies.

Congress' decision to create RENAP is widely attributed to the desire to control patronage resources, with deputies wanting to "dip their hands in" the "golden goose" that the new agency represented (Interview 25; also Interviews 03, 14, 16, 17, 24).¹⁰³ This patronage takes the form of the distribution of jobs in RENAP and the allocation of contracts related to the production of identity cards. Sure enough, after the creation of RENAP some of its officials were investigated for anomalies in the awarding of contracts (including a \$114 million contract awarded to a company tied to a campaign supporter of president Colóm), and there were media reports of nepotism in RENAP hiring of family members of Congressional deputies (PL 2008b; 2010c; 2010d; 2010e). The creation of a centralized registry essentially transferred a source of patronage and rent-seeking from municipal offices, which had previously controlled the issuance of *cédulas* (and collected associated fees), to the central state,¹⁰⁴ with detrimental consequences for election administration inclusiveness.

¹⁰³ Some people offer different interpretations. Manfredo Marroquín plausibly attributes the creation of RENAP to the desire of Congress to avoid strengthening the TSE by giving it authority over the new civil registry, preferring instead to create an agency that it could partially control (Interview 02). This is consistent with an explanation based on patronage, but also points to inter-institutional struggles that may have influenced the decision to create RENAP. Others attributed the decision to a desire to emulate Peru's registry system, in which the electoral authority and civil registry are separate (Interviews 17, 23), rather than emulate the Mexican or Nicaraguan system in which the electoral authority issues identity cards. This latter explanation is discussed below.

¹⁰⁴ For this reason, and for fear of losing community control over registry documents, municipalities bitterly resisted the centralization of the civil registry that RENAP entailed.

EMB Structure: The Supreme Electoral Tribunal

The independence and professionalism of the Supreme Electoral Tribunal have been more or less constant since its creation, with only some diminishment of its reputation since 2002 due to the quality of its top leadership. It therefore might be concluded that the TSE's independence (which has remained constant) cannot explain variation in electoral administration inclusiveness over time. But such a conclusion based on covariation alone would be overly simplistic. Not only has the TSE's independence prevented the type of partisan capture that could lead to administrative disenfranchisement (as has happened in Nicaragua – see chapter 6), but it has allowed for the formulation of independent initiatives and the development of the technical capacity necessary to implement polling decentralization and voter registry modernization. As a result, the TSE has played a key role in promoting more inclusive election administration, although it has done so cautiously, and at times has resisted changes that would facilitate voter access in its efforts to balance voter inclusion and election integrity.

The TSE recognized early on the procedural barriers that inhibited voter participation, and particularly during the 1990s under the leadership of magistrates Mario Guerra Roldán and Felix Castillo Milla the tribunal worked to prepare the way for more inclusive practices. As early as 1994 it submitted an initiative to Congress that would have allowed the tribunal to establish voting centers outside of municipal capitals.¹⁰⁵ Once the Commission on Electoral Reform was formed in 1997, the TSE conducted technical studies on electoral cartography and a new identification card and planned for the implementation of domicile voting (TSE 1997). The TSE also recognized the

¹⁰⁵ TSE, "Proyecto de Reformas a la Ley Electoral y de Partidos Políticos," submitted to Congress December 1, 1994 (in *Acción Ciudadana et al.* 2005).

insufficiency of prior voter information campaigns and sought to carry out more extensive efforts through diverse strategies, and welcomed the inclusion of voter education among its legal mandates (CRE 1997).

Yet the TSE has also resisted some measures that would increase inclusiveness and pursued others that would make voting more difficult. The tribunal debated and ultimately rejected a form of absentee balloting, discussed above, in order to protect against potential voter fraud. The TSE has also sought an earlier closing date for voter registration, claiming it needs ample time to prepare the voter lists, particularly to purge ineligible citizens and to detect illegal registrations (i.e. *traslados*, or pre-electoral residential registration) (Interviews 04, 21, 22). According to the director of voter registration, the timeframe to finalize the voter rolls one month before election day (as stipulated by law) is tight, which has led the TSE to propose an earlier closing date to Congress (Interview 21). The tribunal's stance on voter registration can be attributed to the jealousy with which the TSE guards the voter rolls, seeing it as a fundamental safeguard of the electoral process and eager to ensure the accuracy and integrity of its contents (Interview 23).

The TSE has also vacillated between inclusive and exclusive administrative measures. A prominent example is the voter registry for the 2003 elections, when many voters who had updated their information in order to vote closer to their residence found that their names did not appear (or appeared incorrectly) on the voters list for the voting table to which they were assigned. As the extent of these technical problems with the voters lists became clear leading up to the election, the TSE adopted a measure to ensure that duly registered voters (as verified by the registration stamp on their ID card or a

voter registration receipt) would not be disenfranchised. Registered voters who did not appear on the voters list at the table to which they were assigned were able to cast a tendered ballot at another table in the same voting center, where the voter's name and information (registration number, ID number, etc.) would be added to a blank voters list (*padrón en blanco*). Despite the inadequate dissemination of information to voters regarding this measure (which was decided on less than two weeks before election day) and insufficient training of poll workers on its use, this TSE decision allowed some of the people whose information did not appear correctly on the voter rolls to cast their ballots (EUEOM 2003, 9, 11; OAS 2005, 12, 66).

But in the second round of the presidential voting, the TSE did not use the blank voter lists, despite the fact that the OAS observer mission, domestic observers, and both campaigns in the runoff urged the TSE to use the measure again (OAS 2005, 59, 61). The TSE argued that the measure had been abused during the first round and suggested that the number of people that would be affected in the second round wouldn't be sufficient to alter the election results (OAS 2005, 69). As the EU observer mission put it, “[d]espite pressures from domestic and international observation missions and other social actors, the TSE did not change its decision and insisted that voters had to vote where registered[,] feeling confident that voters would not be disenfranchised” (EUEOM 2003, 12). A TSE magistrate at the time recalled that the magistrates felt that the problems that had given rise to the use of the blank voter roll in the first round had been corrected by the runoff vote, so its use was not needed, while making it a permanent feature would have opened the election process to manipulation (Interview 17).

There have also been limitations in the areas in which the TSE has been more proactive, such as voter education. While the tribunal has devoted more attention and resources to informing voters of when, where, and how to vote, the effectiveness of such programs has been limited. One reason is the conceptualization and focus of publicity campaigns, which include text messages and online consulting of vote center locations – in other words, programs designed by (and for) people with resources such as internet access (Interview 13).¹⁰⁶ Another challenge is the availability of funding, particularly the timing of when funds are available. Because the TSE’s budget for electoral years tends to be approved late, and international financial support tends to come after the convocation of an electoral process, voter information campaigns generally begin not long before the close of voter registration, if not after (Interview 22).¹⁰⁷ A new challenge is the overlap of responsibilities between TSE departments, with a new Institute for Civic-Electoral Formation with uncertain responsibilities in relation to the Unit for Civic-Electoral Training and Education (now relegated largely to training TSE staff, poll workers, and party poll watchers) and the communications department (which handles TV and radio spots). With such a division of responsibilities, there is not always consistency across the departments in the approach to voter education (Interview 22).

In sum, the TSE has at times been proactive in making election administration more inclusive, but it has generally done so cautiously. Some see the TSE as a

¹⁰⁶ This is reflective of a more general pattern of assigning more resources to election administration in larger urban areas. For instance, the European Union mission to the 2007 elections “verified the existence of a significant imbalance in terms of the equipment and technological resources available in different delegations. This imbalance, was especially visible between the rural and mountainous regions of the country’s interior, compared to the capital and its District” (EUEOM 2007, 18). In 2011, the budget per registered voter for the central departmental electoral junta was about 15 times higher than the per capita budgets of other departments (Mirador Electoral 2011, 14-15).

¹⁰⁷ The director of voter registration attributed the late launch of voter information campaigns to general administrative inefficiency and slowness in preparing the campaigns themselves and contracting publicity firms (Interview 21).

conservative institution, aiming to avoid fraud above all other goals (ASIES 2005, 97-98), and a number of observers (including at least one former magistrate) consider the TSE magistrates to be overly cautious – noting how magistrates are lawyers who tend to strictly interpret their powers, lack managerial experience or electoral expertise, and seek to fulfill their duties during their term without attracting controversy (Interviews 02, 07, 14). Cautiousness has led to consideration of restrictive measures like an earlier closing date for voter registration, while resource constraints and shortcomings in conceptualization have hampered voter education activities. Yet on balance, the TSE's independence and the accumulated experience of its staff contributed to its ability and willingness to pursue polling decentralization, streamlined voter registration procedures, and other measures to facilitate voter participation.

Civil Society

Unlike the period when the electoral system was designed, the electoral reform process took place in a context of an active civil society. When the CRE and later the congressional committee on electoral matters invited civil society proposals for electoral reform, numerous civic and academic groups submitted formal proposals.¹⁰⁸ Additionally, many groups published reports on electoral issues offering recommendations for reform. And from 1999 onward civil society included a particularly relevant form of civic activity: domestic election observation. Dozens of local organizations participated in election observation through a number of national efforts. The largest, *Mirador Electoral*, was first active in 2003 with support from the U.S.-based National Democratic Institute (NDI) and is composed of several prominent NGOs and

¹⁰⁸ Sixteen proposals were submitted to the congressional committee in 2000; 24 were submitted to the CRE.

academic institutions.¹⁰⁹ It fields thousands of observers throughout the country and receives ample media coverage. Other observer efforts of varying sizes are regularly carried out by the Human Rights Ombudsman's office, organizations of indigenous peoples led by *Organismo Naleb'*, the University of San Carlos, and the business peak association CACIF. Monitoring groups offer recommendations on all types of electoral matters, including administrative inclusiveness, both through post-election reports and through direct contacts with the TSE.

What role did such civil society advocacy have on the reform process, and on election administration more generally? On the surface, it may appear that legislators and election administrators were influenced by the advocacy of domestic election observers and other civic groups. These groups had access to policymakers through both the CRE and the congressional committee on electoral matters, and by all accounts the TSE is generally receptive to election observer recommendations (Interviews 02, 04, 12). Civic groups consistently advocated more inclusive administrative practices,¹¹⁰ and during the reform process civic groups criticized what they perceived to be a focus on avoiding election fraud, noting that the problem of fraud "has already been surpassed by the work of the Supreme Electoral Tribunal" and recommending that the reforms focus on promoting citizen participation and the strengthening of political parties (PL 2001a). And indeed, some of the reforms that were proposed by civic groups were subsequently

¹⁰⁹ Mirador's member groups in 2003 were Acción Ciudadana [Citizen Action], Latin American Faculty of Social Sciences (FLACSO), Central American Institute of Political Studies (INCEP), and the Human Rights Legal Action Center (CALDH). In 2007, members were Acción Ciudadana, FLACSO, INCEP, DOSES (Association for Sociocultural Development, Organization, Services, and Studies), and CECMA (Center for Mayan Cultural Studies).

¹¹⁰ One exception is Mirador Electoral's (2008, 118) proposal to drop citizens from the voter roll if they do not vote in two consecutive elections, a measure also recommended by Conde Rada (2008, 52) and IFES (2004, 9). The purpose of this proposal is to address the problem of incomplete purging of deceased and emigrated citizens from the voter rolls; however, such a measure would also mean that some voters would have to re-register if they abstained from two consecutive elections.

implemented. Yet closer analysis reveals that civil society advocacy had little direct effect on election administration inclusiveness or the reform process.

Recommendations from civil society groups at best only added legitimacy to reforms that were already on track to be implemented, rather than resulting in particular measures being adopted (Interview 07). This is evident from a comparison of proposals from civic groups with the reforms proposed by the TSE and those approved in Congress. While civic groups consistently supported polling decentralization and introduction of a new identification card, these measures were already on the political agenda by the mid-1990s. Other reforms that civil society groups promoted which were not already part of the agenda – including campaign finance regulations and internal party rules (including gender and ethnic quotas) – were either not included or watered down in the bill passed in Congress.

Civil society leaders agree that their influence has been limited. When asked what Mirador Electoral's impact had been on electoral administration, one of its directors noted that Mirador has put some issues on the public agenda (such as campaign finance and access to media time), but beyond that Mirador's efforts had little effect on legal reforms (Interview 02). A director of the indigenous observer missions similarly noted that their efforts had little impact on legal reforms (Interview 12). Although Congress invited input on electoral reform from civil society, civic organizations criticized Congress' reluctance to fully consider their proposals (ASIES 2004, 24; PL 2001a); the executive secretary of the CRE suggested that Congress invited input from civil society for appearances only, since the CRE had already solicited reform proposals from civic groups (Interview 06).

While civil society organizations had little impact on Congress, relations between domestic election observers and the TSE have been more collaborative. During election processes, observers provide the TSE with concrete information on electoral issues¹¹¹ and maintain close contact with the TSE magistrates – providing the electoral body with allies in their struggles against the political parties and Congress (Interviews 02, 12).¹¹² This is in contrast to the relative absence of bilateral relations between observers and political parties (Interview 02). Thus at the national level, TSE magistrates are receptive to observer recommendations (Interviews 04, 12), while at the local level relations between observers and election officials can be collaborative or antagonistic (Carter Center 2003). Yet the close collaboration between observers and the TSE doesn't appear to have had much impact on election administration inclusiveness. One notable success was the inclusion of provisions for disabled voters in poll worker instruction manuals at the behest of civic groups (OAS 2005, 33). Beyond that, the most important observer recommendations that directly address TSE behavior in regard to inclusiveness involve voter education activities, and observers have consistently called for more extensive voter education efforts (MIOE 2003, 133; 2007, 78, 130-131; Mirador Electoral 2003; 2007b, 4; 2007c; 2008, 118). But improvements in voter education activities have been slow, and are partly due to the electoral reforms that made civic education part of the TSE's mandate. A reasonable assessment would be that pressure from observer groups has

¹¹¹ One of the most important areas in this regard is the information compiled by Mirador Electoral/Acción Ciudadana on campaign spending that exceeds legal limits (Interview 02). Observers also provide the TSE with information on conditions in the countryside with which the magistrates might otherwise be unfamiliar (Interview 12).

¹¹² An indication of this relationship is the fact that observer groups often voice their strongest criticisms to the TSE in private (Interview 12).

played at best a modest role in pushing the TSE to slowly expand its voter education activities.

Some notable impacts of civil society groups deserve mention. Civic groups have on occasion carried out their own voter education activities (Carter Center 2003; OAS 2005, 26-33) and helped citizens obtain identity cards and register to vote (OAS 2005, 30, 32). Domestic election observers have also helped guarantee the integrity of the electoral process, and have built civic networks mobilizing women, youth, and indigenous peoples. Thus, through their activities they have directly helped some citizens navigate electoral procedures and had other positive effects. Yet in terms of legal reforms and administrative regulations, civil society has had little impact on the shape of electoral administration.

International Influences

International actors are largely absent from the account of electoral reform given above, but Guatemala received ample assistance for election administration from the late 1990s onward. International involvement has taken several forms: international election observation, rhetorical support for electoral reform, financial and technical electoral assistance, support for domestic election observation groups, and learning from the experiences of other countries.

International actors offered consistent rhetorical support for electoral reform and for making voting more accessible. The UN mission in Guatemala following the peace accords exhorted Congress to approve reforms to the electoral law (Minugua 1999; 2000; 2002), and the U.S. ambassador similarly expressed the U.S.'s support for the reforms

(PL 2000d).¹¹³ International election observers also consistently recommended reforms to make voting more accessible, including polling decentralization, improved voter registration procedures, and free transportation for voters on election day.¹¹⁴ These recommendations are routinely delivered to the TSE during and after electoral processes, and the preliminary statements of international observers receive extensive attention in the Guatemalan media.

International actors have also provided financial and technical assistance for election administration. Bilateral aid has come from a number of countries,¹¹⁵ often being channeled through international bodies like the Organization of American States (OAS) and the Center for Electoral Promotion and Advising (CAPEL). While the TSE has received international support since 1985, external assistance expanded drastically with the formation of the CRE in 1997, when the OAS took a lead role in providing technical support for electoral cartography studies, voter registry modernization, and civic education (Azpuru 2004; Jessup, Hayek, and Hällhag 2008, 13; OAS 2008a), providing \$7 million from 1997 to 2004 for the establishment of cartography and education and training units within the TSE (PL 2004o). Other organizations such as the International Institute for Democracy and Electoral Assistance (International IDEA) and the United Nations also provided technical assistance to the TSE and the congressional committee on electoral matters (Azpuru 2004; CRE 2004, 5, 8; PL 2000f).

¹¹³ In addition to general support for reform, international actors tended to support the TSE position on the decentralization of polling sites, as was the case with the European Union (PL 2004j).

¹¹⁴ Of dozens of observer recommendations regarding election administration inclusiveness, the author found only two that called for more restrictive measures: in order to improve the quality of the voter rolls, the European Union's mission to the 2007 elections suggested an earlier closing date and a longer residency requirement for voter registration (EUEOM 2007, 61-62). See Appendix B.

¹¹⁵ Primarily the U.S., Canada, Norway, Sweden, Switzerland, the Netherlands, Japan, and Mexico.

International assistance has been devoted to both long-term institutional strengthening and short-term support for election processes. The international community supplied \$9 million for the 2003 elections (supplementing the TSE's budget of \$14 million) to support the updating of the voter rolls, equipment purchases, and domestic election observation groups (EUEOM 2003, 12-13).¹¹⁶ In preparation of the 2007 elections, in which polling sites would be decentralized for the first time, international support poured in. A program funded by Sweden, Norway, the U.S. and Britain, titled "Modernization of the Guatemalan Electoral Regime 2005-2007," focused on long term institutional strengthening as well as immediate logistical support for 2007 elections. The program was implemented by the OAS and CAPEL and focused on improving the voter rolls and promoting voter registration (e.g., helping to digitize the registration process), technical support for polling decentralization, and support for information and training programs (Jessup, Hayek, and Hällhag 2008; OAS 2008a). Total funding was \$4.6 million (Jessup, Hayek, and Hällhag 2008, 15),¹¹⁷ while USAID provided another \$2 million for the 2007 elections for a variety of purposes, including technical assistance related to decentralization and voter information campaigns (USAID n.d.).

Another form of international involvement has been support for domestic election observers. Donor countries have funded domestic observation efforts, with the National Democratic Institute playing a leading role in coordination and advising (NDI n.d.; 2004). Finally, another mode of international influence on domestic election

¹¹⁶ According to López-Pintor (n.d., 124-125), "[o]f the \$9 million, \$3.5 million flowed through the Organization of American States (OAS) for technical assistance on voter lists, and the remaining \$5.5 million was provided directly to the national electoral agency."

¹¹⁷ The OAS provided \$409,000 for upgrading the voter registry system and \$685,000 towards decentralization and contracting personnel for registration brigades, while CAPEL provided \$404,000 for the TSE's voter information campaigns (Jessup, Hayek, and Hällhag 2008, 20, 22).

administration comes in the form of learning from other nations. Electoral management bodies increasingly share experiences and best practices, and such “transgovernmental relations” (Keohane and Nye 1977) are institutionalized in the Tikal Protocol for Central American electoral bodies. Through biannual conferences and periodic visits to other countries, election authorities are able to address common concerns and learn how things are done in neighboring states. Such cross-border learning applies not only to election authorities but also domestic election monitors, who learn observation techniques from observer groups in neighboring countries (Canton and Nevitte 1998, 45; NDI n.d., 10).

What impact have these international influences had on the shape of election administration? The effects have been variable across types of involvement. Election observation missions, whatever their positive impacts in deterring fraud and increasing confidence in election results, played little role in identifying areas in need of reform. According to former TSE magistrates, election authorities were already aware of the problem areas that international observers pointed out, although observer reports did provide the TSE with external legitimation in its dealings with Congress (Interviews 14, 15). The lack of follow through on international observer recommendations has even garnered media coverage (PL 2011c). More influential has been international support for domestic election observation efforts, which was critical in the establishment of Mirador Electoral, the country’s largest observer group. Yet as discussed above, domestic observers had little impact on the legal and administrative reforms that made election administration more inclusive.

Cross-national learning and emulation had a larger impact on the shape of reform. While the TSE drew lessons from other electoral bodies on issues such as party finance

oversight and voting abroad (Interviews 3, 4, 23), it was the civil registry reform that was most affected by the models available in other countries. Both the TSE and Congress used international models to bolster their competing proposals for civil registry reform. In 2004 the TSE convoked (with the OAS) a regional conference on civil registries and identity documents, which resulted in international expert proposals – delivered to the congressional committee on electoral matters – that the TSE be the state entity to issue the new identity cards (PL 2004m). Similarly, members of the congressional committee traveled to a number of other countries to learn about their civil registry systems, and a member of the committee said that the system in place in Peru was influential in deciding to create RENAP (Interview 27).¹¹⁸ When the congressional committee indicated its preference for the creation of a new state agency, it pointed to other nations – especially Peru – in justifying its decision (PL 2004n). While other motives almost certainly influenced the decision in Congress to create RENAP, the availability of a well functioning model to emulate allowed Congress to more easily justify that decision. Learning from other nations’ experiences was thus a double-edged sword, used by different institutions to support competing proposals.

International influence on election administration is most clearly seen in the area of financial and technical assistance. This assistance has been especially critical in carrying out polling decentralization, updating the voter registration system, and in voter education campaigns. According to the former coordinator of OAS assistance to the TSE, the extent of reform would have been impossible in the same timeframe without the assistance provided by the international community (Interview 06). A former TSE

¹¹⁸ An NDI staff member also mentioned the example of El Salvador (where the civil registry is separate from the electoral agency) being influential in Guatemala (Interview 23).

magistrate also emphasized that polling decentralization and advances in voter registration (e.g., mobile brigades) and voter education would not have been possible without international support, noting that the government would likely not have supplied the necessary funding (Interview 17). An evaluation by Sweden's international development agency also concluded that OAS support contributed to the successful decentralization of polling sites (Jessup, Hayek, and Hällhag 2008, 21); a less critical OAS report likewise concluded that the organization's technical assistance to Guatemala helped ensure the success of decentralization and also improved the quality of the voter registry and helped increase the number of citizens registered to vote (OAS 2008a, 16, 103).

International financial assistance has also been essential for carrying out a mundane task of voter education: printing informational materials. External financing has been critical for producing everything from informational brochures and posters aimed at voters to instructional manuals for poll workers (Interview 03; Jessup, Hayek, and Hällhag 2008, 23-24). According to the director of the TSE's Unit for Civic-Electoral Training and Education (UCADE), which produces most of these printed materials, the unit's job would be practically impossible without international support (Interview 20).

In sum, international flows of ideas and (more importantly) resources contributed significantly to greater election administration inclusiveness. However, this impact did not occur through the imposition of particular priorities or models; rather, by all accounts international assistance facilitated reforms that were determined domestically. As Azpuru (2004) puts it,

donors overall seem to have followed the suggestions and needs presented by the recipient institutions, instead of trying to impose models. To a large extent this is

probably due to the fact that differently from other post-conflict societies, Guatemala's electoral system was designed and implemented by Guatemalans themselves long before the Peace Accords were signed.¹¹⁹

While the shape of electoral reform was determined by domestic actors and interests, the resources provided by the international community made more inclusive election administration possible by funding polling decentralization, voter registry modernization, and voter education activities.

Conclusion

A confluence of factors came together to produce the Guatemalan electoral reforms. Political parties across the spectrum supported administrative reforms that were expected to have little effect on the parties' electoral competitiveness or party leaders' positions, while reducing the costs of voter mobilization. The Supreme Electoral Tribunal, independent of partisan interests and seeking to boost the legitimacy of the electoral regime, sought to improve voter access while maintaining the integrity of the election process that it had ensured since the mid-1980s. International actors played a crucial role in providing the financing and technical expertise to implement electoral reform, although it was domestic actors that set the reform agenda. Civil society also pushed for reform, but ultimately had little impact; electoral reform was an elite affair, driven by technocrats and politicians, rather than the result of popular pressures. Table 4.2 below summarizes the influence of different variables on election administration inclusiveness during this period.

¹¹⁹ Another indication of this comes from a long time TSE staffer, who noted with reference to voter education activities that international funding was not accompanied by suggestions regarding the content of voter education materials (Interview 22).

The complex reform process resulted in an election administration system that presented fewer obstacles to voters wishing to exercise their suffrage, with important (if limited) consequences for campaigning methods and electoral outcomes.

Table 4.2 Support for Hypotheses, Guatemala 2004-2011

Category	Hypothesis	Support	Comments
Partisan Interests	H1: Where a ruling party can identify opposition supporters, election administration inclusiveness will tend to be low, whereas countries with catch-all parties or fluid party systems marked by low levels of partisan attachments will tend to have more inclusive electoral procedures.	Supported	Lack of identifiable social base of parties facilitated reform, as parties had no electoral interest in opposing inclusiveness.
	H2: Parties with strong lower class support (typically populist or leftist parties) will support inclusive rules.	Supported	URNG and other leftist parties supported reforms; URNG pushed reforms through peace process.
Electoral Management Body Structure	H3: Partisan EMBs will tend to implement less inclusive measures as partisan election officials attempt to impede the participation of some parties' supporters.	Inconclusive	Nonpartisan TSE took initiative in making voter registration more accessible, but resisted other inclusive measures.
	H4: Independent, non-partisan EMBs will be associated with inclusive rules in part by playing an active role in electoral reform.	Supported	Nonpartisan TSE played a leading role in reform process.
The Specter of Election Fraud	H5: A history of election fraud will lead democratizing countries to adopt strict safeguards against fraud, which may in turn impose procedural barriers to voting.	Inconclusive	Fears of fraud partly allayed over time, but still influence voter registration procedures
	H6: Parties that have been the victims of election fraud will support strict safeguards that reduce inclusiveness.	Inconclusive	Parties victimized by earlier fraud no longer significant political actors.
Election Costs and Financial Resources	H7: Countries with more resources will have more inclusive election administration.	Inconclusive	Financial constraints hindered voter education, but otherwise had little impact.

Continued on next page

Table 4.2, continued

Category	Hypothesis	Support	Comments
Civil Society and Public Opinion	H8: Strong civil society, particularly domestic election observation groups, will increase election administration inclusiveness.	Not supported	Civil society endorsed inclusive reforms, but had little impact.
	H9: Public opinion will set limits on the extent to which elites can pursue self-serving election administration rules.	Not supported	No evidence of public opinion influence on reform process.
International Influences	H10: International observers will prevent extremely restrictive measures in elections that they observe, particularly measures that are highly visible on election day.	Inconclusive	Observation coincided with increasing inclusiveness, but some observer calls for inclusive measures were rejected.
	H11: The recommendations of election observers will have little impact on election administration practices.	Supported	Reform agenda largely determined domestically.
	H12: When a country seeks good relations with Western democracies, the influence of election observers will be enhanced and inclusive election administration practices will be more likely.	Inconclusive	Little international political pressure on Guatemala after the peace accords.
	H13: Technical and financial assistance will make inclusive measures more likely by enhancing domestic bureaucratic capacity.	Supported	Financial and technical assistance made implementation of reforms possible.

CHAPTER 5

NICARAGUA: BRINING THE BALLOT TO THE PEOPLE THROUGH A PARTISAN ELECTORAL BODY

In the 1980s Nicaragua established an inclusive and competent election administration system, carrying out two elections free of significant irregularities and significantly more accessible to voters than in neighboring El Salvador or Guatemala. It did so in difficult circumstances similar to those found in its neighboring countries: a context of armed conflict, political polarization, economic crisis, and generalized poverty and illiteracy. This chapter examines the origins of Nicaragua's inclusive election administration and the beginnings of its unraveling in the mid-1990s.

Background

From 1937 to 1979 Nicaragua was under the rule of the Somoza family, first under Anastasio Somoza García and subsequently under his sons Luis Somoza Debayle and Anastasio Somoza Debayle. The Somozas at times ruled directly, at other times indirectly through puppet presidents, and enjoyed the firm backing of the United States. While elections were held periodically,¹²⁰ they lacked even the limited competitiveness found in Guatemala or El Salvador; most Nicaraguan elites were co-opted by the regime and presented no challenge to the Somozas' rule. Opposition to the regime grew in the 1970s in response to massive corruption and the diversion of foreign relief aid following a devastating 1972 earthquake. A guerrilla insurgency that had been active since the 1960s grew in strength, and ultimately led the uprising that toppled Somoza in 1979.

¹²⁰ Elections were held in 1946, 1951, 1957, 1963, 1967, and 1974 (Vanden and Prevost 1993, 71).

The overthrow of Somoza by the leftist Sandinista Front of National Liberation (FSLN) initiated a revolutionary regime under Sandinista rule, followed by U.S. efforts to force the Sandinistas from power throughout the 1980s. As the Reagan administration organized and funded the counterrevolutionary forces – the Contras – and waged economic warfare against Nicaragua, the Sandinistas sought economic and diplomatic support from other countries, including ultimately the Soviet Union but also democratic countries in Europe and Latin America. These pressures necessitated the holding of free elections to shore up the revolutionary regime’s legitimacy both at home and abroad. As a result, liberal democratic institutions were grafted onto the Sandinistas’ vision of a participatory socialist democracy.¹²¹

To administer elections, a new Supreme Electoral Council (CSE) was established, and new electoral laws were approved prior to the 1984 and 1990 elections. The electoral laws passed in 1984 and 1988 were similar, and established the framework for the Sandinista regime’s electoral system. The 1984 law was passed by the Sandinista-dominated Council of State, with input from opposition parties with representation on the Council. As the Sandinista government sought to consolidate domestic and international legitimacy through elections, it was willing to negotiate the rules of the game with the opposition parties to ensure their participation.¹²² As a result of such negotiations, the electoral law was amended before the 1984 elections to take opposition concerns into account, including expanding the Supreme Electoral Council from three magistrates – who were thought to be Sandinista supporters – to five (Envío 1984a, 1984b; IHRG-

¹²¹ The literature on the revolution and the Sandinistas is immense. For useful analyses of the Sandinistas’ ideology and the interplay between participatory and liberal democracy in revolutionary Nicaragua, see Gilbert 1988 and Vanden and Prevost 1993.

¹²² Ultimately one of the principal opposition coalitions withdrew from the elections, with U.S. encouragement, in the face of a certain Sandinista victory.

WOLA 1984, 20; LASA 1984, 11-12).¹²³ Other opposition concerns revolved around issues such as the campaign period, access to state media, and reducing the number of votes needed for representation in the legislature, rather than election administration measures (IHRIG-WOLA 1984, 18-19).

A new electoral law was drawn up in 1988 in anticipation of elections in 1990, and negotiations with (and concessions to) the opposition over the contents of the law were even more extensive than in 1984. A number of opposition demands were included in reforms to the law in 1989, although the government refused opposition demands to change the composition of the CSE – which was composed of two Sandinistas, one representative of the opposition UNO coalition, one representative of the opposition party that had obtained the most votes in the previous elections, and one neutral member.¹²⁴ The composition of the top level of the CSE was of particular importance because the CSE magistrates named two of the three members of the regional electoral councils (which in turn named the poll workers), so that partisan control at the top could result in partisan control throughout the administrative structure of the CSE. As a result, the FSLN effectively held two of three spots on the regional election councils and the local polling boards (Carter Center 1990; LASA 1990, 13).

¹²³ The additional members “would be chosen by the Supreme Court from a list of nominees submitted by the National Political Parties Assembly (ANPP), which [was] made up of one member from each legal party and one representative of the government junta” (Envío 1984b).

¹²⁴ Specifically, the president presented slates of candidates to the National Assembly for each CSE magistrate position. Two slates were made up of Sandinistas, one was composed of candidates from the opposition UNO coalition, another from the opposition party that had received the most votes in the 1984 elections (the Conservative Democratic Party), and one slate made up of non-partisan notables (LASA 1990, 10, note 24; ONUVEN 1989b, 6-7).

The 1984 and 1990 Elections

Despite opposition criticisms over the CSE's composition, Nicaragua's electoral commission proved to be quite competent, and was instrumental in establishing a system of election administration that facilitated voter participation. Procedures for voter registration, locating polling stations, and casting a ballot were designed to minimize barriers for voters, while the CSE also conducted extensive voter education campaigns.

Voter Registration

For the first elections of the post-Somoza period in 1984, it was necessary to draw up voter lists from scratch. Voter registration was made mandatory because it was to also serve as a census, although voting itself was not compulsory (LASA 1984, 14). Lacking permanent registry offices, the CSE held registration during four consecutive Sundays, with the process taking place at the (decentralized) locations to be used as polling stations on election day. Prospective voters were required to show some form of identification (such as a birth certificate or driver's license) or, lacking identification, present two witnesses from the same precinct to verify their identity (Ley Electoral 1984, Art. 70; 1988, Art. 37).¹²⁵ Voters would immediately receive a registration card (*libreta cívica*) which would also serve as voter identification on election day,¹²⁶ and “[a]t the end of each of the four registration days, lists of the new registrants were posted for a 10-day period. Both individual citizens and political parties were invited to inspect the lists and to file complaints about persons who had registered improperly or who did not live within the precinct” (LASA 1984, 14; see Ley Electoral 1984, Art. 75-76). Thus, while

¹²⁵ At the time, Nicaragua lacked a unified national identity card.

¹²⁶ The information on the *libreta cívica* included the location of the polling station, which in any case was the same location where the voter had registered (Ley Electoral 1984, Art. 81; 1988, Art. 43).

registration was only held on four days, the decentralized locations and immediate delivery of registration cards to voters eliminated the need to make multiple trips to far away registration offices, as in Guatemala and El Salvador.

Combined with a publicity campaign promoting registration through the media and Sandinista-linked mass organizations, the voter registration drive produced impressive results: “In just four days, a total of 1,560,580 persons registered, representing 93.7 percent of the estimated voting-age population...The overall results surprised even Sandinista government leaders, who had expected only about 1.2 million persons to register” (LASA 1984, 14).

For the next elections in 1990, an ad-hoc system of registration was again carried out over four Sundays, with various forms of ID or witnesses used for registration purposes.¹²⁷ Voters immediately received their registration cards upon registering, and lists of registered voters were displayed on the doors of polling stations so that interested parties could review them and solicit the CSE to correct errors (IIDH-CAPEL 1990, 22-23; Ley Electoral 1988, Art. 42; ONUVEN 1989a, 6; 1990c, 6, 12). The CSE also distributed the voter lists to the opposition parties so they could review and request corrections (Carter Center 1990b). The voter registration drive was again accompanied by “an intensive and effective publicity campaign to encourage registration” (ONUVEN 1989, 7), and the process was again widely praised. As the United Nations observer mission noted: “The voter registration process involved a major effort, which was particularly impressive given the lack of financial resources and the inadequacies of transport and communication systems. The huge effort made by CSE and the regional

¹²⁷ An ad hoc voter registration was necessary in 1990 due to the lack of a reliable civil registry or census (CSE 1991, 12), along with significant population shifts during the six intervening years of civil conflict since the voter registry had been created in 1984.

electoral councils to train staff involved in the voter registration process was also remarkable” (ONUUVEN 1989a, 27). While estimates of registration coverage are uncertain, the Carter Center reported an 89 percent registration rate (Carter Center 1990a), while the anti-Sandinista newspaper *La Prensa* reported a survey finding of 95 percent of eligible Nicaraguans registered to vote (ONUUVEN 1989a, 11).

Despite its successes, there were several limits to the accessibility of voter registration. The most severe shortcoming occurred in several locales (particularly the northern Atlantic region) where poor security conditions prevented registration sites from opening during the October 1989 registration drive. The opposition claimed that the CSE was attempting to keep opposition supporters from registering (ONUUVEN 1990a, 5), while international observer reports generally accepted the government’s claims that security conditions did not permit the opening of voter registration sites in areas of Contra activity. In any case, special arrangements were made to open many of the sites in the months leading up to the election, as well as to register demobilized Contras (Carter Center 1990a; ONUUVEN 1990a, 31, 4; 1990b, 3).

Another limitation on accessibility was the early deadline for registration for both the 1984 and 1990 elections. For instance, for the 1990 elections the ad hoc registration process was carried out over four Sundays in October, ending October 22, 1989 prior to the February 25, 1990 elections – resulting in a registration closing date four months prior to the election. However, for both elections, those turning legal voting age (16 years old in Nicaragua) between the last day of voter registration and election day were allowed (and required) to register to vote (Ley Electoral 1984, Art. 66; 1988, Art. 34). The dates

for registration were not fixed in the electoral law, leaving it to the CSE to decide when to carry out voter registration (Ley Electoral 1984, Art. 7; 1988, Art. 4).¹²⁸

Finally, citizens needed to register in the precinct where they permanently resided, even if they were temporarily absent – although exceptions were made for those serving in the armed forces and election officials and poll watchers working in other jurisdictions (Ley Electoral 1984, Art. 68; 1988, Art. 35). For some citizens, this may have been an obstacle to registration, although there seemed to have been no reports of disenfranchisement as a result of this requirement. Prior to the 1990 elections, voter registration was also permitted in Nicaraguan consulates abroad (Ley Electoral 1988, Art. 35), while voting itself only took place in the country.

Getting to the Ballot Box

While the voter registration process was commended by observers (and drew few criticisms from the otherwise intransigent opposition coalitions), the decentralization of polling sites was also praised by observers. In contrast to Guatemala and El Salvador, polling stations were not limited to municipal capitals. Another key difference was that in Nicaragua most precincts were made up of just one polling station (*Junta Receptora de Votos*); thus rather than concentrating dozens or hundreds of polling stations in large voting centers, voting stations were dispersed to ensure maximum accessibility.

As one observer mission reported of the 1984 elections: “There were nearly 4,000 polling sites established for the elections. In large cities, polling sites were located at intervals of three or four blocks. In rural areas, voters seldom had to travel more than

¹²⁸ The 1988 election law, however, seemed to assume that registration would be carried out several months before election day, since the deadline for soliciting a replacement registration card was 30 days before the election (Art. 49); no such deadline was specified in the 1984 electoral law.

three or four kilometers. The number and placement of the polling sites marked a commendable attempt to encourage voter participation” (IHRIG and WOLA 1984, 38). In 1990, the number of polling stations increased to 4,394 (CSE 1991, 4; ONUVEN 1989a, 4), with over 46 percent of them located in rural areas (CSE 1991, 5).¹²⁹

There was wide discretion for the CSE to choose polling sites; the electoral law was mostly silent on the issue, simply referring to “a sufficient number” of sites to be established by the CSE (Ley Electoral 1988, Art. 24; see also Ley Electoral 1984, Art. 64; IFES 1993, 11). The CSE could therefore use its own criteria in establishing where voting would take place, and it explicitly used the criteria of voter accessibility in order to facilitate participation, aiming to keep travel for rural voters to a maximum of 5 kilometers and for urban voters to just 300 meters, although these goals could not always be met (CSE 1991, 4; ONUVEN 1989a, 29, note 1; Interviews 43, 46). Importantly, this decentralization did not endanger the integrity of the electoral process by facilitating fraud, as was feared in Guatemala and El Salvador. In fact, on this point inclusive election administration may have served to protect election integrity, as the United Nations observer mission (ONUVEN 1989a, 6) noted:

The boundaries of each area [JRV] are drawn with a view to ensuring that the number of voters in each does not exceed 400, and that the boards are located at a reasonable distance from voters’ homes. The geographical distribution of JRVs and the fact that both the President and the first member are local residents, facilitates detection of fraudulent registrations, since JRV members and the representatives of political parties – where the latter are themselves local – are acquainted with the local population. This decentralized system of ‘local control’

¹²⁹ Slightly different numbers of polling places are reported in other sources: 4,383 in one observer report (Carter Center 1990a) and 4,391 in another (IIDH-CAPEL 1990, 40). The CSE’s method of classifying urban and rural areas actually underestimated the number of rural polling places, as all municipal centers (cabeceras) and locations with more than 1,000 residents were considered urban (IFES 1993, 14).

makes it difficult to carry out fraudulent registrations systematically and on a large scale.¹³⁰

Casting a Ballot

In addition to voter registration and polling locations, the voting process itself also posed minimal barriers to participation. While voter identification was required, the registration card to be used as ID had been given to voters just months prior, immediately upon registering. This system avoided problems resulting from delayed delivery of ID cards, which has been a significant problem in Guatemala and even more so in El Salvador, and would become a tremendously contentious issue in Nicaragua in the years to come. In 1984 and 1990, however, there were no reported problems of registered voters lacking identification. With the ad hoc inscriptions on the voter rolls tied directly to the delivery of registration cards, there were also no problems with voters' names not appearing on the voter rolls – another method of disenfranchisement that would become an issue after 2000.

The biggest concern related to the casting of ballots was the potential for long lines of voters. With separate ballots for each election (presidential, congressional, and municipal) in 1990, there were concerns about the time that would be required for the voting, especially because misestimates of the population residing in some areas initially led to many more than the legally prescribed limit of 400 voters assigned to some polling stations (JRVs) (IIDH-CAPEL 1990, 40; ONUVEN 1989a, 10). The CSE took steps to add additional tables to existing JRVs in order to avoid delays during the voting (IIDH-CAPEL 1990, 40, 48), and with the exception of the late opening of some JRVs, the

¹³⁰ This point is reiterated in a subsequent ONUVEN report (1990c, 6) and also noted by García Laguardia (1995, 43), and has been a prominent theme in discussions of decentralizing polling locations in El Salvador (see chapter 7).

voting process proceeded smoothly and quickly despite a large turnout of 86 percent of registered voters (Carter Center 1990a).

Voter Education

Inclusive voter registration, polling locations, and voting procedures were complemented by voter information campaigns. In 1984, the CSE carried out an extensive voter education campaign prior to election day explaining the mechanics of the voting process through television, radio, and newspaper ads (IHRLG and WOLA 1984, 38), while on election day the CSE “preempted all programming on all of the country’s radio stations. The message ‘Your vote is secret, your vote decides’ was broadcast continuously, alternating with popular music and explanations of voting procedures” (LASA 1984, 16).

The CSE again carried out a significant voter education campaign leading up to the 1990 elections, with a Publicity and Civic Education division devoted to the task. The first stage of the information campaign explained the procedures for registering, while a later stage encouraged voter participation, explained the necessary steps to vote, and emphasized the secrecy of the vote. The campaign was carried out through diverse media, including radio spots, newspaper ads, flyers, and posters, as well as a frequently run three minute television advertisement explaining how to vote (CSE 1991, 17; IIDH-CAPEL 1990, 35, 40). The electoral law for both elections put the media at the disposal of the CSE during the 72 hours before election day to disseminate information on “the procedures to exercise the right of suffrage” (Ley Electoral 1984, Art. 41; 1988, Art. 119), and also required the CSE to publicize sample ballots to familiarize voters with them (Ley Electoral 1984, Art. 97; 1988, Art. 133). Funding for the 1989-1990

information campaign was provided by Canada, Norway, and Sweden, and technical assistance came from the Center for Electoral Promotion and Advising (CAPEL). The UN observer mission evaluated the campaign positively (ONUUVEN 1990a, 6).

Legal Reforms: The Citizen Identification Law and 1995 Electoral Law

Between the 1990 and 1996 national elections, Nicaragua's electoral system was overhauled by constitutional reforms and two pieces of legislation. Changes began with the civil registry and citizen identification system. Until the early 1990s Nicaragua did not have a centralized national civil registry, and the CSE had employed an ad hoc system of voter registration for the 1984 and 1990 elections. In 1989, opposition parties had advocated the introduction of a photo ID card for use in the 1990 elections. Lacking time to construct a new civil registry and ID system before the elections, the government pledged to do so following the elections. But after the turnover in power in 1990, when the FSLN was defeated, the issue became less of a priority; the National Assembly did not pass the Citizen Identification Law until 1993, and did not approve the use of the new ID card as voter identification until the electoral law was reformed in December 1995 (Butler et al. 1996).

With the new legislation, the ad hoc system of voter registration gave way to a permanent registry system, based on a new identity card produced and distributed by the CSE. With the CSE managing the civil registry and documentation process, voter registration would be automatic – those citizens registering and receiving an ID card would automatically be added to the voter registry.

The other significant legal reform was the drafting of a new electoral law. In 1995 Nicaragua's constitution was amended amidst intense conflict between the executive and

legislative branches, and after the conflict subsided the National Assembly finally passed a new electoral law consistent with the constitutional changes (including a presidential run-off and the direct election of mayors). The political paralysis had caused the new electoral law to be approved less than one year before national elections were to be held, and entailed a number of substantial changes to electoral administration, including new rules for the composition of the CSE, changes to the territorial structure of the electoral system, and (related to the citizen identification law) a new system of voter identification and registration.

One of the most significant and contentious elements in the new electoral law was the composition of the Supreme Electoral Council. Despite the heavy Sandinista influence in the CSE during the 1984 and 1990 elections, international observers were unanimous in their praise of the CSE's impartiality and competence (IHRIG-WOLA 1984, 21; IIDH-CAPEL 1990; LASA 1984, 13; ONUVEN 1989b, 9, 16-17; 1990b, 3, 10).¹³¹ Despite its partisan composition, almost all of the decisions of the CSE magistrates had been unanimous (ONUVEN 1989a, 2; 1989b, 10; 1990a, 5), and the council was highly regarded among the public (Envío 1996a).

But after the FSLN loss in the 1990 elections, non-Sandinista political forces sought to reduce Sandinista influence in the CSE. As CSE president Mariano Fiallos (himself a Sandinista) put it, some in the National Assembly viewed the CSE staff as

¹³¹ With only one magistrate, the UNO coalition participating in the 1990 elections criticized the makeup of the CSE, since the FSLN controlled the executive that nominated magistrates and the National Assembly that selected them (IIDH-CAPEL 1990, 45-46). UNO and the U.S. government claimed that the FSLN in fact controlled four of the five CSE magistrates (LASA 1990, 10, note 24), a charge that observers dismissed. As the United Nations mission reported, UNO's criticisms of the CSE were "characterized by their virulence and inflexibility," and "specific complaints regarding its activities tend to focus on minor incidents to which the electoral authority has usually responded rapidly with effective solutions. Nevertheless, repeated evidence of the electoral authority's impartiality has not altered the coalition's public stance of challenging the composition of the CSE" (ONUVEN 1989a, 5).

“contaminated with Sandinismo” (Envío 1996c). Yet the assembly’s plan to reduce Sandinista control of the CSE did not entail making the electoral body non-partisan, but rather further politicizing it in a new way.

The new electoral law limited the power of the CSE magistrates to name the staff of the departmental and regional electoral councils, requiring that the personnel be chosen from lists provided by political parties (Butler et al. 1996; Walker 1997, 308). In turn, the departmental electoral councils would name the polling station staff. This threatened to de-professionalize the CSE’s administrative structures shortly before an electoral process; furthermore, three new CSE magistrates with no electoral experience had been named in June 1995 (Envío 1996e).

At the same time, the new electoral law converted the country’s nine regional zones used for election administration into 17 departmental zones, “implying both greater cost and inexperienced personnel in an election year” (Butler et al. 1996). This administrative and territorial restructuring of the CSE came at a time when the council was frantically trying to distribute new identification cards to voters and compile the new voter registry. The reforms, along with the failure of the government to assign the CSE an adequate budget to finish issuing ID cards, led the highly regarded CSE president Fiallos, who had headed the CSE since its creation, to resign.¹³²

The Cédula and Voter Registration

Approaching the 1996 elections, the CSE faced the monumental task of registering voters and distributing ID cards. Whereas the opposition UNO coalition had

¹³² Fiallos initially rescinded his resignation when the president submitted a package of electoral reforms to the National Assembly incorporating the CSE’s demands. Several weeks later, when it was apparent that the changes would not be approved by the Assembly, Fiallos resigned permanently (Envío 1996a; 1996b).

tried to push the Sandinista government to introduce a new ID card before the 1990 elections, the UNO government gave little priority to the creation of the new civil registry after the election. Delays in approving the civil registry legislation, reconciling the electoral law to use the new ID cards for voting,¹³³ and approving an adequate budget to implement the changes all hampered the process. Ultimately the CSE began the registration process on its own initiative and drawing on its own operating budget, and it wasn't until 1996 that the government secured \$12 million in foreign funding for the project (Butler et al. 1996; Envío 1996b).

In its design, the new registration process was easy enough for citizens, who could use any form of identification or present two witnesses to verify their identity, in addition to providing a birth certificate. The person's photograph for the ID card would be taken at the time of registration, rather than requiring the voter to provide their own photo. The applicant's information would then be checked against the municipal civil registry and the person would return to pick up the ID card when it was ready. The initial ID card was free of charge for citizens (Butler et al. 1996).

But the problems lay in the poor quality of the civil registries and the complexity of the internal CSE handling of ID applications. The CSE decided not to start a new civil registry from scratch, but to compile and computerize the country's existing municipal registries in a central registry office. All ID applications were then sent to the central registry in Managua to be checked against the registry data (IFES 1993, 16, 23). This decision was taken to ensure greater protection against false inscriptions (Interview 43), but it "meant endless checking, rechecking, and hiring of district judges and lawyers to

¹³³ This delay prevented the CSE from using the new ID cards for the 1994 regional elections on the Atlantic Coast, necessitating another ad-hoc registration for those elections (Envío 1996b).

do the legal paperwork required to simultaneously create an accurate Civil Registry and a computerized electoral roll” (Butler et al. 1996).

The biggest challenge for many citizens was the lack of a birth certificate, as some 40-45 percent of the population had never been registered at birth. To obtain an ID, these citizens were required to visit the municipal registrar to receive a document indicating that they lacked a birth certificate, and then visit a local judge with two witnesses to request a legal statement that would allow a birth certificate to be issued. Both steps cost money, as both the registrars and judges charged for their services (IFES 1993, 24, 26). The CSE, reportedly unwilling to “‘clash’ with the municipalities” over the fees being charged, established a costly parallel system for identification where a registrar, judge, and other staff would work at the municipal level and provide a one-stop service for citizens (IFES 1993, 26-27).

Moreover, many citizens discovered during the registration process that their legal names were different from the names they used (Butler et al. 1996; Envío 1996b). As the news magazine Envío (1996b) reported:

Upon registering for their documents, thousands of puzzled and often disgruntled people have discovered that their parents never acknowledged them, that their last name wasn’t what they always thought it was, etc... One extreme case was that of a municipality in which one thousand of its three thousand inhabitants had been registered with the registrar’s surname. Untangling this maze has further complicated an already complex process and caused major delays.¹³⁴

With elections approaching in November, it was clear that the CSE would be unable to distribute ID cards (*cédulas*) to all voters in time, despite its best efforts.¹³⁵ “By

¹³⁴ When discussing these problems in testimony before the National Assembly, CSE president Mariano Fiallos noted that his domestic worker discovered during the registration process that her legal name was different from the name that she went by (Asamblea Nacional 1995a).

¹³⁵ While the long delays in processing ID applications led to concerns about possible partisan bias in excluding voters, the OAS observer mission “conducted a rapid investigation into some of these cases, but

the July 22 closing date for requesting a card before the elections, the CSE had received 2,060,000 requests, but the tedious processing... meant that only 1,008,798 cards were ready by August 22, the cutoff date for fabricating them” (Butler et al. 1996). As a result, the CSE decided to implement a mixed voter registration system for the 1996 elections, issuing supplementary documents, to be used as voter ID for that year’s election only, to those voters who registered but whose *cédulas* would not be ready in time.

The next challenge was distributing *cédulas* and supplementary documents in time for the election. The CSE carried out a massive distribution campaign (*entrega masiva*), which involved sending undelivered ID cards to the corresponding polling stations and opening all of the country’s polling places on a staggered basis so that citizens could pick up their cards (OAS 1997b, 29). The plan included publicity efforts, such as announcing where voters could retrieve their documents through loudspeakers mounted on circulating vehicles. The process was not without problems, as some voters arrived to pick up their document only to find that it had not yet arrived. The *entrega masiva* ended on September 26, and by that time about 75% of the ID cards produced had been delivered (Carter Center 1996, 19).

At the same time, the CSE carried out a door-to-door delivery campaign which began in May and continued after the end of the *entrega masiva* campaign (Butler et al. 1996; Carter Center 1996, 18-19; OAS 1997b, 29). The CSE received support from the government, as “President Chamorro called on her cabinet to lend its full support to the Electoral Council to ensure that the voter documents and the election materials could be delivered in time, and the Ministry of Education lent teachers and students to help deliver

found no reasons for the delay other than problems with the checking processes” (OAS 1997b, 29). In later years, however, partisan bias in the distribution of ID cards would result in voter disenfranchisement (see chapter 6).

the voter documents until Oct. 19” (Carter Center 1996, 19). Last minute efforts to distribute voter cards involved further door-to-door visits, and in some places “the operation was accompanied by the music of high-school and municipal bands, who paraded through the streets of the main towns carrying posters and banners urging the people to participate in the October 20 elections” (OAS 1997b, 30). Despite these efforts, however, “some undetermined number of voters did not receive documents and thus were prohibited by law from voting” (Carter Center 1996, 19), particularly since CSE workers delivering ID cards found that many voters had changed their residence since requesting their card (Envío 1996d).

Due to the problems encountered during the documentation process (*cedulación*), the CSE carried out what would become a regular feature of Nicaraguan electoral processes: voter verification. Beginning in June, over 2,400 verification offices were opened so that voters could check their data on the preliminary voters list and correct any errors that appeared (IFES 1996b, 13). According to the Carter Center (1996, 19), over 70 percent of voters participated, although there were organizational problems such that “a large number of citizens went to the wrong polling stations to check their records. When the staffs could not find these people on their lists, they automatically added them, so that when the Data Processing Department received the change, it took those citizens off the lists of the correct polling station and transferred them to the one to which they had happened to go to check their records” (OAS 1997b, 25). In subsequent electoral processes, the CSE would continue to open polling stations for several weekends before the close of voter registration to allow voters to verify their information and their voting location.

Finally, the CSE carried out an ad-hoc registration process in 26 municipalities in former conflict zones where former army and contra soldiers were still roaming the countryside, and security conditions (along with financial and logistical obstacles) did not allow for ongoing registration. This process was the same as the ad-hoc registration carried out for the previous two elections, and despite some logistical problems (such as outdated census data) and concerns voiced by some political actors and the U.S. that former supporters of the Contras would be disenfranchised, international observers and political parties ultimately evaluated the process positively. The CSE carried out a house-to-house campaign encouraging registration and opened registration sites on additional weekends with international donor assistance (Butler et al. 1996; Carter Center 1996, 18; NDI 1996; OAS 1997b, 18, 31-33). Ultimately, an estimated 90-100 percent of the voting age population in the affected municipalities registered (NDI 1996, 1).

The results of this mixed registration process were the registration of over 2.4 million Nicaraguans, with about 41 percent receiving a *cédula*, 44 percent receiving supplemental documents, and almost 15 percent (about 352,000) receiving a *libreta cívica* from the ad-hoc registration (Carter Center 1996, 17; OAS 1997b, 24-25). While there remained a number of errors and duplications in the registry data, and some voting credentials had not been picked up by election day, the manner in which voter registration had been conducted was ultimately quite inclusive, involving local registration sites, the use of witnesses for citizens lacking identification, the opening of thousands of local offices for voters to verify their information, and door-to-door delivery of ID cards.

Of the ad-hoc registration carried out in 26 municipalities, an observer report compared the process favorably to that in El Salvador: “in contrast to Nicaragua, which sets up thousands of polling places so citizens can register and vote relatively close to home, the process in El Salvador is totally centralized in the cities and electoral rolls are ordered alphabetically rather than by polling place...[I]f El Salvador had adopted the ad hoc registration in former war zones as Nicaragua did, many more people would have been able to vote” (Envío 1996f).

Of the registration system more generally, news magazine Envío (1996d) characterized the CSE’s registration efforts as “Herculean.” As the OAS observer mission (OAS 1997b, 31) summarized,

95 percent of the total voting documents had been distributed. If account is taken of the fact that a considerable proportion of the undistributed documents were for voters who were out of the country, ill, in prison, or dead or who refused them – some people would not accept substitute documents – then the actual percentage of voters without documents by election day was minimal. It can therefore be said that the CSE made a genuine effort to distribute voting documents to the entire population, and that this effort met with success.

Article 41

As the CSE encountered problems carrying out the registration and documentation process, there were concerns about the accuracy of the voter rolls that would result. Concerned about the potential for omissions from the voter rolls, the National Assembly included measures in the 1995 electoral law that would allow any voter with a valid identity card (*cédula*) to vote at the polling station pertaining to the address listed on the card, even if the person’s name did not appear on the voter roll (Ley Electoral 1995, Arts. 41 and 122).¹³⁶ Similarly, voters could cast ballots even if there

¹³⁶ Article 122 of the 1995 electoral law later became Article 116 in the 2000 law.

were minor differences between their name as it appeared on the voter rolls and on their ID card (Ley Electoral 1995, Art. 122), thus giving significant discretion to poll workers.

In supporting the measures, deputies referred vaguely to the possibility of computer errors or other unspecified problems that would result in voters being omitted from the voter rolls (Asamblea Nacional 1995b, 579, 581). Although no similar problems had occurred in previous elections when ad hoc registration had been used, deputies in the Assembly were concerned about the accuracy of the new voter registry and wanted to avoid potential problems (Interviews 38, 43) – perhaps worried about partisan manipulation of the voter rolls as well as technical problems. Although the Assembly debates over this measure showed few hints of partisanship, the debates over the citizen identification law passed two years earlier evidenced profound distrust of the potential politicization of the documentation and registration process (see Asamblea Nacional 1992, 172-173, 175, 178-179, 260, 265).

One deputy also suggested in later debate that the committee drafting the electoral law was concerned that voters might have errors on their ID card, but because they would be known in their precinct – a presumption made plausible by the country’s system of highly decentralized polling stations – it was reasonable to allow them to vote even if there were inconsistencies between their ID card and the voter list (Asamblea Nacional 1995c, 1161). This was thus a case of one inclusive administrative practice – the decentralization of polling locations – alleviating concerns about another inclusive measure that might otherwise be vulnerable to manipulation.

The CSE opposed Article 41 and its provision to allow voters not appearing on the voter list to cast a ballot, fearing that it might give rise to multiple voting (Envío

1996b; OAS 1997b, 55; Interview 43), but the Assembly was not persuaded: the motion to include the provision in Article 41 passed 65 votes to 0, with no abstentions (Asamblea Nacional 1995b, 582). Political parties' concerns about technical problems and perhaps partisan manipulation of the voter lists led the Assembly to include an administrative measure in the electoral law that would help voters avoid being disenfranchised due to problems with the voter rolls. While the measure has been controversial since its passage,¹³⁷ it has also helped ensure that errors in the voter rolls do not prevent registered citizens from voting, as has happened in El Salvador and Guatemala.

The 1996 Elections

With its mixed voter registration system and a new electoral law passed just the year before, Nicaragua headed into a general election in 1996. As discussed above, the voter registration drive had achieved commendable results. The CSE also carried out a voter information campaign, while NGOs carried out their own campaigns to promote participation and to explain the electoral process (Butler et al. 1996). While voter education efforts were criticized for being insufficient given the complexity of the voter registration system (IRI 1997, 2, 15; OAS 1997b, 37) and for the saturation of information on printed materials (IFES 1996a, 6), the OAS concluded “that in some stages of the election process, such as the ad hoc registration, the civic-education campaign was generally effective” (OAS 1997b, 37).¹³⁸

¹³⁷ Already during the 1996 electoral process, the OAS observer mission found that while many party representatives expressed support for Article 41, “[s]ome opposed it...saying that it could contribute to widespread fraud. For others, such situations could be averted by establishing strict control measures, such as punching the identification card at the time of voting” (OAS 1997b, 18).

¹³⁸ Another observer mission concluded that the publicity campaign encouraging people to register any changes of residence before the deadline in order to vote at the nearest polling place had “acceptable results” (IFES 1997, 8).

But trouble arrived with election day and the subsequent vote count, which saw a number of irregularities, including ballot boxes found abandoned in ditches, accusations of fraud, and ultimately the nullification of 12 percent of the votes. At least in hindsight, the irregularities were not surprising, considering the recent restructuring of the CSE, the complexities of administering six different elections (for the presidency, departmental and national assembly members, mayors, municipal councils, and the Central American Parliament) with the participation of over 20 parties, as well as the doubling of polling places since 1990 due to population growth, postwar repatriation, and expansion of the voter rolls.

An initial problem in the days leading up to the election was the shifting of polling sites. Over 200 polling stations ended up with more than 400 voters, and therefore had to be re-divided to comply with legal requirements (OAS 1997b, 27). “This process, however, caused various upheavals. In the first place, the process of subdividing and relocating polling stations continued up to the day before the elections... In the second place, many of the stations that had been divided up were a considerable distance apart, which led to delays and transportation problems, both for the voters and for the poll workers assigned to them” (OAS 1997b, 36-37). The problems were particularly severe in Managua, where “[a] majority of voters did not know until some 24 hours before election day where they were supposed to go vote” and where the departmental election council president “decided 48 hours before election day to change the location of many of the JRVs whose presidents were not from his party” (Envío 1996e). This and other methods allowed the Liberal party to disproportionately staff polling stations when the assigned pollworkers did not show up for duty (Envío 1996e). Thus, while the ample

number of polling stations – 8,955 (IFES 1996a, 3) – was designed to facilitate participation, both logistical disorganization and partisan manipulation at the departmental level of the CSE caused confusion for many voters.

A more extensive obstacle confronting voters on election day was the late opening of polling stations and long lines. Some polling stations also closed before everyone waiting in line was able to vote, although the CSE had instructed voting sites to remain open the full 11 hours even if they opened late (Carter Center 1996, 26-27; OAS 1997b, 53). While the late opening of polling stations is common in Nicaragua (and Guatemala and El Salvador), the problem was more severe than usual in 1996, with many stations opening hours late due largely to the late arrival of voting materials.

As Envío (1996e) reported, “[t]hese generalized delays and irregularities were notably different than the order and punctuality of the 1984 and 1990 elections.” The procedural hurdles that voters faced in the form of shifting polling places and long waits resulted, to some extent, from the 1995 electoral reforms that had further politicized the CSE and restructured the election administration bureaucracy. By staffing departmental election councils with partisan appointees, the reforms reduced the technical capacity of the electoral machinery immediately before a complex electoral process, and many problems resulted from incapable departmental council members and poorly trained poll workers (Envío 1996e; IFES 1996a, 3-4). The reforms also provided greater potential for manipulation, and some have blamed the problems during the 1996 election on the fact that the departmental electoral councils in the three most problematic departments where fraud may have occurred were all headed by affiliates of the Constitutional Liberal Party (PLC) (Envío 1996e). It is worth noting that the instances of fraud that may have

occurred resulted not from overly inclusive voting practices, but from anomalies during the vote count and transmission of results and the mishandling of ballots and tally sheets, exacerbated by the exhaustion of poll workers (Carter Center 1996, 31-32).

Table 5.1 Election Administration Inclusiveness, Nicaragua 1984-1996

Dimension	Description	Inclusiveness	Juridical Basis*
Voter Registration			
Extent of state responsibility for registering voters	Voter-initiated, state efforts to distribute voter cards (1984-1990); automatic (after 1993)	Medium/High	Electoral law / Administrative practice
Difficulty of registration process	Decentralized locations; completed in one step prior to 1993, two or more steps after 1993; no cost	High/Medium	Electoral law / Administrative practice ¹³⁹
Ease of access to ID documents required for registration	Multiple documents or witnesses accepted (1984-1990); birth certificate (which many people lacked) required after 1993	High/Low	Electoral law / Citizen identification law
Registration closing date	4 months (1989); 90 days after 1993	Low/Medium	Administrative practice / Citizen identification law
Residency requirement	No residency requirement	High	Electoral law ¹⁴⁰
Provisional registration	No provisional registration (though those turning 18 between close of registration and election day could register)	Low	Electoral law
Registry consultation	Voter lists posted at local polling places and distributed to parties; verification exercise held in 1996	High	Electoral law / Administrative practice
Purging of voter rolls	Voters not purged from the rolls for failure to vote	High	n/a

Continued on next page

¹³⁹ The electoral law stipulated that the locales to be used for registration and voting would be the same, but the CSE had discretion in deciding on those locales (Ley Electoral 1984, Art. 65; 1988, Art. 24 *passim* and Art. 136; see also IFES 1993, 11).

¹⁴⁰ The electoral law required voters to register “where they habitually reside,” but did not define habitual residence or establish a minimum period of residence in an area to register to vote in that jurisdiction (Ley Electoral 1984, Art. 58; 1988, Art. 35).

Table 5.1, continued

Dimension	Description	Inclusiveness	Juridical Basis*
Getting to the Ballot Box			
Accessibility of polling places	Highly decentralized polling places	High	Administrative practice
Assignment of voters to polling places	Residential	High	Administrative practice
Convenience voting measures	Not used	Low	Electoral law
Electoral Calendar	Voting held on Sunday	High	Electoral law
Casting a Ballot			
Voter ID requirement	Voter card required, and voter card delivered to voter upon registration (1984-1990); several ID forms accepted in 1996	High ¹⁴¹	Electoral law
Provisional or tendered ballots	Available only after 1995	Low/High	Electoral law
Voter Education			
State efforts to inform voters of where and how to register and vote	Extensive voter education efforts through diverse media	High	Administrative practice / Electoral law
Overall Inclusiveness		High	

* Electoral Law refers to those elements based on the electoral law that are not open to modification by the electoral management body. Administrative Practice refers to those elements that are not explicitly codified in the electoral law, but are instead matters of bureaucratic performance and administrative discretion.

Explaining Inclusive Election Administration

The contrasts between the inclusiveness of Nicaragua's election administration in the 1980s to mid-1990s (summarized in Table 5.1 above) and that of El Salvador and Guatemala are significant. Whereas the latter two countries concentrated polling stations in urban areas, Nicaragua utilized a system of extensive decentralization to minimize voters' travel to the polls. Whereas voter registration processes in El Salvador and

¹⁴¹ Although only one form of ID was accepted at the polls in 1984 and 1990, obtaining the ID entailed no additional burden for voters.

Guatemala were onerous and costly for many voters, in Nicaragua the CSE went to great lengths to facilitate registration and deliver voter cards. When a permanent voter registry was created in the mid-1990s, it was accompanied by rules to allow any voter with a valid ID card to vote in their jurisdiction, even if their name did not appear on the voter lists. And the three general elections held during this period were accompanied by extensive voter education campaigns to inform voters of where and how to register and vote. What accounts for Nicaragua's inclusive election administration during this period?

This section examines the influence of several variables, and shows that the origins of Nicaragua's election administration inclusiveness lie in 1) the different nature of election fraud practiced in pre-democratic Nicaragua compared to Guatemala, and the lesser preoccupation with fraud in Nicaragua in the 1980s; 2) international pressures that prompted a strong desire for high voter turnout; 3) the governing party's confidence that it would be victorious in clean and high turnout elections; and 4) international technical and financial assistance that helped Nicaragua implement inclusive election administration measures.

The Specter of Election Fraud

Like Guatemala and El Salvador in the 1970s, Nicaragua had its share of fraudulent election practices under the Somoza regime. Ballot box stuffing, multiple voting, translucent ballots that violated the secrecy of the vote, and censorship and intimidation were all common (Walker 2003, 140).

Yet these past fraudulent practices did not impact the shape of election administration in the post-Somoza period, as had occurred in Guatemala. The explanation for this difference lies partly in the different nature of those frauds, itself a product of the

different roles that elections played in the different regimes. Whereas instances of election fraud in Guatemala had been traumatic events in which presumptive victors in presidential contests had been robbed, in Nicaragua election fraud under the Somozas was simply part of the regime's corrupt business as usual. These different expectations of and reactions to fraud can be understood by reference to the different role that elections played in the two countries. In Guatemala, while elections were not free – civil liberties were not fully respected and leftist parties were proscribed – and the military retained extensive powers beyond the reach of civilian authorities, elections did exhibit an important degree of competition between officially allowed parties. Within this system of limited competition, it was expected that elections would be conducted fairly. In Nicaragua, by contrast, electoral competition was a façade, with the understanding that the Somozas would rule directly or through puppets. Nicaragua's Conservative Party played the role of official opposition to Somoza's Liberals, and the Somozas co-opted Conservative party leaders with patronage positions in the government and National Assembly (Walker 2003, 30-31, 140-141). As Walker (2003, 28) puts it, “[w]henver possible, the Conservative leadership was bought off,” including a pact “in which the Conservative chiefs agreed to put up a candidate to lose in the rigged election of 1951 in return for personal benefits and minority participation in the government.” Rather than competitive elections being hijacked on election day or during the vote count, elections under the Somozas were rigged throughout the process, and were understood to be facades to provide the Somozas with some veneer of legitimacy, rather than real contests for power in which the outcome was uncertain.

Thus when a new electoral system was established in the 1980s, the legacy of fraudulent elections did not weigh heavily on the minds of legislators and election administrators.¹⁴² The FSLN, after all, had never experienced having an election victory stolen through fraud, as had parties in Guatemala and El Salvador. The Sandinistas also had little to fear from wholesale election fraud, as they held majority control of the electoral management body. There was thus no inclination to centralize voting sites to avoid ballot stuffing or voter manipulation in rural areas, or (at least initially) to utilize stringent record checking to prevent potentially fraudulent voter registrations. When asked whether the extensive decentralization of polling places (*voto domiciliario*) caused concern about the possibility of election fraud, a CSE magistrate at the time said this was not a preoccupation, and noted the safeguards in place such as the presence of party poll watchers (Interview 46). As discussed in the following chapter, however, this changed after the 1996 elections. The long term consequences of the irregularities in that contest would be ominous, as FSLN leaders drew lessons from that election that they would not forget when they would again come to control the country's electoral machinery.

International Influences: Geopolitical Pressures

A strong force for inclusive administrative practices was international pressure on the Sandinista regime, primarily from the United States. The Reagan administration criticized the regime through the early 1980s for not holding elections, which “seriously eroded international support for the Sandinista government, particularly among the West

¹⁴² Restrictions on competition under Somoza apparently did influence subsequent regulations of political party registration, as was the case in Guatemala (see Chapter 3, conclusion). When an IFES technical mission recommended tightening party registration requirements, it noted: “This might be problematic, however, because during the Somoza years basically only two parties existed, Liberal and Conservative. According to [CSE executive secretary] Dr. Zelaya, the right to easily form political parties is therefore considered particularly important in Nicaragua” (IFES 1993, 35).

Europeans on whom the government depend[ed] for most of its foreign economic assistance, as well as among key members of the Democratic Party in the United States” (LASA 1984, 29). As a result of this pressure, the Nicaraguan regime held elections in 1984 rather than the following year, as originally planned. The effect of the elections on international audiences was paramount: as Vice President Sergio Ramírez wrote in his memoir of the revolution, “the elections of 1984 were for the United States, as well as for us, part of the mechanism of war. Carrying them out in regal [form], we sought the legitimacy that they, impeding them, wanted to take away” (Ramírez 2007, 152). As both the FSLN and the opposition understood, “foreign sympathy – especially from the Western democracies – was the real object of the electoral contest” (Gilbert 1988, 121).¹⁴³

This meant that Sandinista leaders wanted a high voter turnout to legitimize the elections internationally – not only with the U.S. but also with Nicaragua’s allies – and to demonstrate and enhance their domestic support (Interview 37). As one of the few observation missions to the 1984 elections reported, “Sandinista officials had stressed the need for a high turnout, to demonstrate the validity of the electoral process and to ‘send a message to Washington.’ ‘Turnout is the most important thing,’ Comandante Jaime Wheelock told our delegation the day before the election. ‘It doesn’t matter how the vote is divided’” (LASA 1984, 17). With Reagan just re-elected and his administration’s war against Nicaragua expected to intensify, the Sandinistas “hoped that a competitive

¹⁴³ As Gilbert (1988) goes on to say, “the party hoped to gain international political legitimacy by holding Western-style elections. The revolution was increasingly criticized from abroad for its curtailment of political pluralism under the 1982 emergency law. Especially in the wake of the October 1983 American invasion of Grenada (with its implicit threat that US forces might also be used in Central America), the Sandinista leadership was anxious to shore up its sagging support in Western Europe and Latin America” (122).

election with heavy turnout would help to shield Nicaragua against this anticipated onslaught” (LASA 1984, 29).

This pressure intensified up to the 1990 elections, as the U.S. continued the contra war and economic embargo throughout the decade. International scrutiny was intense, as the 1990 elections were the most heavily observed elections in history up to that time. The Sandinistas again advanced the date of the elections, as a “shield” against potential aggression from the Bush administration, as one former Sandinista leader put it (Interview 44). Pressure from the U.S. and other countries also resulted in the government making significant concessions to opposition demands, including permitting foreign campaign donations (LASA 1990, 4-6). International scrutiny and U.S. backing of the opposition coalition competing against the incumbent Sandinistas would have greatly magnified the political costs of any administrative measure that could have been interpreted as an attempt to suppress the opposition vote.

The Sandinistas thus hoped for high turnout that would legitimate the electoral process and their rule. This desire for high turnout could only exercise such influence on electoral rules, however, in the absence of countervailing partisan motives. As discussed below, the fact that the Sandinistas fully expected to win both the 1984 and 1990 elections allowed the desire for high turnout to take precedence.

Election Costs and International Assistance

International influences on Nicaragua’s election administration were not limited to geopolitical pressures. Nicaragua also received large numbers of international election observers and technical and financial assistance in setting up its electoral machinery. Prior to the 1984 elections, Scandinavian countries donated \$1.65 million for Nicaragua’s

elections, representing a small portion of the \$25 million cost of the elections (IHRLG-WOLA 1984, 17; LASA 1984, 29). Technical support also came from Swedish experts (IHRLG-WOLA 1984, 18).

Aid greatly increased for the 1990 elections, with a total of \$9 million provided to the CSE, \$4.8 million of it in goods and services and the rest in finance (CSE 1991, 30). Assistance included technical support from CAPEL in training party poll watchers and assistance from the electoral commissions of Costa Rica and Venezuela, while Germany and Spain donated computer equipment to prepare voter lists (CSE 1991, 8, 12, 31; ONUVEN 1989a, 11). Financing from Canada, Norway, and Sweden helped overcome shortfalls in funding for the printing of voter education materials (CSE 1991, 17). Also boosting the CSE's budget was a provision in the agreement allowing foreign campaign donations mandating that half of foreign funds would go to the CSE to cover election costs (ONUVEN 1989b, 5). After 1990, Canada provided computer equipment and technical assistance for generating precinct maps, while European donors provided several million dollars for the civil registry project (IFES 1993, 33-34; 1994a, Appendix 3; Interview 43).

For the 1996 elections, the U.S. provided over \$6 million to CAPEL for technical support to the CSE (Envío 1996e), while the International Foundation for Electoral Systems (IFES) also provided technical support (Butler et al. 1996; IFES 1996a). Foreign donations covered more than half of the 1996 election costs (McCoy 1998, 61), and helped compensate for the fact that the executive branch “dragged its feet in giving the CSE the corresponding funds for both the ID cards and the organization of the elections,” in contrast to the government's complete support for the CSE in prior elections (Envío

1996e). As an experienced observer put it, the elections “could not have been held without international assistance” (McCoy 1998, 61).

According to the CSE’s executive secretary at the time and later president, international assistance was critical in establishing decentralized voting (*voto domiciliario*), which otherwise would have been impossible to fully implement (Interview 43). A CSE magistrate during this period also noted that technical support from Sweden and Canada was instrumental in developing electoral cartography, among other things (Interview 46).

Foreign funding also made the introduction of the new identity card and civil/voter registry possible. Almost all of the costs associated with this process were covered by foreign donations (Envío 1996b; 1996d). Especially important was support from Spain, which provided most of the materials, equipment, and training (Interviews 38, 43). This support was critical in overcoming domestic resource constraints, and combined with the dedication of the CSE made it possible to overcome or circumvent the many challenges of constructing a permanent registry in a poor post-conflict country.¹⁴⁴ Nevertheless, foreign donations were limited, so that the CSE only had a few computers and printers with which to produce *cédulas*, while reliance on intermittent and uncoordinated foreign assistance hindered long-range planning for the civil registry project (IFES 1993).

In addition to financial and technical assistance from the international community, Nicaragua also received international election monitors, with over four hundred observers present for the 1984 elections (IHLRG-WOLA 1984, 41) and over 2,500 observers in

¹⁴⁴ As a mission of the International Foundation for Electoral Systems noted, the CSE’s civil registry project was “hindered mostly by lack of resources and not lack of ability” (IFES 1993, 38).

1990 (ONUEN 1990c, 7). International observer delegations offered advice throughout the 1990 electoral process, to which Nicaraguan election officials were receptive (McConnell 2000, 130; IIDH-CAPEL 1990, 39). Observers had the most evident impact on administrative inclusiveness in 1996, however. When it became evident that voter cards would not be distributed in time for that year's election, the OAS mission helped devise the plan for issuing supplementary voter cards (OAS 1997b, 29). Additionally, the ad hoc registration carried out in 26 municipalities was originally planned for two weekends, but the OAS and other observer organizations suggested extending the process when it seemed that there were still many unregistered after the first two weekends, a suggestion that the CSE heeded (OAS 1997b, 32). Other suggestions were rejected, however, as when the head of the OAS observer mission "suggested that the remaining [voter ID] documents be distributed at the voting tables on election Sunday itself, an idea overruled by the parties, which set a final deadline of noon on Saturday" (Envío 1996f).

International assistance thus made many inclusive administrative practices possible, although without other external pressures and internal political conditions, such assistance would not have guaranteed inclusive election administration. Financial and technical assistance from the international community was thus a necessary but not sufficient condition for producing Nicaragua's inclusive election administration.

Partisan Interests

Hoping to gain international legitimacy with high voter turnout, and supplied with the international assistance to put inclusive election administration measures in place, the FSLN government could construct an inclusive system of election administration. This

was facilitated by the fact that the FSLN expected to win both the 1984 and 1990 elections.

In 1984, both the Sandinistas and the opposition fully expected the FSLN to win fair elections (Gilbert 1988, 121). As opposition leader Arturo Cruz commented, “In fair and free elections, the Sandinistas would possibly win, given that they enjoy considerable popular support” (Envío 1984a). As one respondent recalled, “there was no doubt” that the FSLN would win in 1984 (Interview 46). Consequently, the FSLN had nothing to fear from high turnout among all segments of voters, confident as the party was in its victory and hoping for high turnout. Thus the FSLN first aimed to achieve a high rate of voter registration. As Envío (1984b) reported before the elections, “a high number of voters in November will indicate acceptance of the elections. In this context, Sandinista leaders considered registration the ‘first electoral victory,’ not only because of the large turnout but also because of the organizational efforts that made the success possible.” Given the desire for high turnout, it was also not surprising that election observers reported that on election day some polling stations stayed open later than prescribed, with “FSLN supporters going into neighborhoods to inform people who had not voted that they could still vote” (IHRLG-WOLA 1984, 43).

Leading up to the 1990 elections, the FSLN again expected to be victorious, and opinion polls consistently showed the party leading the opposition UNO coalition. Yet UNO, which pulled off a surprising victory, also expected to win. These expectations on both sides had beneficial consequences, as both wanted a clean and fair process, which they believed would give them the victory (McConnell 2000, 119).

Expecting victory and seeking legitimacy, the FSLN was willing to negotiate and compromise with opposition parties over the electoral law in 1983-1984 and again in 1988-1989. Prior to the 1984 elections, opposition demands for the most part did not involve election administration measures.¹⁴⁵ But in 1989-1990, opposition demands included introduction of a new identity card, limiting polling stations to 400 voters, delivering the voter rolls to political parties at least 60 days before the election, and adjustments to the registration periods. The government met almost all of these demands (Carter Center 1990; ONUVEN 1989a, 6-7).¹⁴⁶ Thus, for instance, the CSE had initially planned two 3-day registration periods, 45 days apart; the opposition demanded four Sunday registrations, which “complicated the registration process and added significantly to its cost” (ONUVEN 1989a, 7), but was nevertheless carried out.

Importantly, at least one inclusive measure – the decentralization of polling stations – did not stand to benefit the FSLN electorally. The party enjoyed greater support in urban areas, and as the decade wore on rural sectors grew increasingly alienated from the party (Orquist 1992, 16-18; Interview 44). As Orquist (1992, 18) notes, “[b]y 1984, the rural vote for the Conservative Democratic Party indicated that the countryside was one of the weakest areas for the FSLN.” While over 65 percent of the national vote went to the FSLN, the party garnered 68 percent of the urban vote, and abstention was higher in the countryside than in urban areas in 1984, likely a result of the withdrawal of the main opposition coalition and the greater opposition to the FSLN in the countryside

¹⁴⁵ Two contentious issues worth noting were the voting age and voting rights of members of the armed forces. The FSLN insisted on a voting age of 16 and voting rights for the military, which the opposition viewed as an attempt to include more FSLN supporters in the electorate (IHRG-WOLA 1984, 21; LASA 1984, 11-12).

¹⁴⁶ UNO also wanted to permit voting for Nicaraguans living abroad, no doubt expecting high levels of support from Nicaraguans that had left the country during the revolution. Ultimately only registration abroad was allowed, with those registering needing to be in-country on election day to vote.

(Castro 1992, 131-132). By the time of the 1990 elections, there were greater signs of FSLN weakness in rural areas, although the party still expected to win nationally (Interview 44). Government policies had driven some rural Nicaraguans to join the Contra forces and many more to lose any goodwill they held towards the Sandinistas. Post-election surveys showed the FSLN winning below 30 percent of the vote in rural areas (Orquist 1992, 18).

Therefore, the FSLN's partisan electoral interest might have been expected to lead to administrative measures to boost urban turnout and depress rural turnout. But countervailing partisan interests prevailed: the FSLN expected to win free and fair elections handily, and hoped to maximize voter turnout to legitimize their rule. An additional countervailing factor was ideological: the Sandinistas had attempted to construct a participatory form of socialist democracy during the 1980s. While this vision of participatory democracy, with its focus on mass organizations with ties to the party-state, was generally seen as an alternative to liberal electoral democracy (Gilbert 1988, 34-35), it was only natural that when the Sandinistas grafted competitive elections onto their revolutionary model, they would establish an election administration system that prioritized the participation of voters and sought to eliminate barriers to the ballot.

EMB Structure: The Supreme Electoral Council

For the most part, the Supreme Electoral Council was a force for inclusive election administration. In the 1980s, the CSE and its president, Mariano Fiallos, played a central role in designing the system of electoral administration. According to a member of the FSLN's national directorate and a CSE magistrate, the CSE was given *carte blanche* by the government to design many electoral procedures, including voter

registration, the location of polling places, and voter education campaigns (Interviews 44, 46). The CSE had the good fortune to be headed by a president with technical preparation for the job. According to a knowledgeable Nicaraguan academic, Fiallos had studied elections and political parties as part of his academic work, and his and the CSE's recommendations to the National Assembly held great sway (Interview 37).

Enjoying a great deal of discretion in designing election administration procedures, the CSE's initiative and hard work made the decentralization of polling stations possible. The CSE established an electoral cartography division, and utilized census maps and topographical photographs to devise a preliminary cartography. The council then organized field visits to update data on population centers and potential locales for polling places (CSE 1991, 4; Interview 43), and again in the early 1990s sent cartographers out to the field to update precinct maps in order to distribute new polling places, limit each precinct to 300-350 voters, and minimize travel distances for voters (IFES 1993, 14). While international assistance was essential to the successful implementation of polling site decentralization, the competence and initiative of the CSE were equally critical in carrying out this technically demanding task.

Thus the CSE was a case of a nominally partisan electoral management body that acted in a neutral manner to implement inclusive administrative practices. As Booth (1998, 192) puts it, “[a]lthough a majority of its magistrates and staff originally came from the FSLN, the CSE won a strong reputation for technical competence and nonpartisanship during the 1984 and 1990 elections” (see also McConnell 2000). López-Pintor (1998, 53) similarly notes that the CSE “acted with high standards of neutrality and technical competence” and draws the lesson that “an electoral authority can be party-

based and still operate neutrally and independently.” Part of the explanation no doubt lies in the fact that the CSE was staffed by militants of a party that expected to win inclusive and fair elections and held a participatory ideology that prioritized inclusion. Another factor undoubtedly was the rectitude of the top CSE leadership.

The CSE’s strong reputation and competence also helped ensure the functioning of automatic voter registration in the mid-1990s. There was debate over which institution would be responsible for compiling and maintaining a new civil registry and distributing ID cards, with the executive branch advocating that the Interior Ministry be tasked with the responsibility, and the CSE arguing that the registry should be overseen by the electoral body. The confidence that the CSE enjoyed at the time, along with the weakness of the Chamorro administration in imposing its will on the legislature, contributed to the registry and identification process being entrusted to the CSE (Interview 43). While automatic voter registration would still have been possible had another government agency been assigned the responsibility of maintaining the civil registry, assigning the task to the CSE assured that registration would be automatic. It also meant that the institution responsible for getting ID cards in the hands of voters before the 1996 election would be motivated to ensure that all eligible citizens were able to vote.

Yet this began to change after the 1995 electoral reforms, which aimed at reducing Sandinista influence in the CSE by mandating that all three members of departmental councils be named from party lists. As Booth (1998, 192) explains:

This reform replaced many FSLN sympathizers on the CSE staff with sympathizers of other parties – exactly what most of the mutually suspicious political parties intended. However, this change also transformed the CSE staff from a highly experienced and disciplined technical bureaucracy into one penetrated by competing partisans, and it brought in thousands of inexperienced departmental and local JRV personnel at the last minute.

The reforms were passed over the public opposition of the CSE leadership, which recommended to the legislature that CSE magistrates be prohibited from engaging in partisan activities (IFES 1994a, 16). The immediate result of the reforms was an electoral body with diminished capacity, as many departmental election councils and poll workers lacked experience and were insufficiently trained (McCoy 1998, 61; Walker 1997, 308). The consequences in the longer term would be more detrimental, as the following chapter discusses.

Civil Society

As was the case in Guatemala in its early years of democratic elections, civil society played no role in the establishment of Nicaragua's election administration. In the 1980s, the most prominent civic and mass organizations were tied to the FSLN, and exercised limited autonomy from the party (see, e.g., Gilbert 1988, 72-76). There were no civic groups with a focus on electoral issues until 1996, when the group Ethics and Transparency (*Ética y Transparencia*, or ET) formed with support from the National Democratic Institute to observe the elections that year. ET would become a major actor in domestic election observation in the years ahead. However, when the framework of Nicaragua's election administration was constructed in the 1980s and reformed in the mid-1990s, organized civil society played little role in the choice of electoral procedures. As elsewhere, crafting the rules of election administration in Nicaragua was an elite game played by partisans and administrators.

Conclusion

Nicaragua's election administration practices during the country's democratic transition were significantly more inclusive than practices in Guatemala and El Salvador. A number of factors shaped the country's election administration (see Table 5.2 below). International political pressures increased the importance of high voter turnout to legitimize the electoral process, while the governing party expected to win the 1984 and 1990 elections and thus sought to facilitate participation even among rural voters who tended to support the opposition. Headed partly by Sandinistas, the party-based Supreme Electoral Council worked to facilitate participation, and its work was supported by international financial and technical assistance. Unlike in Guatemala, the history of fraudulent elections in Nicaragua under the personalist Somoza regime did not cast a shadow on the new electoral rules, so that concerns about electoral integrity did not crowd out a focus on voter inclusion. By the mid-1990s the country's election administration system was being reformed; it would go through even more drastic changes in the years to come.

Table 5.2 Support for Hypotheses, Nicaragua 1984-1996

Category	Hypothesis	Support	Comments
Partisan Interests	H1: Where a ruling party can identify opposition supporters, election administration inclusiveness will tend to be low, whereas countries with catch-all parties or fluid party systems marked by low levels of partisan attachments will tend to have more inclusive electoral procedures.	Not supported	Although the FSLN was weak in rural areas, no attempt to impede the rural vote was made in the context of the party's expectation of victory.
	H2: Parties with strong lower class support (typically populist or leftist parties) will support inclusive rules.	Supported	Leftist party put inclusive practices in place.

Continued on next page

Table 5.2, continued

Category	Hypothesis	Support	Comments
Electoral Management Body Structure	H3: Partisan EMBs will tend to implement less inclusive measures as partisan election officials attempt to impede the participation of some parties' supporters.	Not supported	Party-based EMB implemented highly inclusive measures.
	H4: Independent, non-partisan EMBs will be associated with inclusive rules in part by playing an active role in electoral reform.	Inconclusive	EMB was partisan throughout the period.
The Specter of Election Fraud	H5: A history of election fraud will lead democratizing countries to adopt strict safeguards against fraud, which may in turn impose procedural barriers to voting.	Inconclusive	Although election fraud occurred under Somoza, the nature of electoral competition differed.
	H6: Parties that have been the victims of election fraud will support strict safeguards that reduce inclusiveness.	Inconclusive	The evidence is consistent with this hypothesis, as the FSLN had not been the victim of fraud under Somoza.
Election Costs and Financial Resources	H7: Countries with more resources will have more inclusive election administration.	Not supported	High inclusiveness achieved despite severe economic hardship.
Civil Society and Public Opinion	H8: Strong civil society, particularly domestic election observation groups, will increase election administration inclusiveness.	Inconclusive	Organized civil society independent of the state was weak.
	H9: Public opinion will set limits on the extent to which elites can pursue self-serving election administration rules.	Not supported	No evidence of public opinion influence on election administration.
International Influences	H10: International observers will prevent extremely restrictive measures in elections that they observe, particularly measures that are highly visible on election day.	Inconclusive	The evidence is partly consistent with this hypothesis, as inclusiveness coincided with heavy observer presence in 1990 and 1996.
	H11: The recommendations of election observers will have little impact on election administration practices.	Inconclusive	Some recommendations were heeded while others were rejected.

Continued on next page

Table 5.2, continued

Category	Hypothesis	Support	Comments
	H12: When a country seeks good relations with Western democracies, the influence of election observers will be enhanced and inclusive election administration practices will be more likely.	Supported	Geopolitical pressures contributed to inclusiveness.
	H13: Technical and financial assistance will make inclusive measures more likely by enhancing domestic bureaucratic capacity.	Supported	International financing was essential for several inclusive practices.

CHAPTER 6

NICARAGUA: THE CHANGING SHAPE OF PARTISAN ELECTORAL ADMINISTRATION AND SELECTIVE DISENFRANCHISEMENT

During the 2000s, Nicaragua saw a slow erosion of its election administration inclusiveness. Many inclusive features of election administration, including highly decentralized polling places, have remained in place, and national elections in 2001 and 2006 were carried out in a relatively inclusive manner. But beginning in the mid-2000s, the administrative conduct of the Supreme Electoral Council (CSE) regarding such matters as the issuance of ID cards and the provision of information to voters has made voting more difficult for many voters – particularly those not affiliated with the ruling party. This chapter documents and explains this trend of declining election administration inclusiveness in a country that had been praised for its open and inclusive election system.

Background: The Pact and the 2000 Electoral Reform

A new electoral law was approved in 2000, continuing a pattern of approving a new election law shortly before each national election. The new law had its roots in a political pact between the country's two strongest political parties, the Sandinista Front (FSLN) and the Liberal Constitutional Party (PLC), or more specifically between the parties' leaders, former president Daniel Ortega and then-president Arnoldo Alemán. The pact effectively divided positions in state institutions between the two parties, and the electoral reforms that accompanied the pact sought to benefit the two parties and their leaders and exclude potential challengers.

One effect of the new law was to make the formation of new political parties more difficult by imposing strict registration requirements. At the same time, nonparty candidacies were eliminated. As the Carter Center (2000a) put it, the reforms “raised the requirements for party registration, making Nicaragua’s law one of the most stringent in Latin America,” while “[t]he broad effect of the January 2000 reforms was to reduce the number of political parties able to compete in elections.” Since 2000 Nicaragua’s party system has been characterized as a cartel system and a two-and-a-half party system,¹⁴⁷ with the major forces being the FSLN and the Liberals, and the latter camp divided between shifting party labels. While a few smaller parties have remained active, the FSLN and the Liberals have remained the dominant forces in Nicaragua’s party politics.

The electoral reforms also entailed changes to the Supreme Electoral Council (CSE) that would prove important for voter inclusion. The number of CSE magistrates was increased from five to seven, and municipal electoral councils were established, with the top two positions on the councils to be divided between the top two parties (as with the departmental councils and polling stations) (Envío 1999). The Ortega-Alemán pact also included the early dismissal of the sitting CSE magistrates, a move sought by the FSLN. As the news magazine Envío (1998) reported,

...Ortega supporters within the FSLN have been insisting for over a year that all Supreme Electoral Council magistrates must be changed. They indiscriminately accuse all five of being accomplices in what they continue to insist was an electoral fraud that supposedly wrested victory from the FSLN at the ballot box in the October 1996 elections.

While Nicaragua’s prior electoral reforms in 1995 had aimed to reduce Sandinista influence in the CSE by politicizing the appointment of departmental electoral councils

¹⁴⁷ As Anderson and Dodd (2005) put it, Nicaragua came “to resemble the ‘two and a half party systems’ that occasionally arise in established democracies,” with 30 percent of survey respondents identifying as Sandinistas, 27 percent as Liberals, 7 percent Conservative, and 23 percent independent (224).

and poll workers, the 2000 reform politicized the CSE even further, dividing up the council between the top two parties (the FSLN and the PLC) and creating municipal electoral councils that would also be staffed by partisan appointees – thus expanding the patronage positions available to the parties. While “some Nicaraguans took comfort in the fact that two rival parties...share control of the CSE, such that one may act to check the partisan behavior of the other...others expressed concern that the two parties had allied to disadvantage third parties” (Carter Center 2000a).

With this bipartisan structure of election administration, Nicaragua held relatively efficient and inclusive national elections in 2001 and 2006. Yet by the mid-2000s partisan disputes and jockeying for advantage within the CSE were hampering the council’s effectiveness. By 2008 election administration inclusiveness eroded as the CSE’s bipartisanship gave way to de facto single party control. The following sections describe this erosion of inclusiveness and explain how it resulted from a combination of electoral management body structure, political party characteristics, and a permissive international environment.

The Erosion of Election Administration Inclusiveness

One of the most inclusive features of Nicaragua’s election administration in the 1980s and 1990s was the extensive decentralization of polling places. This administrative feature remains in place, with only slight modification, and is widely considered one of the strengths of the country’s electoral system. The number and location of polling places have not been without problems, however. For instance, in order to reduce costs, the CSE reduced the number of polling stations for the 2000 municipal elections compared to 1996 despite a significant increase in the number of voters, creating confusion for some

voters about their voting site (Carter Center 2000b, 4; IPADE 2000, 18-19). Since 2001 there has been a slight tendency towards installing additional voting tables within existing voting centers rather than distribute them in other locations (Carter Center 2001b, 2; IRI 2002, 27).¹⁴⁸ Nevertheless, the system of polling locations continues to be quite accessible for voters.

Other elements of election administration, however, have come to pose significant burdens on prospective voters. The most significant barriers have been related to ID cards and the voter registry, and more recently the provision of voter education.

Voter Registration and ID Distribution

Despite few legal changes, the administration of voter registration and the distribution of ID cards has gone from inclusive (if not technically efficient) to restrictive. After significant efforts in 1996 to distribute ID cards (*cédulas*) to voters, voter registration continued to be fairly accessible through the 2001 elections. The CSE made extensive efforts to distribute ID cards, including a “backpack” delivery plan (*plan mochilero*) in the final month before election day, involving almost 1,300 citizens delivering ID cards door-to-door in rural areas and at delivery points in cities (Carter Center 2001b, 2; 2002, 14; OAS 2002, 5-6). In both the 2001 national elections and the 2002 regional elections on the Atlantic Coast, election observers positively evaluated the CSE’s efforts in registering voters (Carter Center 2001b, 2; OAS 2002, 5-6, 27).

¹⁴⁸ The average number of voting tables (JRVs) for each voting center inched up from 2.3 in the 2001 election to 2.6 in the 2006 election and 3.0 in 2011 (OAS 2002, 20; 2008b, 51) [the figure for 2011 is calculated from unpublished data obtained by the author from the Institute for Development and Democracy (IPADE)].

Nevertheless, the CSE's inability to fully process *cédula* applications in time for each election continued, requiring the issuance of more easily manufactured substitute ID cards, valid only for voting purposes in a single election, to hundreds of thousands of voters for whom the council could not produce *cédulas* in a timely manner (Carter Center 2007, 30; IPADE 2006, 16; OAS 2008b, 49).¹⁴⁹ More troubling was the number of ID cards not delivered by election day, often exceeding 100,000 (Carter Center 2000b, 5; 2002, 17; EUEOM 2006, 32; IPADE 2000, 19; 2004, 21; OAS 2008b, 20). However, it is not clear how many people were disenfranchised as a result, as many undelivered cards pertained to people who had emigrated or were deceased (OAS 2002, 6).

After the 2001 elections the CSE's efforts to facilitate registration and distribute ID cards began to diminish. Some barriers persisted from previous years. First, civil registry procedures remained antiquated, with births and deaths recorded by hand and manually copied from municipal registries to the central registry. The resulting errors make obtaining an ID card more difficult (EUEOM 2006, 30). Second, applications for *cédulas* are not accepted within 90 days of an election, and *cédulas* are not to be manufactured within 60 days (Ley 152, Art. 37).¹⁵⁰ This early closing date has meant the deadline for registration is prior to the official start of election campaigns.

Other serious obstacles to voter registration were new. One has been the closing of municipal registry offices between election periods, ostensibly due to budget restrictions. This requires those applying for and picking up an ID card to travel to an

¹⁴⁹ For the 2000 municipal elections, about 15 percent of voters received a substitute document rather than a permanent *cédula* (Carter Center 2000a); this figure dropped significantly in subsequent elections, to below three percent in 2008 (Carter Center 2002, 17; 2007, 31; IPADE 2009, 21).

¹⁵⁰ For the 2006 elections the National Assembly, at the president's initiative, approved a 15 day extension of the deadline to apply for a *cédula*, while maintaining the deadline for producing *cédulas* (EUEOM 2006, 32; OAS 2008b, 20, 47). The CSE opposed this extension because of its impacts on logistical preparations for the elections (IPADE 2006, 14).

office in the departmental capital, which poses a major barrier in time and cost (Carter Center 2007, 20; IPADE 2009, 20; IPADE and NDI 2006, 5; OAS 2008b, 19). The closing of municipal offices also results in bottlenecks in producing ID cards as the CSE receives a wave of applications before each election.¹⁵¹

Additionally, the CSE stopped making efforts to deliver ID cards to voters' homes or notify voters when their cards were ready to be picked up at the registry office (EUEOM 2006, 31). As an observer mission reported of the 2006 elections, "[a] significant number of the ID cards, numbering in the thousands, were not picked up by citizens, in part because many citizens did not know whether their ID card had arrived, and did not have the time and resources to make speculative trips to the municipal election office to find out" (EUEOM 2006, 32).¹⁵² The burden on voters to make multiple trips to registry offices in the hopes of retrieving one's ID card, common in Guatemala and El Salvador, was now evident in Nicaragua.

The growing difficulties of obtaining an ID card, and thereby being registered to vote, were documented in 2006 by the Nicaraguan NGO Ethics and Transparency in a study tracking over 500 citizens as they applied for an ID. The study found an average wait time of 155 days to receive a card after applying, and 11 percent of the sample did not receive a card by election day despite applying months in advance (Ethics and

¹⁵¹ The early registration closing date might be ameliorated by the fact that voter registration is automatic upon obtaining a national ID card, which is needed for a variety of purposes besides voting; thus many ID card applications would likely be submitted in between electoral periods, since citizens need an ID aside from its use for voting. However, the closing of municipal registry offices between electoral periods gives incentive to citizens to wait until an electoral period (when local offices are open) to apply for an ID.

¹⁵² The EU mission elaborated: "The CSE did not issue guidelines to the municipal offices on how to manage and expedite the distribution process, so a variety of practices were seen across the country. Simple and helpful measures, such as publicly displaying the list of ID cards that had arrived, reading out the list of names on local radio and TV stations...or delivering that list to all the political parties, were not commonly adopted. ...Distribution was often disorganised, with municipal offices not keeping proper records of which cards had been delivered, or which of the remaining cards dated from previous years" (EUEOM 2006, 33).

Transparency 2007, 19, 22). The study noted that obtaining voter credentials had become more time consuming in Nicaragua than in Guatemala or El Salvador (Ethics and Transparency 2007, 26).

By 2006 the slow delivery of *cédulas* caused suspicions that the two parties in control of the CSE, the FSLN and PLC, were “engaged in a parallel distribution of voting documents to their supporters to the detriment of parties lacking representation on the CSE” (Carter Center 2007, 21; see also EUEOM 2006, 6; OAS 2008b, 20, 73). These suspicions were allayed somewhat when an independent survey found no partisan pattern among those lacking *cédulas* (Carter Center 2007, 21) and when the CSE published a full list of the *cédulas* that were ready to be picked up (OAS 2008b, 19).¹⁵³ But accusations of politicized ID card delivery grew as the FSLN came to dominate the Supreme Electoral Council by 2008.

Leading up to the 2008 municipal elections, observers received complaints that the FSLN-controlled CSE was only distributing *cédulas* to the party’s supporters, and polls done among those trying to retrieve their ID card in the final days before the election showed that they were overwhelmingly opposition supporters (IPADE 2009, 20-21; Ethics and Transparency 2008, 3-4; n.d. 4, fn. 9). Similar reports were received by observers to the 2010 regional elections on the Atlantic Coast (EUEEM 2010, 11).

In 2011 the problem was worse: in two-thirds of municipalities monitored by domestic observers, delivery of ID cards was conducted by political parties (in almost all cases, the FSLN) rather than the CSE (IPADE 2011a, 2; see also EUEOM 2011, 6, 19).

¹⁵³ The OAS observer mission concluded that partisan manipulation of ID card delivery “was isolated...and had a marginal influence on the electoral results” (OAS 2008b, 20). The EU observer mission reported “[t]he overall impression was that of a distribution process in the hands of the FSLN and PLC party machines, but not always efficiently benefitting these parties” (EUEOM 2006, 33).

Municipal registry offices didn't open until six weeks or less before the registration deadline, and the distribution of *cédulas* at party offices continued even after municipal CSE offices opened (IPADE 2011b, 4, 6). Estimates of the number of people disenfranchised through limited access to ID cards ranged from tens to hundreds of thousands (EUEOM 2011, 19; Ethics and Transparency 2011b, 3). One observer mission reported that “young people were the most commonly affected, and while those without identity cards were not always members of opposition parties, they were always unaffiliated to the FSLN” (EUEOM 2011, 19). As opposition supporters and independent voters struggled to obtain the ID necessary to vote, the CSE distributed newly designed *cédulas* free of charge to government employees, made up largely of FSLN partisans;¹⁵⁴ ordinary citizens were charged approximately \$10 for the new ID (Ethics and Transparency 2011a, 1; 2011b, 2, Interviews 31, 33), in violation of the citizen identification law, which requires that *cédulas* be issued free of charge (Ley 152, Art. 53).¹⁵⁵ The failure to process and deliver ID cards caused violent conflicts in a number of municipalities as citizens protested and in some cases seized local CSE offices demanding their *cédulas* (El Nuevo Diario 2011b [hereafter END]; La Prensa 2011b).

One ID card problem has been so severe that even FSLN governments have had to take some measures to address it: the fact that most Nicaraguans have not renewed their *cédulas*, which were only to be valid for 10 years. The looming expiration of *cédulas* has posed the challenge of renewing millions of ID cards, and as elections have approached, the solution has been to postpone the challenge by extending the validity of

¹⁵⁴ After taking office in 2007, the Sandinista government replaced thousands of non-Sandinista public sector workers with employees loyal to the party (Rogers 2012a).

¹⁵⁵ See also La Prensa 2011a. Funds for introducing a new *cédula* with more advanced safeguards were donated by Spain in 2005, but the CSE delayed implementation until 2011, when it decided to begin phasing in the new *cédulas* with state employees (see La Prensa 2010a.).

the ID card: first in 2005 (Ley 549), again in 2009 (Ley 674), and yet again in late 2012. The most recent extension was an FSLN initiative that responded to the fact that less than 15 percent of Nicaraguans had obtained a new ID, for which the CSE was charging \$10, while the expiration of existing *cédulas* was only weeks away (END 2012c). These extensions, which have prevented mass disenfranchisement, have been necessary in the face of the enormous challenge of renewing all of the country's ID cards. But other obstacles to obtaining ID cards have not been addressed. Bills introduced in the Assembly by opposition deputies have sought to make *cédulas* more easily obtainable by reducing or eliminating their cost and ensuring municipal registry offices remain open permanently, but have not passed the Sandinista-controlled legislature.¹⁵⁶

It is worth noting that these voter registration obstacles have not coincided with efforts to clean up the voter registry. With deaths and emigrations often unreported, the voter rolls have consistently been inflated (Carter Center 2000b, 4; 2002, 12; EUEOM 2001, 19) – recently by an estimated 20 percent (EUEOM 2011, 6, 18) – and audits have found high rates of inaccuracies in the registry data.¹⁵⁷ However, a 2012 reform will require voters to be purged from the rolls if they do not vote in two consecutive national elections or any intervening local elections (Ley 790). This may help clean the rolls of deadwood, although at the cost of potentially impeding the participation of some voters. Civil society groups opposed the reform (Asamblea Nacional 2012), and as of July 2012 the measure was being challenged in the courts (END 2012a).

¹⁵⁶ These include bills introduced in 2008 and 2010 by non-Sandinista deputies, accessed through the National Assembly's website (www.asamblea.gob.ni).

¹⁵⁷ Registry audits in 2006 found that the registry information was incorrect in about 35 percent of cases (Ethics and Transparency 2006a, 20; 2006b, 20). A separate audit in the Atlantic Coast regions found problems of a similar magnitude (IPADE and NDI 2006). Such inaccuracies highlight the importance of the CSE's verification days when voters can easily update their information in the voter registry, and of Article 41 allowing voters to cast a ballot in the precinct listed on their ID card even if their name does not appear on the voter roll (Carter Center 2007, 22; Ethics and Transparency 2006a, 22).

Article 41 and “Ratón Loco”

Related to the voter registry is one of the most uniquely inclusive aspects of Nicaraguan election administration: the provision that voters not appearing on the voter rolls can still cast a ballot if their ID card indicates that they live within the polling station’s jurisdiction. This provision was maintained in the 2000 electoral law (Arts. 41 and 116), and it is common for a small handful of voters to make use of this provision at each polling station of 400 voters. Although the provision raises some concerns about double voting, most observers support the measure and note that problems with double voting generally involve the complicity of poll workers rather than arising from the legal provision itself (Interviews 40, 45, 47).¹⁵⁸

While generally applied properly (Carter Center 2007, 32-33; IPADE 2000, 9; 2006, 36),¹⁵⁹ there have been efforts by the CSE in recent years to circumvent Article 41. In the 2004 municipal elections, its application was inconsistent following mixed signals from CSE magistrates, some of whom had indicated before the election that the measure would not be applied (END 2004a; 2004b; 2004c; IPADE 2004, 19-20).

According to many observers, 2004 was the beginning of efforts by some actors within the CSE to play a game of *ratón loco* (“crazy mouse”), whereby either those with access to the voter lists would relocate some voters to different polling places, or poll

¹⁵⁸ This provision could lead to double voting if a voter changes his or her address on the voter registry (which does not require obtaining a new *cédula*), and then votes at both the new polling place and the old polling place listed on the person’s *cédula*. As a safeguard against this, polling places check voters’ names against a list of voters who have requested a change of residence. In theory, only voters not appearing on this list can cast a ballot. In 2006 observers found that only 0.33 percent of voters could not vote at a polling place because they appeared on the change-of-residence list (IPADE 2006, 36); in this event, these voters are supposed to be directed to the correct polling place.

¹⁵⁹ The incorrect application of this provision at times favors inclusion, allowing people to vote even when the address on their ID does not correspond to the polling station’s jurisdiction (running the risk of allowing double voting) (see IPADE 2006, 36). At other times misapplication favors exclusion, as when voters not appearing on the voter roll but possessing a valid ID are turned away by poll workers.

workers would redirect voters to different polling places on election day. The result would be that voters would tire of being sent from one polling place to another and would eventually give up without voting. The Liberal Constitutionalist Party (PLC) accused the Sandinistas and the CSE of conducting *ratón loco* after its poor showing in 2004, claiming that tens of thousands had been prevented from voting as a result (La Prensa 2004).¹⁶⁰ There is in fact little hard evidence that this practice happens on a significant scale, and Article 41 to some extent protects voters against this form of disenfranchisement.¹⁶¹ But renewed signals from the Sandinista magistrates on the CSE that Article 41 would not be applied in the 2006 regional and general elections generated intense controversy. The PLC protested, accusing the FSLN of planning to carry out *ratón loco* to disenfranchise Liberal voters (Carter Center 2007, 17; La Prensa 2006a; 2006b; 2006c).¹⁶² The CSE ultimately agreed to apply the provision, and some observers estimated that as many as 15 percent of voters in the Atlantic Coast regional elections made use of the provision to cast their ballots (Carter Center 2007, 18; NDI 2006f, 1). Nevertheless, in the 2006 general election and subsequent elections observers reported that the application of Article 41 was inconsistent across polling places (EUEOM 2006, 56-57; 2011, 31).¹⁶³

Thus while Article 41 is a very inclusive legal measure, its implementation by the CSE and poll workers seems to have become less consistent in recent years. In 2012,

¹⁶⁰ Observers reported that many voters' names did not appear on the voter lists on election day (IPADE 2004, 13-14), although the reasons were not clear.

¹⁶¹ Article 41 only prevents this form of disenfranchisement when a voter is assigned to vote in the precinct that corresponds to the address listed on his or her *cédula*. For those that have moved to a new precinct and updated their voter registration, but have not obtained a new *cédula* listing their new address, Article 41 does not apply.

¹⁶² To pressure the CSE to apply Article 41 in the 2006 elections, PLC magistrates on the CSE refused to attend meetings in order to prevent a quorum, threatening to cripple the electoral body (OAS 2008b, 22).

¹⁶³ On accusations that the CSE did not fully apply Article 41 in the 2008 municipal elections, see La Prensa 2008 and El Nuevo Diario 2008.

President Daniel Ortega introduced reforms to the electoral law that included the elimination of this provision in Article 41. The package of reforms passed the Sandinista-controlled legislature, although the Assembly postponed the modification to Article 41 until 2016. Surprisingly, given the past controversies over this provision, its elimination seems to have garnered little attention from opposition parties, which focused their criticisms on other provisions in the reforms.¹⁶⁴ This revision to Article 41 may raise barriers to voting for those who, whether through intentional disenfranchisement or technical problems with the voter registry, do not appear on their precinct's voters list on election day.

Voter Education

Alongside growing registry-related obstacles to voting has been a steep decline in the provision of election-related information to voters by the CSE. Observers to the 2006 election characterized voter education activities as limited, as the CSE “only carried out one short media campaign” publicizing the need for voters to pick up their *cédulas*; non-governmental organizations helped pick up the slack by carrying out their own voter information activities (EUEOM 2006, 48; see also OAS 2008b, 62). By 2011, voter education activities had ceased entirely: no efforts were made to inform voters about how to obtain a *cédula* or the mechanics of voting (IPADE 2011a, 6), despite the introduction of a new ballot format that year. While the CSE continued to carry out a registration verification exercise prior to each election, opening polling stations for voters to confirm

¹⁶⁴ Some of the reforms eliminated antiquated provisions in the law, while other provisions included stronger safeguards for parties to monitor the electoral process, drastic increases in the size of municipal councils, and 50 percent women's quotas for party candidate lists. Most of the opposition deputies voted for the bill, indicating that although the reforms were “cosmetic” and insufficient to guarantee fair elections, they did contain positive elements. Two deputies claimed the reforms were intended to mollify international criticisms (Asamblea Nacional 2012; Navas Corea 2012; Salina Maldonado 2012).

or update their registration information, efforts to publicize the verification event declined; by 2011 the CSE did nothing to publicize registry verification or any other aspects of the electoral process (OAS 2008b, 18; Hagamos Democracia 2011, 14; IPADE 2009, 108; 2011b, 9). Not surprisingly, participation in the verification exercise has declined over the years (IPADE 2006, 21; 2009, 23; OAS 2002, 5).

In 2011 the CSE not only eliminated its own voter education activities; it also attempted to prohibit any individual or organization from disseminating information on polling places or voter registry data under threat of prosecution. To justify this limitation on civic education by political parties and non-governmental organizations, the CSE proffered the dubious claim that the voter registry was the CSE's intellectual property (EUEOM 2011, 18-19; Hagamos Democracia 2011, 12, 20; IPADE 2011b, 15). The CSE also made it more difficult for individuals to access information online by making confirmation of one's registration through the CSE website more difficult (Interviews 31, 32, 33; La Prensa 2011c; 2011f). As a result of all of this, it has become more difficult for many prospective voters to find out their voter registration status, the location of their polling place, and the type of ballot they will use to cast their vote.

Nicaragua's New Election Administration

Through partisan distribution of ID cards, the elimination of public voter education, and less reliable protection of voting rights in the face of voter registry errors, Nicaragua's election administration has become significantly less inclusive than it had been in the country's early democratic years. Voters also confronted inconveniences such as the chronically late opening, and occasionally the early closing, of polling stations (Carter Center 2002, 21; Consorcio Cívico Electoral n.d., 20, 36; IPADE 2000, 8, 13;

2004, 16; 2006, 34, 56; OAS 2002, 14). By 2008, then, many voters – particularly those without ties to the governing FSLN party – faced substantial obstacles to casting a vote.

These obstacles are summarized in Table 6.1 below.

Table 6.1 Election Administration Inclusiveness, Nicaragua 2006-2012

Dimension	Description	Inclusiveness	Juridical Basis*
Voter Registration			
Extent of state responsibility for registering voters	Automatic registration upon obtaining ID card	High	Electoral law
Difficulty of registration process	Offices centralized in non-election periods; process obstructed by election officials; no cost before 2010, but monetary cost for some new ID cards since 2010	Low	Administrative practice / Citizen identification law
Ease of access to ID documents required for registration	Birth certificate required, often entailing fees and administrative barriers	Low	Citizen identification law
Registration closing date	90 days	Medium	Citizen identification law
Residency requirement	No residency requirement ¹⁶⁵		Electoral law ¹⁶⁶
Provisional registration	No provisional registration (though those turning 16 between close of registration and election day may register)	Low	Electoral law
Registry consultation	Voter lists posted at local polling places; verification exercise held before elections; publicity of voter rolls diminished over time	High / Medium	Electoral law / Administrative practice
Purging of voter rolls	Voters not purged from the rolls for failure to vote; 2012 reform would institute purging	High	Electoral law

Continued on next page

¹⁶⁵ There is no residency requirement for most of the country, but to vote for regional councils in the autonomous Atlantic Coast regions, there is a three month residency requirement for those born in, or with at least one parent from, the Atlantic regions, and a one year residency requirement for everyone else (Ley no. 28, Art. 22).

¹⁶⁶ The electoral law (2000, Art. 43) sets a cutoff date for changes of residence 90 days before an election, the same deadline as registering. There is no minimal residency period to change one's residence on the voter registry.

Table 6.1, continued

Dimension	Description	Inclusiveness	Juridical Basis*
Getting to the Ballot Box			
Accessibility of polling places	Highly decentralized polling places	High	Administrative practice
Assignment of voters to polling places	Residential	High	Electoral law / Administrative practice ¹⁶⁷
Convenience voting measures	Not used	Low	Electoral law
Electoral Calendar	Voting held on Sunday	High	Electoral law
Casting a Ballot			
Voter ID requirement	National ID or voter card required	High ¹⁶⁸	Electoral law
Provisional or tendered ballots	Yes (anyone with ID pertaining to the precinct may cast valid ballot)	High	Electoral law
Voter Education			
State efforts to inform voters of where and how to register and vote	No voter education after 2006	Low	Administrative practice
Overall Inclusiveness		Medium	

* Electoral Law refers to those elements based on the electoral law that are not open to modification by the electoral management body. Administrative Practice refers to those elements that are not explicitly codified in the electoral law, but are instead matters of bureaucratic performance and administrative discretion.

Less inclusiveness has not been the only change in the country's election administration. Voter suppression has gone hand in hand with other forms of electoral manipulation, as the 2008 municipal elections were marked by a range of fraudulent practices on the part of the CSE and poll workers.¹⁶⁹ The 2011 presidential and legislative

¹⁶⁷ The electoral law vaguely alludes to the assignment of voters to precincts by requiring that the voter lists "respect the residence and circumscription of the elector" (Art. 32).

¹⁶⁸ Although access to a national ID card is obstructed for many citizens, this represents an obstacle at the stage of voter registration rather than casting a ballot.

¹⁶⁹ Irregularities included the revocation of two opposition parties' registration on questionable grounds, the denial of accreditation to experienced domestic observer groups, the failure to invite international observers, the ejection of many opposition party poll watchers from polling stations on election day, the

elections were again marred by irregularities and a lack of transparency, as well as the unconstitutional candidacy of the incumbent president, who won handily (see EUEOM 2011).

Despite the pathologies of the bipartisan system of control over the electoral management body, as late as 2006 the Carter Center (2007, 39) reported that “[i]n a country where the election system strives to bring the ballot box into close proximity with the voters, a veteran CSE administration with internal scaffolding dating from the 1980s demonstrated the organizational and logistical capacity necessary to make both the Atlantic Coast and the national elections happen in one year with minimal problems.” Two years later the quality of Nicaragua’s election administration had deteriorated, both in terms of inclusiveness and in safeguarding the integrity of the vote. As former CSE president Rosa Marina Zelaya noted, after the advances in electoral cartography and decentralized voting (*voto domiciliario*) that the CSE had achieved in the 1980s and 1990s, the country should be in the “big leagues” by now by implementing such measures as voting by mail and voting abroad (Interview 43). Instead, the conduct of the country’s sixth national election since the Sandinista Revolution was worse than the first had been in 1984. The following section turns to explaining this trajectory.

Explaining the Erosion of Inclusiveness

Why has Nicaragua’s election administration, long recognized as being highly inclusive, become more restrictive in recent years? Why has this change coincided with the return to power of the FSLN, the party that had originally constructed the country’s inclusive election system? The changing nature of partisan control over the electoral

failure to post results for many polling stations, and the alteration of vote tallies (Ethics and Transparency n.d., 2, 7; IPADE 2009).

machinery is central to an explanation, as is the nature of party identification and the more permissive international environment facing the governing party.

Partisan Interests and EMB Structure

Nicaraguan opposition parties, civil society groups, and international election monitors readily identify the main factor underlying the erosion of election administration inclusiveness: the partisanship of the CSE. Yet this explanation raises important questions, and closer analysis reveals nuances in the relationship between partisan election administration and inclusiveness.

A partisan electoral body had coincided with inclusiveness during the 1980s and 1990s, and even for a time after 2000 when control over the CSE became bipartisan. The bipartisan division of the CSE extended from the top magistrates – chosen for their partisan loyalties¹⁷⁰ – to the lowest levels. This bipartisan structure had detrimental effects on the CSE’s administrative competence and operational coherence. Not only were the national magistrates and positions on departmental and municipal councils divided between Liberals and Sandinistas, but technical staff positions were as well (Carter Center 2002, 11). One observer mission reported “numerous cases of relatively long serving staff being replaced by less qualified political appointees” (EUEOM 2001, 19).¹⁷¹ Tensions between Sandinistas and Liberals hampered cooperation between different levels of the CSE’s organizational structure and between operational divisions

¹⁷⁰ As an EU mission noted, the CSE magistrates at the time included “the former FSLN campaign manager, the former chief national party agents of both the FSLN and the PLC, and two former PLC Interior Ministers” (EUEOM 2006, 23, note 17).

¹⁷¹ Electoral reform in 1995 had begun to fill the CSE with more partisan appointees, especially at the departmental level. As this happened, CSE president Rosa Marina Zelaya “preserved the professional staff by putting them in charge of the ID card process and urged them to provide all possible technical and logistical support to the new CSE offices” (Butler et al. 1996). The 2000 electoral reform extended the politicization of the CSE even further.

(Carter Center 2002, 15; EUEOM 2006, 23-24), and in 2006 resulted in conflicts so severe that CSE magistrates failed to meet the necessary quorum to make decisions for months (Carter Center 2007, 16-17). Yet it is important not to overstate the decline in bureaucratic capacity that has occurred. As observers to the 2011 elections noted, the CSE has high organizational capacity (EUEOM 2011, 5), and while some lower level staff lack adequate training, division directors within the CSE have extensive experience in their positions.¹⁷²

Administrative inclusiveness declined as bipartisan control of the CSE gave way to single party dominance. In fact, several interviewees viewed the bipartisan control of the CSE as adequately effective and blamed current election administration problems on the control exercised by the governing party (Interviews 34, 36, 38). By 2006, the balance between the FSLN and the PLC was tilting towards the Sandinistas, with the party holding 4 of 7 magistrate positions (EUEOM 2006, 23) as the one “neutral” magistrate aligned himself with the FSLN (Interview 35). The FSLN had also come to control more directorates of the operational divisions within the CSE by 2006 (EUEOM 2006, 23; see also Carter Center 2007, 16). According to two non-Sandinistas, the FSLN was more attentive to gaining control of lower level technical positions, while the PLC was preoccupied with controlling its share of top positions (Interviews 47, 48).

Schisms among the Liberals contributed to FSLN control of the CSE after 2006. In that year’s presidential election, PLC dissidents left the party and formed the Nicaraguan Liberal Alliance (ALN). The split among the Liberals allowed FSLN leader Daniel Ortega to win the presidency with 38 percent of the vote, while the ALN

¹⁷² This is the view of the former director of the civil registry (see *El Nuevo Diario* 2010 and *La Prensa* 2010b). This view was also shared by another neutral observer (Interview 36).

candidate came in second – meaning the new party would share control over the CSE with the Sandinistas, leaving the PLC with little representation on the council. Yet the new party, which experienced its own internal schisms after the election, lacked the organizational capacity that the PLC had possessed, and was an ineffective counterweight to the FSLN (Ethics and Transparency n.d., 3).

By 2010 observers reported that “political alliances and a divided opposition gave the ruling party a *de facto* control over the electoral administration” and that “CSE structures from top to bottom have come into the FSLN influence” (EUEOM 2010, 2, 5). Single party control was equally evident in the 2011 general election, when the third spots of the three-member departmental and municipal election councils, which are supposed to be divided among the parties not represented in the first two positions, were distributed disproportionately to small parties aligned with the FSLN (Ethics and Transparency 2011c, 3; EUEOM 2011, 5; Hagamos Democracia 2011; IPADE 2011b). Even poll workers supposedly representing opposition parties were in some cases actually from the FSLN or allied parties (EUEOM 2011, 15-16).

The result of single party control over the electoral council has been a decline in inclusiveness enacted through administrative measures, such as the politicized distribution of ID cards. The puzzle is that the FSLN is the same party (at least in name) that established the inclusive system of election administration in the 1980s. What has changed to make the party want to restrict access to the vote?

First, there has been a change in the strategic calculations and ideology of the FSLN, as two conditions that contributed to the FSLN’s inclusive and transparent election administration practices in the 1984 and 1990 elections – the party’s confidence

in victory and its participatory ideology – eroded after 1990. The party’s unexpected loss in 1990 and awareness of its consistent “ceiling” (*techo*) of electoral support of about 35-40 percent afterward have apparently had a strong impact on the party’s leadership. Several respondents noted that Daniel Ortega and the FSLN fear losing elections despite their favorable standings in the polls, a lesson learned from the 1990 election when the FSLN lost despite leading in the pre-election polls – a phenomena referred to locally as the “gueguense effect” (Interview 42; see also Nicaragua Dispatch 2011). According to some, this uncertainty about election outcomes contributes to electoral manipulation (Interview 42). Exacerbating this uncertainty is Ortega’s perception that he was cheated out of victory through fraud in the 1996 election (Interview 44; see also Zúñiga 2012). Perceiving a firm upper limit on the party’s popular support, distrustful of polls showing the party leading all contenders comfortably, and with lingering resentments against Liberal electoral misconduct, the FSLN has employed a wide range of manipulative tactics – including administrative barriers to participation – to increase its chances of maintaining power. According to many observers, further motivation for electoral manipulation in 2011 was provided by the FSLN’s desire to win not just the presidency but a supermajority in the National Assembly (see, e.g., La Prensa 2011d).

The party is also no longer the revolutionary organization espousing a participatory ideology that it was in the 1980s. Rather, since the 1990s the party has become the personal vehicle of Daniel Ortega and those closest to him, especially his wife Rosario Murillo (Colburn and Cruz 2012; Martí i Puig 2010). Whatever role the FSLN’s commitment to broad popular participation played in the construction of

inclusive election administration during the revolutionary period, that commitment seemed abandoned in favor of a less ideological brand of populism.

Second, while these shifts in ideology and calculations of the party's electoral prospects have provided motive for electoral manipulation, an essential enabling condition is the FSLN's ability to identify its supporters, in contrast to parties in Guatemala that have more ambiguous social bases. As a result, the FSLN can ensure access to ID cards for its supporters while impeding access for opposition supporters and independent voters. The FSLN is able to identify supporters not so much through indirect indicators of partisan preference such as social class or ethnicity, but through its highly developed organizational structure that allows the party to identify partisan preferences at the individual level. As one analyst reported, the FSLN "knows all of Nicaragua block by block" (Interview 36), allowing the party (through the CSE) to impede access to ID cards of non-Sandinistas. Another observer noted the FSLN's superior organizational capacity, and reported that the party "knows the neighborhood" (*conoce el barrio*) – in other words, the party's block captains know the political affiliations of everyone in the neighborhood (Interview 37).

This fine-grained disenfranchisement is facilitated by the party's control of the CSE's local administrative structures and mayors' offices (Interview 36), as well as the party-linked Citizens Power Councils (CPCs). The latter are citizen groups created by the Sandinista government in 2007, and there are thousands of CPCs organized at the neighborhood level, with coordinating bodies ascending up to sub-municipal, municipal, departmental, and national levels. Those participating in the CPCs – an estimated 4.6 to

6.9 percent of Nicaraguans in 2009 (CEAP 2009, 7) – are overwhelmingly Sandinistas,¹⁷³ and the councils are closely tied to FSLN party structures. According to one study of CPCs, one role they serve is as quasi-party organizations that aim to extend and strengthen the social base of the FSLN, and during the 2008 municipal elections CPCs campaigned on the FSLN’s behalf (CEAP 2009, 30, 48).

This well organized party machine that extends downward to the neighborhood level allows the FSLN to identify its supporters and opposition voters. A more indirect method of identifying and disenfranchising opposition supporters is geographic – for instance, identifying municipalities that are opposition strongholds and impeding access to ID cards in those areas. In 2011 there were accusations that severe obstacles to obtaining an ID card were concentrated in areas where the FSLN’s electoral support was weak. As the newspaper *La Prensa* reported, in eight of the nine municipalities where disturbances occurred over the CSE’s failure to deliver *cédulas*, the FSLN had received fewer votes than other parties in the 2006 election (La Prensa 2011e). However, in only six of the municipalities was the FSLN’s 2006 performance below its municipal average, and only in two was its performance more than one standard deviation below its average.¹⁷⁴ In other words, it is not clear that geographic location has been used to target opposition voters with administrative barriers – although geography has been used for other forms of manipulation, such as gerrymandering and annulling votes from precincts in opposition strongholds. Regardless, the FSLN’s ability to single out opposition supporters and independent voters – through its highly developed organizational capacity and perhaps secondarily through the geographic distribution of partisan support – and the

¹⁷³ A 2009 study found that 81 percent of CPC members identified themselves as Sandinistas, while 15 identified as independents and 3.6 percent identified with opposition parties (CEAP 2009, 8, 41).

¹⁷⁴ Based on author’s calculations using municipal-level results of the 2006 presidential election.

party's control over the CSE have resulted in manipulation of the distribution of ID cards (and therefore voter registration) to the benefit of the ruling party.

Third, another factor contributing to declining inclusiveness – particularly the disappearance of official voter education efforts – is the fact that the FSLN has a more motivated and mobilized base than other parties and is able to use its resource advantage to provide its supporters with voter education. Many people see the decline of voter education as an intentional effort to reduce turnout, which would mostly affect non-Sandinista voters who are less motivated to turn out. An official of the MRS party claimed the CSE wanted lower turnout in 2011 because the FSLN knows its militants will turn out, while independents and other parties' supporters would be demobilized by the absence of voter education and get-out-the-vote publicity campaigns (Interview 49). Several non-partisans shared this view (Interviews 35, 37), and it finds support in survey data showing that FSLN supporters are more disposed to vote than are other Nicaraguans (Colburn and Cruz 2012, 112). Also, according to a leading domestic election observer, the FSLN is able to use its resource advantage over other parties to provide its supporters with voter education, and so weakening the provision of voter education by the CSE serves the party's interest (Interview 34). Essentially, the provision of voter education has been privatized to the ruling party, rather than carried out by the electoral commission.

Yet while lower turnout may benefit the FSLN electorally, it also raises questions about the legitimacy of elections, which the Sandinistas sought to gain through high turnout in 1984 and 1990. Legitimacy is perhaps of greater concern to the FSLN now that its ceiling of support seems to have increased in recent years and the party firmly controls all branches and levels of government, while the opposition is as weak and divided as

ever. The news magazine *Envío* (2012) noted the tension between turnout and legitimacy in its analysis of the 2012 municipal elections:

The FSLN benefits from the abstention of opposition voters because its hard-core voters always turn out in droves, but this time abstention could fall below the acceptable limit. The governing party is so sure of winning massively that it would prefer a sizable turnout to provide some legitimacy and mask the population's growing lack of confidence in the electoral path.

To sum up, at the heart of less inclusive election administration lies the dominance of the electoral management body by a governing party that has not been confident in its ability to win fair elections, has shed its participatory ideology of years past, and is able to use its organizational capacity and resources to identify and mobilize its supporters. Despite the pathologies entailed by the bipartisan cartel party model of election administration that prevailed between 2000 and 2006, inclusive practices were not starkly affected, as the dominant parties checked the actions of the other and neither was threatened by high turnout (considering their jointly dominant position in the country's party system). Single party dominance has had more pernicious effects, facilitated by a more permissive international environment (discussed below).

Resources and Election Costs

Having argued that a combination of partisan interests and partisan electoral management account for the decline in Nicaragua's election administration inclusiveness, it is worth considering an alternative explanation: the limited resources of the electoral commission and the country's general poverty. As the Carter Center (2001a, 3-4) explained in 2001:

Underdevelopment continues to pose challenges to election processes in Nicaragua, especially on the Atlantic Coast and in the mountains. The country is suffering from drought and high unemployment rates, and many people have

inadequate caloric intake. This contributes to migration which complicates issuance of national identity cards and voter registration. Although Nicaragua's infrastructure has improved in many respects, substantial deficits remain, and these complicate the logistics of election organization, including distribution of materials and ballots as well as transmission of the results after the polls close.

The suggestion that poverty is responsible for restrictive election administration gains plausibility when considering that Nicaragua is the second poorest country in the hemisphere, and as noted above, budget shortfalls are the reason given by the CSE why municipal registry offices are closed between electoral periods (see OAS 2008b, 13, 52), resulting in one of the biggest obstacles to voter registration.

Yet budget constraints and the challenges of poverty and inadequate infrastructure are insufficient explanations of Nicaragua's increasingly restrictive election administration. Most obviously, the country's severe economic constraints in the 1980s and early 1990s – when the economy was reeling from the aftermath of the revolution, the Contra War and U.S. trade embargo, and mismanagement – did not prevent election administration from being more inclusive than it has been since 2006, when the economy has been growing.¹⁷⁵ Additional evidence casts doubt on the importance of budget limitations. For instance, according to former national and departmental directors of registration, when the CSE faced the possibility of closing municipal offices between electoral periods, mayoral offices agreed to fund CSE staff to continue ID card processing at the municipal level (Interviews 38, 48).¹⁷⁶ Yet the CSE (according to one source, specifically the Liberal magistrates) decided against the plan, fearing that mayors

¹⁷⁵ The Nicaraguan economy contracted sharply during the insurrection against Somoza in 1978-1979. The country enjoyed modest growth in 1980 and 1981, but per capita GDP growth was negative for most of the remaining decade. By the late 1980s the country was experiencing hyperinflation and economic collapse (Arana 1997, 82; Spalding 1987; Walker 2003, 96). In contrast, per capita national income has been rising, albeit slowly, since the early 2000s (World Bank 2013).

¹⁷⁶ According to Alberto Dávila, this plan was proposed by the departmental registry directors (Interview 38).

would exercise partisan influence in the distribution of ID cards if they funded the CSE's identification operations (Interviews 38, 48). Thus, it was not only budget limitations but also concerns about political advantage that led to municipal registry offices being closed.

Other respondents routinely attributed shortcomings in ID card processing, the closing of municipal CSE offices, and the disappearance of voter education to a "lack of will" rather than to budget constraints. Domestic election observation leaders noted that the allocation of the CSE's budget is heavily skewed towards funding the salaries of top managerial levels (especially the seven magistrates) rather than funding core operations like ID card processing and voter education (Interviews 33, 40). Several people emphasized that the CSE could find funding if it had the will to do so, and that poor allocation of the budget and corruption within the CSE are impediments to electoral operations (Interviews 30, 36, 45, 48). A 2006 observer mission similarly noted an imbalance in CSE funding, reporting that

At central levels, the CSE commissioners are very well-resourced, and some central departments have adequate resources (items such as computing systems are in part provided by international cooperation). However, a very large part of the CSE's budget goes [to] salaries, and little [to] infrastructure. ...resources at local levels are scant, with many CEMs [municipal electoral councils] having no computers and no photocopiers, working with typewriters or by hand, and having no filing system. This makes it more difficult for them to be transparent, for example, in distributing lists of ID cards that have arrived (EUEOM 2006, 27).

That the misallocation of resources rather than budget shortfalls account for inadequate election administration is also supported by reports of embezzlement within the CSE (END 2011a; Ethics and Transparency 2011b, 2).¹⁷⁷ In short, while limited resources certainly affect the quality of election administration, the causal significance of

¹⁷⁷ CSE president Roberto Rivas is thought to have amassed a large personal fortune during his tenure (see Nicaragua Dispatch 2012b).

this factor is cast in doubt by Nicaragua's greater inclusiveness during prior periods of more severe economic hardship, the disproportionate share of CSE resources devoted to the salaries of high level political appointees, the possible embezzlement of CSE funds, and the unwillingness to accept funding from municipal governments to facilitate voter identification and registration.

International Influences

International pressures and financial and technical assistance contributed significantly to Nicaragua's inclusive election administration in the 1980s and 1990s. Since 2000 the international community has had limited influence despite consistent engagement by international election observers.

International observers have had a strong presence in Nicaragua, with all national elections since 2001 monitored by the Carter Center, the European Union, and the Organization of American States. Observers have recommended measures to make election administration more inclusive, including improved distribution of ID cards and permanent opening of municipal registry offices, streamlining the civil registration process, free issuance of birth certificates, and improving voter education. Observers have also often endorsed the use of Article 41 to prevent disenfranchisement (Carter Center 2006; NDI 2006b, 1), although some EU observer missions have called for the elimination of this measure contingent on improvements in the civil and voter registries (EUEOM 2006, 71; 2010, 27). The EU has also suggested reducing the number of polling places "[i]n order to rationalize costs and procedures" (EUEOM 2006, 71); in contrast, the International Republican Institute has recommended distributing polling places more

widely (IRI 2002, 15). Beyond these specific proposals have been persistent calls from observers to eliminate or reduce partisan control over the CSE.

Besides election observation, the international community has also supplied financial and technical assistance. Some assistance has come in the form of financing and advising CSE training sessions related to voter registration (OAS 2008b, 56). In 2001, the U.S. provided funding for a complementary registration plan, which “responded in part to pressure coming from the U.S. Congress in favor of a special effort to guarantee voting documents to 33 outlying municipalities” where former Contra fighters were concentrated (Carter Center 2002, 14). Other assistance has supported civil society activities, including the Movement for Nicaragua’s voter registration drives and public information campaigns (NDI 2006d, 3; 2006e, 3; OAS 2008b, 60) and voter registry audits carried out by Ethics and Transparency and the Institute for Development and Democracy (NDI 2006f, 2). Another area of assistance has been aimed at opposition party poll watchers, trained by the National Democratic Institute and the International Republican Institute (NDI 2001, 3; WOLA 2006).

Considering the decline in administrative inclusiveness and overall election quality in recent years, international involvement has clearly had limited effect. Most of the recommendations from election observers – including improving access to ID cards, increasing voter education, and cleaning up the voter rolls – have gone unheeded. As the EU mission to the 2011 elections noted, “[t]he legal framework retains the same flaws which were highlighted by the European Union Election Observation Missions in 2001 and 2006, whose recommendations have not been used as the basis of any reforms” (EUEOM 2011, 9). This accords with the conclusion of Kelley (2012a), who notes that

“the persistent mistrust and political bias in the Nicaraguan election apparatus has relegated international monitors to serve as validators of election outcomes, rather than as catalysts for reforms” (252).

International financing and technical assistance has also clearly not been sufficient to ensure inclusive election administration. While foreign resources have certainly helped domestic civic groups carry out their work, they have not been sufficient to prompt election authorities to perform their duties more effectively. For instance, as the EU mission noted of the 2006 elections, “[t]he CSE was very slow to respond to the public concern about the delayed delivery of ID cards, and failed to launch a public information campaign or to carry out a special delivery drive until the last weekend before the elections, *despite having special funds provided by the International Foundation for Election Systems (IFES) for this purpose*” (EUEOM 2006, 33, emphasis added).

If international pressure was influential in prompting inclusive election administration in the 1984 and 1990 elections, what has changed in recent years? One shift has been less U.S. interest in Nicaragua following the Sandinista defeat in 1990 and the end of the Cold War. There has been intermittent pressure from the U.S. Congress related to electoral conduct, especially regarding voter registration among former Contras, and public pronouncements from embassy officials in Nicaragua indicating America’s preference for an Ortega defeat (Carter Center 2007, 19). In recent years the erosion of election quality in Nicaragua has prompted criticism from the United States, and the U.S. cancelled \$62 million in aid following the 2008 municipal elections and another \$3 million following the 2011 elections. European donors have also expressed

dissatisfaction and have cut aid to Nicaragua in response to deteriorating election quality (CNN 2009; Nicaragua Dispatch 2012a; Rogers 2012b).

Although these foreign aid cuts are significant, they pale in comparison to the economic and military war waged by the U.S. against the Sandinista government in the 1980s. American and European pressures have also been offset by the flow of money from the Hugo Chávez government in Venezuela to its ally Ortega. Quickly after the U.S. cut aid in 2009, Chávez offered \$50 million to help compensate for the loss (CNN 2009). The U.S. aid cut after the 2011 elections was “equivalent to what Ortega gets every two days from Chavez, who provided his Sandinista comrade with \$557 million in 2011 and more than \$2 billion over the past five years” (Rogers 2012b). While U.S. and European donors have cut hundreds of millions of dollars in aid, Venezuela has more than made up the difference, with the additional advantage that Venezuelan aid flows directly to Ortega without entering the government budget and without oversight (Colburn and Cruz 2012, 115; Rogers 2011).

According to one respondent working at the U.S. embassy, the availability of funds from Venezuela has made reductions in U.S. aid ineffective (Interview 45). With only moderate pressure from American and European donors and flush with money from a foreign patron uninterested in promoting electoral democracy, the FSLN government has not been pressured to administer inclusive and fair elections as it had been during the revolutionary years. As a result, electoral manipulation, including voter suppression, has become less costly.

Civil Society

Like international election observation, domestic observation and other civic mobilization efforts have had limited impact on Nicaragua's election administration. Large scale domestic election observer efforts began in 1996, with Ethics and Transparency mobilizing thousands of observers (NDI 1997). Since then, civic and think-tank groups like the Institute for Development and Democracy (IPADE) and *Hagamos Democracia* (Let's Make Democracy) have taken on election observation,¹⁷⁸ while civic groups Movement for Nicaragua and others have engaged in other election-related activities. At times these groups have directly facilitated voter participation, as when Movement for Nicaragua assisted several thousand Nicaraguans in obtaining birth certificates and completing the voter registration process in 2006 (Carter Center 2007, 21; NDI 2006a, 4). Civic groups have also conducted publicity efforts to promote participation (EUEOM 2006, 55; NDI 2006c, 4; Interviews 31, 32, 33, 39), while IPADE and Ethics and Transparency have conducted audits of the voter registry that have been referenced by political parties in their calls for improving the registry and applying Article 41 of the electoral law (NDI 2006c, 4). Many of these activities have been supported by external financing and technical assistance (see e.g., NDI 2006e, 3; 2006d, 3; OAS 2008b, 60).

Civic groups have also actively proposed electoral measures and pressured for their adoption. They have firmly supported Article 41 (Carter Center 2007, 17; END 2006; Ethics and Transparency 2006a, 27), seeing the measure as necessary given the low quality of the voter rolls and considering it better to not disenfranchise eligible voters

¹⁷⁸ Domestic election observation has had extensive coverage, including about 16,000 observers covering almost all polling stations in 2006 (OAS 2008b, 61).

than to add another safeguard against double voting by eliminating the article (Interviews 34, 35). Civil society groups raised the only objections to Article 41's revision in 2012 (Asamblea Nacional 2012). Civic groups have also called for the CSE to keep municipal offices open between election periods to allow citizens access to registration (IPADE 2011a, 7; IPADE and NDI 2006, 20), greater ease of access to ID cards more generally (Ethics and Transparency 2011d, 3), more extensive voter education efforts (EUEOM 2006, 48; IPADE 2000, 21; 2006, 21; 2011, 8; IPADE and NDI 2006, 20), cleaning up the voter registry (IPADE 2000, 21; 2006, 58), and for depoliticizing the CSE (Ethics and Transparency 2011d, 3; OAS 2008b, 14).

In 2006 an umbrella organization, the Electoral Reform Promotion Group (*Grupo Promotor de Reformas Electorales*, GPRE), was formed. It brings together 14 organizations, including IPADE and Ethics and Transparency, and the group's proposals have been wide ranging, addressing political party and campaign finance regulations, reapportionment, gender quotas, and various measures to depoliticize the CSE (GPRE 2008; 2010).

Despite the extensive efforts of civic groups, their influence has been limited. The GPRE has presented its proposals to legislators in the hopes that they will use them as a basis to reform the electoral law, and while the legislators express agreement with the proposals, no action follows (Interviews 30, 33). When the electoral law was reformed in 2012, the National Assembly invited input from civil society groups, and in response the GPRE commented on each specific measure in the proposed reform and submitted its own separate proposal. Yet as was the case during Guatemala's electoral reform, the proposals from civil society were largely rejected.

According to all accounts, relations between civil society and the CSE – which had been cooperative in the past – have soured since the 2006 elections (Interviews 32, 33, 35, 38). An EU observer report in that year noted that “the relations between the domestic observer groups and the CSE were rather tense, as the CSE has always perceived them rather as challengers than as legitimate stakeholders” (EUEOM 2006, 55).

With the limited openness of the CSE and ruling party in recent years, civil society’s calls for more inclusive election administration practices have fallen on deaf ears. One exception is a small administrative measure that seems to have resulted from civil society pressure: a 15-day extension of the deadline for ID card applications prior to the 2006 election. This measure was proposed by President Enrique Bolaños and passed unanimously in the National Assembly following pressure from civic groups, especially Movement for Nicaragua, which mobilized protests outside CSE headquarters (NDI 2006b, 1).¹⁷⁹ Yet civic groups were not united in support of this measure: domestic observer groups joined the CSE in warning “that this move would slow a very tight election calendar, potentially creating further difficulties” (Carter Center 2007, 25). On issues where all civic groups have endorsed inclusive election administration practices, their efforts have been rebuffed. As in Guatemala, crafting the rules and practices of Nicaragua’s election administration has been an elite game dominated by politicians and election administrators, with minimal influence exercised by civil society.

¹⁷⁹ The deadline was extended by 15 days again prior to the 2012 municipal elections, although it is unclear if this extension responded to outside pressure (see El Nuevo Diario 2012b).

Conclusion

The erosion of election administration inclusiveness in Nicaragua after 2000 has been marked by the politicization of the distribution of ID cards and the disappearance of voter education efforts. The proximate cause of this trend has been the dominance of the CSE by the FSLN, a party that has not been confident of its ability to win fair electoral contests, has shed its revolutionary ideology, and has been able to exploit its organizational capacity and strong partisan identification to identify its supporters and single them out for ID cards and partisan voter information campaigns. These features of partisan identification and organization are marked contrasts with Guatemala and, to a lesser extent, El Salvador. These domestic variables are not sufficiently counteracted by international pressure, as financial aid from Venezuela has compensated for the loss of democracy-conditioned aid from U.S. and European donors. Domestic civil society groups have also been unable to constrain the electoral practices of the governing party and the partisan-controlled CSE. Table 6.2 below summarizes the ability of the hypotheses to explain the pattern of election administration inclusiveness during this period.

Nicaragua's experience shows that the pathologies of partisan election administration can be severe, but they do not result automatically from the partisan composition of the electoral management body. Rather the effects of partisan election administration are mediated by patterns of party identification, by strategic calculations of electoral outcomes, and by pressures from foreign powers.

Table 6.2 Support for Hypotheses, Nicaragua 2006-2011

Category	Hypothesis	Support	Comments
Partisan Interests	H1: Where a ruling party can identify opposition supporters, election administration inclusiveness will tend to be low, whereas countries with catch-all parties or fluid party systems marked by low levels of partisan attachments will tend to have more inclusive electoral procedures.	Supported	FSLN's ability to identify its supporters facilitated restrictive measures aimed at opposition voters.
	H2: Parties with strong lower class support (typically populist or leftist parties) will support inclusive rules.	Not supported	Populist FSLN instituted restrictive measures.
Electoral Management Body Structure	H3: Partisan EMBs will tend to implement less inclusive measures as partisan election officials attempt to impede the participation of some parties' supporters.	Supported	Single party control of the CSE largely responsible for decline in inclusiveness.
	H4: Independent, non-partisan EMBs will be associated with inclusive rules in part by playing an active role in electoral reform.	Inconclusive	
The Specter of Election Fraud	H5: A history of election fraud will lead democratizing countries to adopt strict safeguards against fraud, which may in turn impose procedural barriers to voting.	Inconclusive	
	H6: Parties that have been the victims of election fraud will support strict safeguards that reduce inclusiveness.	Inconclusive	FSLN claimed it was defrauded in 1996 elections, but lower inclusiveness since 2006 has not been designed to prevent fraud.
Election Costs and Financial Resources	H7: Countries with more resources will have more inclusive election administration.	Not supported	Evidence suggests that lack of funding is not a primary cause of lower inclusiveness.
Civil Society and Public Opinion	H8: Strong civil society, particularly domestic election observation groups, will increase election administration inclusiveness.	Not supported	Civil society has had little influence despite extensive advocacy and election observation efforts.
	H9: Public opinion will set limits on the extent to which elites can pursue self-serving election administration rules.	Not supported	No evidence of public opinion influence on election administration.

Continued on next page

Table 6.2, continued

Category	Hypothesis	Support	Comments
International Influences	H10: International observers will prevent extremely restrictive measures in elections that they observe, particularly measures that are highly visible on election day.	Not supported	Highly restrictive measures leading up to and on election day occurred during observed elections.
	H11: The recommendations of election observers will have little impact on election administration practices.	Supported	Observer recommendations largely neglected.
	H12: When a country seeks good relations with Western democracies, the influence of election observers will be enhanced and inclusive election administration practices will be more likely.	Supported	U.S. and European pressure in response to election quality offset by aid from Venezuela.
	H13: Technical and financial assistance will make inclusive measures more likely by enhancing domestic bureaucratic capacity.	Inconclusive	Assistance was insufficient to ensure inclusiveness, though such aid has declined over time.

CHAPTER 7

EL SALVADOR: FROM VOTER EXCLUSION TO HALTING REFORM

During its transition to democracy, El Salvador adopted administrative barriers to voting similar to those in Guatemala, such as centralized voting sites, the assignment of voters to polling places based on alphabetical order rather than proximity, and onerous voter registration requirements. And like Guatemala, El Salvador's administrative practices have become more inclusive over time. However, this growing inclusiveness has differed from the Guatemalan case: voter registration has become simplified, while polling decentralization has not been fully implemented.

Why did the country adopt such restrictive practices during its early years of democratic transition, and why has it lowered barriers to participation in recent years? This chapter shows that El Salvador's restrictive administrative measures were adopted in the country's pre-democratic period in response to the security conditions during the country's civil war and the desire to eradicate the election fraud that had been common in prior elections. These restrictions continued long after these initial conditions had changed due to both institutional inertia and partisan calculations about the likely effects of expanding the electorate through more inclusive election procedures. Ultimately, pressure from the left, civil society, and international election observers and experts led to halting reforms, while calculations of partisan interests dictated the sequence and shape of reform. Voter registration reform was less contentious because it was expected to provide greater protection against electoral manipulation without adversely affecting partisan interests, while making polling stations more accessible was repeatedly delayed

because the perceived risks to partisan interests, particularly on the right, were greater, while the benefits for deterring election fraud were more limited.

Because this chapter covers a longer period than the previous case study chapters, there is greater alternation between descriptive and explanatory material in the hopes of making the narrative easy to follow. The first section provides brief background on El Salvador's democratic transition, while the second section overviews the establishment of restrictive election administration practices in the 1980s and the third section discusses the continuation of restrictive practices through the 1994 general election. I then offer analysis to explain the initial adoption of election administration practices during this transition period in the fourth section. Section five describes the election administration reforms undertaken since 1994, while the sixth section offers explanations for those reforms. The final section assesses the influence of the hypothesized causal factors laid out in Chapter 2.

Background

El Salvador's full transition to democracy is commonly marked by the 1994 elections, the country's first post-war elections that included the participation of the FMLN guerillas-turned-political party. The country's military regimes had held periodic elections, with those of the 1970s marked by blatant fraud. Elections in the early-mid 1980s were held under conditions of civil war and severe human rights abuses on the part of the military and paramilitary death squads. The conditions for democratic elections improved in the late 1980s, and a turnover of civilian parties took place when the right wing ARENA (Republican Nationalist Alliance) party won the 1989 presidential

election, defeating the Christian Democratic Party (PDC). That election also saw the first participation of leftist parties under the Democratic Convergence coalition.

By the beginning of the 1990s the government and FMLN guerrillas were engaged in peace talks. During these negotiations, the FMLN sought constitutional and electoral reforms, and in 1991 the government and FMLN agreed to replace the electoral management body – the Central Elections Council (CCE) – with a Supreme Electoral Tribunal (TSE). The CCE had been composed of one representative of each branch of government until 1983, when it became partisan-based with three magistrates nominated by the top parties in the previous presidential election and approved by the legislative assembly.¹⁸⁰ After a 1991 constitutional reform that replaced the CCE with the TSE, two additional non-partisan magistrates were added, to be named from lists put forward by the Supreme Court and chosen by two-thirds vote in the assembly.

Since the TSE's creation, it has been pervaded by partisanship at all levels, with staff in the technical directorates, departmental and municipal election councils, and polling stations appointed by a party quota system (Baloyra 1998, 21; EUEOM 2009a; IFES 1994b, 10). Despite the legal requirement that they be non-partisan, observers sometimes note the partisan behavior of the Court-nominated magistrates (CIS 2004; 2006, 9) and the political influence in the composition of the court itself (Artiga-González 2008a, 529). Conservative parties (ARENA, PCN, and PDC) have held majority control of the TSE for most of its history. In addition to holding a plurality or majority of magistrate positions,¹⁸¹ prior to the 2009 elections four of the TSE's seven

¹⁸⁰ This was later briefly expanded to four magistrates named by the top four parties (IFES 1994b, 10).

¹⁸¹ Of the 2004-2009 period a European Union observer mission reported that “[t]he TSE’s partisan nature led to the formation of a bloc, uniting the ARENA and PCN representatives with a Magistrate from the Supreme Court of Justice. Their majority position allowed them to wield control over the electoral process

technical directorates were headed by partisans of the governing ARENA party (EUEOM 2009a).

The 1992 peace accords also created an electoral sub-commission within the National Commission for the Consolidation of Peace (COPAZ). This sub-commission, with representation of all political parties, drafted a new electoral code, which was unanimously approved by the legislative assembly (IFES 1994b, 9; Spence and Vickers 1994, 9). The electoral code increased party participation in the administration of all aspects of the electoral process, including a multiparty oversight body, the *Junta de Vigilancia* (JVE), to monitor the work of the TSE (Spence and Vickers 1994, 9). However, with its budget set by the TSE and with the strongest political parties already controlling the TSE, the JVE has had little influence (Baloyra 1998, 21; Spence and Vickers 1994, 24).

Establishing Restrictive Election Procedures: 1982-1991

While El Salvador's 1994 elections are often treated as the "founding" democratic elections, the origins of many features of the country's election administration lie in the 1982-1991 period. Thus while the country's elections during this period (particularly 1982-1989) have been variously characterized as "demonstration elections" and "electoral authoritarianism" (Montgomery 1995, 156-157, 185), they merit brief discussion here to identify the origins of several administrative practices that lasted long into the democratic period.

Prior to 1985, there was no system for voter registration: the voter rolls were taken directly from the civil registries, so anyone with an ID card (*cédula*) was supposed

during this mandate. This situation left the FMLN selected Magistrate and the second Magistrate designated by the Supreme Court of Justice in a minority" (EUEOM 2009a).

to be added to the voter list (Baloyra 1993, 8-11). Given the unreliability of the *cédula*, and following serious problems with the quality of the voter lists in the elections of 1982 and 1984, a separate electoral registry was constructed beginning in 1985,¹⁸² and in 1988 a new voter ID card (the *carnet electoral*) was used for the first time (Baloyra 1993, 8-9; Consorcio 2000, 22; IFES 1994b, Annex II). This introduced an extra step for citizens to register to vote. The process involved a citizen presenting an ID or two witnesses at a registration office, with the applicant's information then sent to the central CCE office to be verified and, if approved, a voter card would be issued (Freedom House 1989, 39; NDI 1989, 11-12).

After allowing the delivery of voter cards up until election day in previous elections, a cutoff date of 30 days before the election was set by an amendment to the electoral code pushed by the ARENA party.¹⁸³ Other parties “charged that this reform would deprive many otherwise qualified citizens of exercising their right to vote” (NDI 1989, 8; see also Freedom House 1989, 39). But ARENA justified the measure to prevent manipulation of the voter rolls and ID cards, as an observer report explains:

ARENA representatives argued that this reform is necessary to prevent the fraud that had been committed in the March 1988 elections when Salvadorans were allowed to receive their voting cards up to one day before the event. According to ARENA, PDC functionaries then working in the CCE printed large numbers of bogus voting cards in the final hectic days of the campaign while the agency's attention was focused on other last minute administrative details. The earlier deadline for voting card delivery would presumably reduce the opportunity for such activity by allowing a more thorough scrutiny of the process... In defending this reform, ARENA members insisted that ‘it is better to maintain the quality, than the quantity of voting cards’ (NDI 1989, 7-8).

¹⁸² This was based on a 1983 constitutional reform (Consorcio 2000, 22).

¹⁸³ Decreto 170, Jan. 25, 1989, amending Art. 40 of the 1988 Electoral Code. ARENA wanted a 45-day cutoff, but agreed to a shorter 30-day cutoff for the 1989 elections at the behest of the PDC party (IHRLG 1989, 60-61). Another reform in 1990 allowed *carnets* to be delivered up to eight days before the election (WOLA 1991, 7).

The elections of 1989 and 1991 were marked by administrative problems in processing registration applications and delivering voter cards, along with accusations between political parties “about local functionaries preventing people from registering by misplacing forms or not accepting valid ID, or removing names from the CCE database” (NDI 1989, 12). As a result, several hundred thousand people had registered prior to the 1989 and 1991 elections but did not receive their voter cards in time to vote (Baloyra 1993, 15; Freedom House 1989, 40; NDI 1989, 13-14). In 1991, close to 30 percent of those who registered were expected to not receive their voter card in time for the election, and on election day there were inconsistencies between voter cards and the voter lists, including many registered voters’ names not appearing on the lists (IFES 1994b, Annex II; Montgomery 1995, 222-223; 1998, 118-119).

The 1980s also saw the centralization of polling stations in municipal centers, with most municipalities having just one voting center. Additionally, in the larger urban municipalities that had more than one voting center, voters were assigned to a polling place alphabetically, rather than to the site closest to their residence (Freedom House 1989, 40-41). Thus voters in both rural and urban areas often had to travel significant distances to reach their voting station.

The 1994 “Elections of the Century”

After the end of the country’s civil war in 1992, El Salvador headed into what were dubbed the “elections of the century.” The elections were the first in which the FMLN participated, and presidential, legislative, and municipal elections were all held concurrently – which only occurs once every 15 years in El Salvador’s election calendar.

The country headed into the elections with a new electoral management body and electoral law, but with restrictive election administration practices still in place.

Voter Registration

The most significant impediment to participation was voter registration. Underlying voter registration was a decentralized civil registry system run by municipalities, as in Guatemala. Despite the mechanisms put in place in the 1980s, registry data was unreliable due to uneven record keeping practices, the destruction of registry offices during the war, and the displacement or emigration of large numbers of Salvadorans (IFES 1994b, 11; Spence and Vickers 1994, 15).

To register to vote, citizens would apply at a registration center in their municipal center, bringing a birth certificate or ID card, or lacking those, two witnesses. The citizen's application would then be sent to the TSE office in San Salvador to be checked against the TSE's archives of birth certificates. Even if the citizen had applied with a birth certificate, the application would be "rejected unless the central computer data base also ha[d] a copy of that birth certificate" (Spence and Vickers 1994, 15); in this case, the applicant would need to provide a copy or "request that the mayoral office where she/he was born send a copy of the birth certificate to the Tribunal" (IFES 1994b, 12). The latter was made difficult by some mayors who failed to deliver copies of birth certificates to the TSE or charged exorbitant fees (Lehoucq 1995, 181; Montgomery 2000, 149). If the application was approved, the applicant would be added to the voter registry and a notification card (*ficha*) sent to the office where the person applied. The citizen would then be required to return to the registry office to have a picture taken and the voter ID card (*carnet electoral*) issued. However, the registry offices did not notify voters when

their applications had been approved, and the processing of applications took weeks or months. “[A]s a result, people often had to return to the town hall three, four, or five times looking for their *fichas*. Many tired of fruitless journeys and simply never came back” (Montgomery 2000, 148; see also Spence and Vickers 1994, 15).

As Montgomery (1998, 126) summarizes: “[i]n a country with 60 percent illiteracy, the TSE devised a Byzantine voter registration process that would have cowed even a well-educated voter.” Stahler-Sholk (1994, 24-25) similarly notes that “[t]he TSE set up extremely slow, cumbersome mechanisms for registering eligible voters and giving out voter registration cards. Because of the time and expense involved in making numerous trips to TSE offices to register, and then to see if the voting card was ready, these procedures tended, disproportionately, to disenfranchise the poor.”

Compounding the obstacles posed by the application process was the slow delivery of voter ID cards. UN surveys in mid-1993 found over 700,000 Salvadorans (nearly 30 percent of voting age citizens) unregistered and lacking voter cards (Córdova Macías 1996, 39; IFES 1994b, 12; Montgomery 2000, 162, note 29). The problems with registration and pressure from the international community led the TSE to carry out a registration plan, with financing from the U.S. Agency for International Development (USAID) and the United Nations Development Program (UNDP), consisting of “a publicity campaign, mobile registration units, extension of the local Tribunal office hours, and an extension of the deadline for handing out the *carnets*” (IFES 1994b, 12).¹⁸⁴ Another plan to facilitate voter registration came from the UN observer mission directly, and involved well-publicized one-day events (*mega-jornadas*) in each department to

¹⁸⁴ The deadline for distributing carnets had been 90 days prior to the election, and was extended to 60 days in the face of a major backlog (Decreto 755, transitory amendment to Art. 30 of Electoral Code).

register voters. As Montgomery (2000, 149) explains, “ONUSAL officials assumed responsibility for the logistical support for voter registration, including traveling to municipalities in order to find individual birth certificates required for registration, a task originally intended for the TSE and mayoral offices.”

With these efforts, delivery of voter ID cards improved over time (Córdova Macías 1996, 39-40). Yet when the registry closed on January 19, 1994, only 2.17 million of the 2.7 million registered voters had their voter ID cards. Of the remaining registrants, many had approved applications, for which ID cards needed to be produced and distributed. For some 75,000-80,000 citizens, however, the registration application had not been approved due to birth certificates not being on file, leaving them unable to vote. Some 300,000 voter ID cards were not retrieved by election day (IFES 1994b, 13; Lehoucq 1995, 181). Many of these cards may have been duplicates or belonged to people who had left the country since registering,¹⁸⁵ but others would have been unable to vote without their ID card. In total, estimates of voter registration coverage were generally 80-85 percent of eligible voters (Córdova Macías 1996, 40; IFES 1994, 13; Montgomery 1998, 128), but “[a]bsent a centralized register of citizens and with the last census dating to 1974, an unbiased estimate may be impossible” (Baloyra 1998, 22). Of those registered, tens of thousands (and potentially many more) were unable to vote because they did not receive their voter card.¹⁸⁶

¹⁸⁵ The TSE estimated that the effective voter register (excluding deceased, emigrants, and duplicates) was 2.2 million voters, and the UN observer mission estimated that 300,000-400,000 people on the voter register were deceased (IFES 1994b, 13).

¹⁸⁶ The electoral law was revised to allow the distribution of voter ID cards between the first and second rounds of voting for the presidential election, resulting in 10,000 new additions for voters whose birth certificates had been found (IFES 1994b, 3, 13).

Other problems with the voter registry occurred on election day, when many voters arrived at their polling table to find that their names were not on the voters list or the number of their ID card did not match the numbers of their polling table. The UN observer mission estimated 25,000 voters were disenfranchised due to these problems; other estimates were 87,000 voters or more (IFES 1994, 2; Lehoucq 1995, 181; Spence et al. 1997). There were also some cases of voters being unable to vote because someone had already used their name to vote (IFES 1994, 2) – either cases of voter impersonation fraud or sloppy record keeping by poll workers.

Getting to the Ballot Box

In the 1994 elections and afterwards El Salvador continued to employ a system of polling locations and assignment of voters to polling sites that imposed barriers to participation similar to those in Guatemala. Voting centers were concentrated in municipal centers, with about 80 percent of municipalities having only one voting center (Consortio 2000, 74). Voting centers frequently contained dozens or hundreds of individual polling tables, with voters required to find the table to which they were assigned. For instance, in the 1994 elections only 350 voting centers were used in the entire country, containing 6,970 polling tables (IFES 1994, 11).¹⁸⁷ While this increased to 384 voting centers in 1999, the number of voting centers decreased in the next two elections to 376 and 363, respectively, even as the number of voters and polling tables increased (TSE-ES 1999, 11, 17; 2000, 49; 2003, 25). Voters also continued to be assigned to voting centers alphabetically rather than by distance from residence. This meant that many urban voters had to travel across town to vote, and often family

¹⁸⁷ An additional 35 voting centers were added for the second round of presidential voting (IFES 1994b, 3).

members would be assigned to different voting locations (Spence, Lanchin, and Thale 2001, 6; Ulloa et al. 2000, 31).

Polling site location and alphabetical voter assignment presented two obstacles for voters: transportation and overcrowding. The limited number of voting sites necessitated long travel for some voters, which was compounded by the limited public transportation available (IFES 1994, 2; Manca 1997). One consequence of distant voting centers, as in Guatemala, was the use of transportation by political parties to mobilize their supporters, “with an advantage to those who have more resources” (Spence and Vickers 1994, 25). The limited number of voting centers also resulted in overcrowding, particularly in large urban areas, “making it very difficult for citizens to locate (and access) their JRV and names on the electoral registry” (IFES 1994, 2). Overcrowding and the lack of TSE staff to orient voters or signs displaying the voter lists resulted in confusion and long lines at many voting centers in 1994, and as a consequence some voters left without voting (IFES 1994, 20, 22-23; Lehoucq 1995, 181).

Table 7.1 Election Administration Inclusiveness, El Salvador 1994-2000

Dimension	Description	Inclusiveness	Juridical Basis*
Voter Registration			
Extent of state responsibility for registering voters	Voter-initiated, inconsistent state efforts to register citizens	Low	Electoral law / Administrative practice
Difficulty of registration process	Complex process involving multiple trips to centralized offices	Low	Administrative practice
Ease of access to ID documents required for registration	Multiple ID forms or witnesses accepted, but central registry must have birth certificate on file	Medium	Electoral law / Administrative practice
Registration closing date	60-120 days	Medium / Low	Electoral law
Residency requirement	No residency requirement	High	Electoral law
Provisional registration	No provisional registration	Low	Administrative practice

Continued on next page

Table 7.1, continued

Dimension	Description	Inclusiveness	Juridical Basis*
Registry consultation	Voter lists distributed to political parties and posted in public places	High	Electoral law
Purging of voter rolls	Voters not purged from the rolls for failure to vote	High	n/a
Getting to the Ballot Box			
Accessibility of polling places	Polling places centralized in municipal centers; limited public transportation	Low	Administrative practice
Assignment of voters to polling places	Alphabetical (not based on residence)	Low	Administrative practice / Electoral law
Convenience voting measures	Not used	Low	Electoral law
Electoral calendar	Voting held on Sunday	High	Administrative practice
Casting a Ballot			
Voter ID requirement	<i>Carnét</i> required; many registered voters did not receive <i>carnét</i> by election day	Low	Electoral law / Administrative practice
Provisional or tendered ballots	Not used	Low	Administrative practice
Voter Education			
State efforts to inform voters of where and how to register and vote	Modest voter education campaigns, increasing in scope over time	Medium	Administrative practice
Overall Inclusiveness		Low	

* Electoral law refers to those elements based on the electoral law that are not open to modification by the electoral management body. Administrative practice refers to those elements that are not explicitly codified in the electoral law, but are instead matters of bureaucratic performance and administrative discretion.

Explaining the Origins of Restrictive Election Administration Practices

A number of restrictive election administration measures were adopted in the 1980s, including an additional step for voter registration, an early cutoff date for distributing voter cards, and centralized voting centers to which voters were assigned

alphabetically. Many of these measures lasted through the 1990s (see Table 7.1 above).

Why were these measures adopted, and why did they persist through the 1994 elections?

As suggested above, the desire to prevent election fraud was a central motive behind the voter registration rules put in place in the 1980s. The *cédula* and the local civil registries on which it was based were unreliable, and many local registries had been destroyed by guerrillas. The issuance of *cédulas* was also under the authority of mayors, many of whom were from the PCN and ARENA parties; thus the governing Christian Democrats, who had been victims of election fraud in the 1970s, had reason to oppose basing the voter lists on ID cards distributed by their opponents. At the same time, the other parties “feared being victimized by the very tactics that they had masterminded in the past” (Baloyra 1993, 8), and in fact ARENA leaders believed they had been cheated out of victory in the 1984 presidential election (WOLA 1991, 4). Indeed, this period was marked by mutual accusations of fraud,¹⁸⁸ and a proposal in 1984 from ARENA to require only a *cédula* to vote, without any use of voter lists, drew opposition from the Christian Democrats, “alleging that this opened the door to large-scale fraud” (Baloyra 1993, 12).

The requirement for voters to obtain a *carnet* and the cumbersome system of verifying voters’ data were thus intended to ensure greater control over the registry and prevent fraud (Artiga-González 2004, 200-201; Consorcio 2000, 12; WOLA 1991, 7). During this checking process many registration applications were rejected due to minor discrepancies between the name on the application and the name in the municipal records, which apparently was caused in part by a computer program used by the CCE to

¹⁸⁸ For one episode, see Montgomery (1995, 197).

prevent multiple registrations (IHRLG 1989, 62). The early cutoff date for distributing voter cards was also, it appears, an attempt to prevent manipulation of the voter rolls.

If voter registration procedures were aimed at preventing fraud, was the centralization of voting sites also an attempt to prevent misconduct, as in Guatemala? Here the connection between fraud prevention and restrictive administrative practices is less clear. Baloyra (1993, 9) suggests that concentrating polling sites may have been intended to cause long lines for voters and thereby make multiple voting more difficult. He more broadly suggests a link between restrictive practices and the goal of preventing fraud and the intimidation of rural voters:

The electoral system established in El Salvador during the 1980s was designed to avoid fraud, not to maximize popular participation.... Those who had been in the democratic opposition of the late 1960s and the 1970s had bitter recollections of the outcomes of the 1972 and 1977 elections. Those who were willing and able to test the waters again in the early 1980s, specifically the Christian Democratic (PDC) and Democratic Action (AD) parties, worried about *tamaleo* (ballot stuffing) attempts and girded themselves to counteract the onslaught of clientele voting and intimidation by rightist *jefes civiles* and military officers in rural areas (Baloyra 1993, 8).¹⁸⁹

A later election observer report noted that centralization was in part meant to ensure the secrecy of the vote (EUEOM 2009a). Others suggest a different motive for the centralization of polling sites: the desire to generate large crowds of voters that would give the appearance of massive participation, thus legitimizing the elections in the media (Consortio 2000, 73; ISD 2009; 2011a, 2).

¹⁸⁹ Baloyra (1993) also argues that “[t]he only way in which these very intense and distrustful adversaries would accept the outcome of elections as binding was if the elections could be considered relatively foolproof” (8) and that “the determined official effort to prevent electoral fraud resulted in ‘a very complicated system which in the final instance (made) it very difficult for the electorate to actually vote’” (12). He does not always connect this preoccupation with preventing fraud with specific administrative measures, however.

An explanation that enjoys more support, however, is that the centralization of voting sites was intended to ensure security in the context of guerrilla insurgency. Baloyra (1993, 9) notes that the measure was “[s]upposedly to facilitate protection by the Armed Force,” and other sources cite security reasons as well (EUEOM 2009a; UN 2009, 4). That centralization was due to security concerns was the only explanation offered by interview respondents, including those of different political persuasions (Interviews 51, 54, 63). Security concerns also played a role in Guatemala and Nicaragua, where free elections preceded the termination of civil conflict. But security could be expected to play a larger role in El Salvador, given the fact that the FMLN guerrillas were a more formidable military force capable of holding significant territory than were the URNG guerrillas in Guatemala or the Contra forces in Nicaragua.

In fact, the FMLN was able to prevent voting in many parts of the country in the early 1980s: in 1984, voting was not held in 58 municipalities where the FMLN presence was strongest, including two in which guerrillas destroyed the ballot boxes (CIDAI 1984, 212-213; see also Ratliff and Perry 1984, 12-13). More generally, the state was unable to ensure security in many areas, as the FMLN executed a number of local officials and issued death threats to many others that were elected in areas they controlled, causing at least 50 mayors to resign in the late 1980s (IHRLG 1989, 112). Recognizing the problem, the electoral code allowed the CCE to not install voting sites in some municipalities, instead locating polling stations for citizens in those areas in nearby municipalities (Electoral Code 1988, Art. 278; IHRLG 1989, 49).

In such a context, it almost certainly would have been impossible to guarantee the government’s control over polling in all corners of the country, making it necessary to

concentrate voting in more easily secured areas. While it is difficult to know the exact mix of motivations, since the centralization of voting sites was not specified in the electoral code but rather a decision of the CCE and later the TSE (thus leaving no legislative record), it appears that security was the primary reason for centralizing voting centers, with the goal of preventing various types of manipulation (ballot stuffing, coercion of rural voters) perhaps a secondary motive.

Aside from polling centralization was the alphabetical assignment of voters to voting centers in the larger municipalities. As in Guatemala, there appears to have been no substantive reason for adopting this method in El Salvador. As the current president of the TSE explained, this method was administratively simpler for those conducting the elections (Interview 55), and was apparently adopted for this reason. In a context of less-than-free elections held during civil conflict and administered by an election council with low technical capacity, and where the method of assigning voters to polling sites was only relevant in the few municipalities with more than one voting center, the CCE opted to shift the burden onto urban voters to reach their polling site rather than undertake the work necessary to assign voters geographically.

For the 1994 elections, the immense obstacles to participation presented by the voter registration system resulted from several factors, although it is difficult to assign relative weight to each. First was simple inertia, as the complicated registration process was largely a holdover from previous elections, which in turn were driven by a desire to prevent fraud. The complicated system of verifying each application against birth certificate archives as well as an early closing date to allow time for parties to review the rolls – the peace accords called for the rolls to be published at least 20 days in advance of

the election – reflected the continuing distrust between the parties and concerns about election rigging. New registration procedures were considered at the time, as a 1992 UN mission “presented recommendations on the feasibility of introducing a personal identity document which would also be valid for the 1994 elections” (UN 1992, 16), and a non-governmental group presented a proposal to conduct an ad-hoc registration (Martel 2010, 16-17). Ultimately it was decided that there was not enough time or money to introduce a new ID card by 1994, a decision some attribute to the partisan calculation of existing parties whose supporters were already registered (Interview 63). At the same time, a recommendation from the UN electoral mission also encouraged maintaining the existing registry, as Montgomery (2000, 144) reports: “The idea of developing a new voter-registration list, as suggested by the August 1992 [UN] mission and as had been done with great success in Nicaragua in 1990, vanished. Horacio Boneo, the head of the UN Electoral Division office in New York, decided to recommend cleansing and adding to the existing roll. This decision would haunt ONUSAL and the entire electoral process.”

Secondly, partisanship affected how voter registration procedures were carried out. Because of the decentralization of civil registries in local government offices, mayors could obstruct voter registration in attempts to exclude opposition supporters from the electorate, even if not directed to do so by their political party. Mayors of the governing ARENA party in particular were accused of obstructing citizen efforts to obtain birth certificates and voting cards, and this may have cost the FMLN several tightly contested local races (Lehoucq 1995, 181; Montgomery 1995, 265; 2000, 149-150). Stahler-Sholk (1994, 29) argues that the more burdensome postwar registration requirements in El Salvador compared to Nicaragua reflect the fact that “registration took place in a context

where those voters who were already registered were unrepresentative of the population as a whole, in the sense that they had participated in elections of the past that had excluded the FMLN. Obstructing registration was a way of keeping the pool of voters similar to those who had returned ARENA majorities in the last two elections.” This sentiment was widespread on the left, while ARENA’s presidential candidate denied it (Montgomery 1995, 250). The UN observer mission, in contrast, concluded that “the failure to register would appear to be due more to lethargy on the part of the citizens and technical inefficiency on the part of the Supreme Electoral Tribunal than to a deliberate effort to exclude certain sectors of the population for political reasons” (UN 1993, 3). A UNDP survey on voter registration also “found that the large majority of those affected by the deficiency of the system...could not be identified as members of any party” (Manca 1997). While the evidence regarding partisan manipulation is unclear, at the very least some of the bottlenecks in the processing of voter registration applications appeared to result from some mayors failing to send applicants’ birth certificates to the TSE so that their registration could be processed.

Finally, some of the registration obstacles resulted from TSE incompetence and logistical difficulties, as the UN concluded. The TSE had been created only two years prior to the elections, and was administering a general election in difficult post-war circumstances in which civil registries had been destroyed and over one-fourth of the population had been displaced (Spence, Lanchin, and Thale 2001, 2). The TSE’s partisan, rather than technocratic, staffing likely didn’t help in this regard.

Like the voter registration system, the system of location polling places used in 1994 was a holdover from previous elections. Despite the fact that security concerns had

disappeared with the end of the war, the decentralization of polling locations seems not to have been considered for the 1994 elections, although as election day approached the necessity for such a reform was recognized. Short on time and resources, and with its hands full with voter registration, the TSE stuck with the established method of concentrating polling sites and assigning voters alphabetically.

Election Administration after 1994: Halting Steps toward Greater Access

Many of the procedural hurdles facing voters in 1994 persisted in subsequent elections. But some administrative measures undertaken by the TSE after 1994 sought to improve voter access, while major legal reforms would come after 2000.

Administrative Measures to Increase Voter Access

Voter registration requirements were largely unchanged until 2003, and again in the 1997 elections the number of voter cards retrieved by voters fell well short of the number of new registration applications (TSE-ES 1997, 11-12).¹⁹⁰ However, with the support of the international community (UN 1997, 2), the TSE made extra effort to register voters and deliver voter cards for the 1997 elections, carrying out “megajornadas” on the weekends to promote registration, conducting house to house visits, sending telegrams to voters, and extending registration office hours (TSE-ES 1997, 11-12). However, these efforts seemed to have declined in the three subsequent elections, as TSE post-election reports of those elections make no mention of such registration activities. Another restrictive aspect of voter registration was the early closing date, with new applications ending 120 days before election day (Electoral Code, Art. 31). This

¹⁹⁰ The TSE reports that 325,119 registrants had not been delivered their voter card, but the number of these that had emigrated or were deceased is unknown (TSE-ES 1997, 12). By the 2000 elections, the number dropped to 234,003 (Consortio 2000, 14, note 4), and by 2003 to 50,000 (CIS 2003).

meant that voter registration closed two to three months before the legal start of the campaign season. Also, following the March 1997 elections, voter registration services did not resume until the beginning of 1998 (TSE-ES 1999, 18). Thus the TSE had taken steps in 1997 to facilitate voter registration, but significant barriers to registration remained.

Greater efforts were also made to ensure the availability of public transportation on election day. While the electoral code (Art. 347) required that the government ensure the functioning of public transportation on election day, the TSE began to contract buses to provide free transportation for voters by 1999 (TSE-ES 1999, 29). This was limited to major urban areas, but covered areas accounting for just over half of voters by 2003 (TSE-ES 2003, 32) and had expanded further by 2004 (TSE-ES 2004, 63-65).¹⁹¹ In December 2003 an amendment to the electoral code required the TSE to contract free public transportation “to the extent of its economic possibilities” and “with the objective of facilitating citizen participation in the respective electoral event” (Art. 347, amended by Decreto 228). Nevertheless, many voters continued to depend on political parties for transportation to distant voting centers, with the attendant concerns about pressure placed on voters to vote for the party providing the ride (CIS 2003, 2004; OAS 2009b, 30).¹⁹²

The scope of the TSE’s voter information campaigns gradually expanded after 1994. In that year, the TSE had carried out a campaign to inform voters about registration requirements and the voting process, which was complemented by a more extensive campaign by civic groups with USAID funding (IFES 1994, 17). However, observers

¹⁹¹ The number of bus routes used increased from 40 in 2003 to 65 in 2004 and 76 in 2006 (TSE-ES 2003, 33-34; 2004, 63-65; 2006, 81-85).

¹⁹² The TSE has actually subsidized party transport of voters in rural areas, with little oversight of how the funds are used (EUEOM 2009a, note 25).

evaluated the voter education efforts to be inadequate (IFES 1994, 28-29), and on election day, observers noted that many less educated voters did not understand the registry process and had difficulty finding their names on the voter lists (IFES 1994, 2, 23).¹⁹³ Many domestic political actors recognized improvements in voter education for the 1997 elections (IFES 1997, 20-21, 25, 50), when the TSE had employed cultural activities that “sought to motivate voter registration and documentation through distinct demonstrations of art such as music [and] theater” (TSE-ES 1997, 34). But the reach of such activities was limited to 12 sites, four of them in San Salvador (TSE-ES 1997, 34).

By 2000, voter information efforts came to include new methods for voters to check their registration status and voting location, such as information kiosks installed in commercial centers and parks, a telephone hotline, and website (TSE-ES 2000, 38). In 2003 mobile kiosk units were added to the repertoire, and the number of voters consulting information kiosks more than doubled (TSE-ES 2003, 56-57). Efforts intensified in 2004 with the first use of a new voter ID document and registry system (see below), with 1.5 million telegrams containing voter registration information sent to residents in urban areas, television and radio ads, billboards, and for the first time, inclusion of sign language in all TSE television spots (TSE-ES 2004, 43, 74). The number of voters taking advantage of registration verification methods continued to increase (TSE-ES 2004, 53). The TSE continued to use these different tools in its extensive information campaigns in subsequent elections (TSE-ES 2006, 40, 85; 2009, 40), allowing voters a number of ways to check their registration status before the closing of the electoral register, confirm their voting location, and find out about public

¹⁹³ Many voters also marked ballots incorrectly by marking each party running in a coalition, thus nullifying their vote (Montgomery 1995, 266). This may be a reflection of the inadequacy of voter information campaigns prior to election day.

transportation routes on election day.¹⁹⁴ The 2009 observer mission from the European Union, one of the most critical election observer organizations, called the TSE's voter education campaign "massive and well designed" (EUEOM 2009b, 6). Voter information efforts in 2012 were also evaluated positively, and involved house-to-house visits in many urban areas to inform voters where they were assigned to vote (ISD 2011a, 13 note 18; Interviews 51, 58).¹⁹⁵

These efforts have not always been without problems, however, including telegrams not received in time, a slow website to check voter information, and mobile units visiting outlying areas during inconvenient hours (CIS 2004). On election day 2003, for instance, some observers noted that TSE information centers were run by partisans of ARENA and the FMLN with no oversight, and voters were sometimes given the wrong information about where to vote (CIS 2003). Currently, one shortcoming is that it is only possible to check one's voter registration status during electoral periods; even the website used to consult one's registry information is not available between elections (Interviews 55, 58). On the whole, however, voter education campaigns have over time become more extensive and have used a wide variety of media to inform voters.

Finally, the act of casting a ballot has become more accessible for some voters, although improvements in election day procedures have been halting. After 1994, many voters continued to find upon arriving at their polling station that their name was not on the local voter roll or that there were inconsistencies between the data on the voter roll and on their ID card (CIS 2000; 2003; Ramos 1997). There have been cases of such

¹⁹⁴ Prior to the 2006 elections, the TSE received over one million citizen consultations (TSE-ES 2006, 65, 86); prior to the 2009 elections, this increased to over 1.4 million (TSE-ES 2009, 40).

¹⁹⁵ Informing voters of where they were assigned to vote was critical in 2012, as residential voting was expanded and many people would be voting at new locations (see below).

problems even after the creation of a new electoral registry and identity card (Martel 2010, 31-32; NDI 2009, 3; OAS 2009b, 16), although this problem has diminished considerably in recent elections, and today cases of registered voters not appearing on the voter list are isolated (Interviews 53, 54, 55, 59).

The TSE has also taken greater steps to orient voters in crowded voting centers.¹⁹⁶ These efforts have been of limited reach, however, and observers have noted the insufficient presence of staff to direct voters at overcrowded voting centers (CIS 2000; 2003; 2004; OAS 2009c, 21, 23; 2008c, 10).¹⁹⁷ Other election day obstacles to participation have been posed by the widespread late opening of polling stations (CIS 2003; 2006, 26; 2009, 30; EUEOM 2009b, 11; OAS 2008c, 6; 2009c, 21) and some cases of people finding that someone had already voted in their place (CIS 2004).¹⁹⁸ Finally, a noteworthy advance undertaken by the TSE has been the introduction of Braille ballots for blind voters, used since 2000 (TSE-ES 2000, 31; 2003, 60; 2006, 80).

Legal Reforms

While the administrative measures taken by the TSE after the 1994 elections tended towards more inclusiveness, the most important changes to El Salvador's election administration have come from a series of legal reforms. The need for electoral reform

¹⁹⁶ These efforts have included posting more signs in voting centers to direct voters (TSE-ES 1997, 24, 29; 2000, 47) and agreements with the Scouts Association to provide youth volunteers to work as election day orienters (TSE-ES 2004, 45-51; 2006, 80).

¹⁹⁷ One observer group describes this challenge that voters face: "Observers noted voters going from table to table asking where to vote, and being sent around in circles. After an extensive search for their names on the voting registries of several tables, many frustrated voters gave up and left the voting centers without voting" (CIS 2003). Likewise the following year: "In three municipalities, voters were observed leaving the voting center without voting, reportedly due to their inability to locate their JRV. This frustration and confusion felt by many voters on the day of the elections is amplified for individuals who are unable to read" (CIS 2004).

¹⁹⁸ In some cases, observers noted that pollworkers allowed such voters to cast their ballots, in violation of the electoral code (CIS 2004).

was already evident in 1994, when the top two presidential contenders agreed to pursue reform after the elections – including the introduction of a new identity and voting document, a more professional TSE, and residential voting. The major political parties publicly supported these reforms (Baloyra 1998, 33; IFES 1994, 4, 26), and the need for a new registry system and accessible polling locations were widely recognized by all political actors and civil society groups (IFES 1997). In 1995, a presidential commission with representation of the political parties was formed to study and make recommendations on electoral reforms. But despite regular amendments to the electoral code prior to electoral processes,¹⁹⁹ the key reforms were slow in coming. This section takes a closer look at the processes behind the two biggest election administration reforms: voter registration and identification, and residential voting.

The New Civil Registry and Unique Identity Document

One of the most important electoral reforms has been the introduction of a new voter identity document and associated creation of a new civil and electoral registry. The reform replaced the voter ID card (*carnet*) and personal ID card (*cédula*) with a single identity card. As the partisan TSE had shown leading up to the 1994 elections that it lacked the capacity to adequately document citizens, the legislature opted to create a new agency, the National Registry of Natural Persons (RNPN), to manage the national civil registry and distribute ID cards (Mena and Rodríguez 2005, 68).²⁰⁰

¹⁹⁹ The Electoral Code has seen some 200 amendments since 1994, most of which have been minor changes made in pre-election periods. For analysis of the reforms until 2007, see Artiga-González 2008b.

²⁰⁰ Despite being an independent agency, the RNPN's executive staff is named by the president, political parties, the TSE, and other government bodies (Decreto 552, Art. 5). Its director has traditionally been from the ARENA party (CIS 2006, 9, 22).

Legally established in 1995, the RNPN was slow to begin operations; but the distribution of the new Unique Identity Document (*Documento Único de Identidad*, or DUI) began in late 2001, and was first used as voter ID in 2004 (Artiga-González 2008, 19). The significance of the DUI for inclusiveness is that voter registration became automatic: when a citizen applies for an ID card – which is needed for a wide range of daily transactions – his or her information is automatically sent to the TSE to be added to the electoral registry.²⁰¹

The process of obtaining a DUI consists of a visit to a registry office, most of which are located in departmental capitals, with a recently-issued birth certificate from the municipal office where one was born;²⁰² the ID card is given to the voter that day, eliminating the waiting period involved with the *carnet*. First time registrations are free, but renewals, replacements, and modifications cost \$10.31 (EUEOM 2009a; Mena and Rodríguez 2005, 73; RNPN 2011). When a person moves to a new residence, they are supposed to obtain a new DUI with their updated address; since this implies paying the modification fee, many people choose not to do so (Interviews 51, 54, 55). As there is no way to update one's residence for voting purposes apart from modifying one's DUI, this presents a challenge in assigning voters to polling stations, and also means some voters travel to a municipality where they no longer reside to vote.

²⁰¹ Among the responsibilities of the RNPN listed in its organic law are “to proportion to the Supreme Electoral Tribunal all the information necessary for the inscription of persons in the electoral registry” (Decreto 552, Art. 2).

²⁰² Amendments to the law regulating DUIs in 2010 removed the requirement to present a birth certificate for DUI renewals if the certificate is already in the RNPN's database (Decreto 314, amending Decreto 581). However, as of July 2012 the RNPN's website still listed the birth certificate as a requisite for applying for DUI renewals, and an interview respondent suggested it is still required (Interview 58).

Thus the process of acquiring a DUI can present some obstacles, given the travel and potential costs involved.²⁰³ According to one observer mission, political parties sometimes “provide individuals with both transport and the required fee” (EUEOM 2009c, 8). But more official steps have been taken to ensure inclusiveness as well. While most DUIs were set to expire before the 2009 general election,²⁰⁴ the legislative assembly extended their validity through 2009 so that citizens would not be faced with the costs of renewal in order to vote (EUEOM 2009a). When most of the country’s DUIs expired in 2010, the state issued free renewals in the country’s 32 poorest municipalities. The assembly also approved free renewals in December 2011 and January 2012 with the March 2012 elections on the horizon (FUSADES 2011, 13). Other measures have been taken to facilitate first time registrations of young people.²⁰⁵

The result has been an inclusive voter registry, with an estimated 95 percent of eligible Salvadorans having a DUI and thus being registered to vote (UN 2009, 7).²⁰⁶ At the same time, the DUI includes better safeguards than did the *carnet* and *cédula*, making it more difficult to forge (CIS 2004; EUEOM 2009a; 2009c, 7-8), although many concerns remain over the lack of control at the municipal level over the issuing of birth certificates, which can result in falsely obtained DUIs (EUEOM 2009b, 6; Interview 53). The construction of a new electoral registry based on the DUI also allowed the deceased

²⁰³ Young people in particular are less likely to have a DUI than older Salvadorans and are more likely to give lack of identification as a reason for not voting. In focus groups, young people have reported some of the logistical difficulties of obtaining a DUI, such as traveling to one’s departmental capital and the cost of replacements when one’s DUI is stolen (Nevitte 2009, 110, 113-114).

²⁰⁴ DUIs were valid for five years, and are now valid for eight.

²⁰⁵ Recognizing that many young Salvadorans turning 18 by election day had not applied for their DUI in part due to lack of a birth certificate, the Legislative Assembly in 2011 passed a temporary measure waiving the requirement for a birth certificate for first time registrations if a record of the birth certificate was on file with the RNP. It also provided an extra week before the closing of new registrations, changing the closing date to 173 days before election day (Decreto 826).

²⁰⁶ This compares to a high estimate of voter registration coverage of 78.6% in 1990 (UN 2009, 7).

and emigrated on the old registry to be purged – although the registry quickly became bloated again due to the emigration of registered voters and a lack of standardization in municipal reporting of deaths to the central registry.²⁰⁷ Finally, the DUI also made possible the use of photographic voter lists on election day, which not only helps prevent voter impersonation but can also help prevent illiterate voters from being told (falsely) by unscrupulous poll workers or party poll watchers that they are not on the voter list (Mena and Rodríguez 2005, 69; see also Peña 2003, 8).

Closing Date: The Low Profile Reform

While the introduction of the new identity card and electoral register was a highly visible reform, a registration-related reform to the electoral code in 2007 went almost unnoticed by the media. The closing date for new inscriptions in the electoral registry was extended from 100 days to 180 days before the election.²⁰⁸ On top of that, a stringent residency requirement was added, prohibiting changes of municipal residence on the voter registry in the year prior to election day.²⁰⁹ This reform was introduced by the ARENA party, with the stated purpose of preventing pre-electoral registration fraud (the illegal movement of voters across jurisdictions, or *traslados*); as an ARENA official put it, “We are looking to have clean and transparent elections” (EDH 2007m). A non-

²⁰⁷ The electoral registry for the 2004 elections included 3.31 million people, down from 3.53 million previously (Artiga-González 2008, 21, note 16), reflecting not a less inclusive registry but a less bloated one. But by 2009, it was estimated that the electoral registry of 4.2 million exceeded the number of voting age Salvadorans residing in the country by 500,000-750,000 (EUEOM 2009b, 6; OAS 2009b, 7, 31).

²⁰⁸ The closing date had been 120 days, and was reduced to 90 days with the introduction of the DUI and new electoral registry. In 2005 the closing date was increased to 100 days at the prompting of the TSE, for the purpose of allowing more time for voters to consult the provisional voter rolls and correct any errors (El Diario de Hoy 2005 [hereafter EDH]; TSE-ES 2006, 16).

²⁰⁹ Decreto 502 (Dec. 6, 2007), amending Article 30 of the Electoral Code. After the end of new inscriptions, obvious errors in the registry can be corrected up until 120 days before the election. Prior to this reform, the electoral code made no distinction between the cutoff date for changes of residence and the cutoff for new voter registration applications.

partisan advisor to the legislative committee on electoral reforms also indicated the reform was aimed at eliminating this type of fraud (Interview 57), and it was accompanied by stiff penalties for registration fraud added to the penal code.²¹⁰ At least initially, an FMLN official expressed opposition, saying that it would deny the right to vote (EDH 2007m).²¹¹ At the same time, the FMLN has accused ARENA of orchestrating the movements of voters across municipal lines that the measure sought to prevent (EDH 2008a).

Ultimately the reform passed, with the FMLN voting against the bill.²¹² However, the bill also contained a number of other reforms to the electoral code, and according to several people involved, there was consensus across parties on the earlier registration closing dates (Interviews 55, 57, 61). As the FMLN's head of electoral issues indicated, the party was in agreement with the earlier closing date but wanted to see enforcement of penalties for falsifying residence for electoral purposes, as well as mechanisms for allowing voters to change their voting residence with the TSE without needing to obtain a new DUI (Interview 61).

The FMLN's magistrate on the TSE characterized the earlier cutoff for residency changes as useful and indicated that it diminishes the *traslado* problem. Interestingly, this is not because it allows more time for election officials to verify voters' residences to detect illegal registrations – the TSE in fact has no mechanism for verifying the veracity of voters' residency (Interview 55; UN 2009, 22). Rather, according to the magistrate, the

²¹⁰ A 4-6 year prison term was specified for those who falsely change their residence on their registration, and 7-10 years for public officials involved in the practice (TSE-ES 2009, 11).

²¹¹ The motivations for the reform expressed in the bill itself included “eliminate any legal loophole that results in improper practices such as the transfer of voters...” (Decreto 502).

²¹² A report on the bill's vote indicates that the parties on the right voted in favor, while parties on the left (presumably the FMLN and CD) voted against (Observatorio Legislativo de FUSADES 2007, 9-10).

early cutoff for residency changes occurs before political parties select their mayoral candidates, and it is these candidates that sometimes organize and pay for the illegal shifting of voters across jurisdictions (Interview 55).

The 180 day closing date for new registrations most affects young people who are not yet registered. While those people who will turn 18 years old by election day can pre-register before the closing date – a measure that apparently originated with the president of the RNPN (EDH 2003e),²¹³ and has been supported by all political parties (Interview 57) – few do so. For example, of 58,000 Salvadorans coming of age in the six months prior to the 2012 elections, only 14,000 had applied for their DUI (and thus for voter registration) before the closing date (FUSADES 2011, 13, note 21).²¹⁴ A UN report noted the obstacle posed by the early closing date: “To motivate a citizen to appear before state agencies months before an election, to carry out a transaction whose necessity they don’t understand, when the electoral campaign hasn’t even begun, is not an easy task, in El Salvador or in any part of the world (UN 2009, 10; see also Martel 2010, 19). The early cutoff for residency changes can result in another problem: those who change their residence from one municipality to another on their DUI during the year between the residency cutoff date and election day may encounter problems trying to vote, when the municipality on their ID card doesn’t match the municipality where they are registered to vote. There have been isolated cases of people being denied the vote because of this (JVE 2009, 40).

²¹³ Such pre-registration had also been permitted before the introduction of the DUI, however (Decreto 853, Oct. 17, 1996, modifying Article 31 of the Electoral Code).

²¹⁴ This was despite a TSE publicity campaign promoting registration aimed at this youth population (see El Diario de Hoy 2011a).

Residential Voting

The other major election administration reform in El Salvador has been the gradual implementation of residential voting. The term residential voting as used in El Salvador refers to both decentralizing polling sites and assigning voters to the voting center nearest their residence (or another center in the same municipality that the voter chooses). Whereas in Guatemala the assignment of voters to voting centers was reformed prior to the decentralization of voting sites outside of municipal capitals, in El Salvador the two have always been considered as one issue.²¹⁵

The desirability of residential voting has been recognized by major political actors and international observers since the 1994 elections. It was one of the priorities agreed to by the top two presidential candidates in that year's election, while four UN missions to study electoral reforms in the 1990s proposed a variety of ways of implementing it. Plans for residential voting in the mid-1990s included a proposal sent to the Legislative Assembly in September 1995 from a special presidential commission, which was revised by the Assembly's electoral committee by August 1996 but not passed as the upcoming 1997 elections made major electoral reforms impossible (CIS 2009, 32; ISD 2009). Several studies were also conducted by the TSE, including a plan for an electoral census that would have re-registered all voters and served to collect cartographic information for residential voting. However, this plan and others didn't get off the ground (ISD 2009; UN 1997, 14-17).

²¹⁵ The terminology used in each country can cause confusion, as in El Salvador the centralization of, and alphabetical assignment of voters to, voting centers is referred to as *voto domiciliario* (domicile voting), in the sense that "domicile" signifies one's municipality and not one's specific address (see UN 2009, 12). The same term in Guatemala generally signifies the assignment of voters to the nearest voting center, and in Nicaragua it signifies both decentralization and voter assignment based on residence. The often inconsistent usage of the terms within each country adds to the confusion.

El Salvador came closer to realizing residential voting with a plan developed by the TSE in 1998-1999 to begin residential voting in 120 municipalities for the 2000 elections, based on recommendations from the last UN electoral mission. The plan involved an enlistment of voters over a three week period at 730 locations which would later serve as voting centers. Some 341,000 voters were enlisted to participate at a cost of over \$2 million. But this plan was scrapped by the TSE magistrates that took office in August 1999, with little explanation (Consortio 2000, 77; Cuéllar 2009, 975; ISD 2009; UN 2009, 9). The TSE magistrates from the conservative parties were in favor of rejecting the plan altogether, while the FMLN magistrate in the TSE wanted to press ahead (Consortio 2000, 77-78; Martel 2010, 26); ultimately the opposition of the two conservative magistrates was sufficient to block implementation (UN 2009, 9, note 15).²¹⁶

In 2001 the Legislative Assembly approved, with the support of all parties, a law mandating the implementation of residential voting beginning in 2003 (Decreto 293). The following year, however, the assembly postponed implementation until 2004 (Decreto 834), and then in 2003 postponed it once again until 2006 (Decreto 133). Finally, the assembly determined in 2005 that residential voting would only be carried out through a small pilot program in 2006, and gradually expanded thereafter at the discretion of the TSE (Decreto 842).

The 2002 bill postponing residential voting until 2004 was sponsored by 3 ARENA and 3 FMLN deputies,²¹⁷ and passed with a large majority of 73 votes (of 84

²¹⁶ One consequence of this decision was that many voters who changed their residence during the enlistment found on election day that they did not appear on the voters list (Consortio 2000, 78).

²¹⁷ Schafik Handal, Walter Durán, and Irma Segunda Amaya Echeverría from the FMLN; Hermes Alcides Flores Molina, Gerardo Antonio Suvillaga García, and Mariella Peña Pinto from ARENA.

deputies).²¹⁸ The 2003 decision to postpone residential voting came from the conservative ARENA and PCN parties, and was more contentious. The conservative magistrates on the TSE argued that the tribunal was unprepared technically to carry out residential voting; the other magistrates disagreed. ARENA deputies on the Legislative Assembly's electoral commission pointed to the lack of unanimity among the TSE magistrates as the reason to delay implementation, while the FMLN opposed the postponement and accused ARENA and PCN of basing their positions on political calculations (EDH 2003a; 2003b; 2003c; 2003d). The measure passed with a bare majority of 43 votes.

After these delays, a very small residential voting pilot plan was carried out in 2006 that covered approximately 40,000 voters in 7 low population municipalities, involving 24 voting centers – up from 7 voting centers previously used in these municipalities (OAS 2008c, 3; TSE-ES n.d.[a], 1; 2009, 69). The plan involved subdividing each municipality into voting sectors, each corresponding to one voting center. Unlike in Guatemala, there was no attempt by the Assembly to mandate a polling place in each population center of a given size; rather, the TSE was free to choose appropriate locations (UN 2009, 15). The program appeared to boost turnout: average turnout in the seven municipalities was some 13 percentage points higher than the national average (CIS 2006, 23), and increased significantly in each municipality (between 7.5 and 18.8 points) compared to the previous legislative and municipal elections in 2003 (TSE-ES 2006, 76).

The following year, an interparty commission was formed to discuss a range of electoral reforms, with residential voting being one of the most prominent. The key

²¹⁸ Data on Assembly votes prior to 2007 come from a public information request with the Legislative Assembly. Only the number of votes in favor of bills is available; the number of votes against or abstentions is not available, nor are the names or party affiliations of those voting in favor.

debate centered on how far to extend residential voting for the 2009 elections. Most parties wanted it extended to most or all of the country, while ARENA advocated a more gradual approach. The ARENA magistrate on the TSE took the position that technical obstacles and financial limitations could not be overcome to extend it nationally; the FMLN magistrate disagreed on both counts (EDH 2007c). The FMLN hoped to push through a bill to require the TSE to extend residential voting nationally, but this prospect faded when the PCN and PDC parties withdrew their support from this position (EDH 200d; 2007e; 2007j).

The interparty subcommission working on the issue ultimately proposed residential voting be extended to half of the country's 262 municipalities, with ARENA being the only one of the six parties that opposed this position, citing technical considerations (EDH 2007k; 2007l). President Saca of the ARENA party noted that his party had always supported residential voting, "but in order," and even suggested that ARENA would win more local elections in greater San Salvador with residential voting (EDH 2007h; 2008b). The interparty commission's recommendation came to naught, however, and the TSE was left to determine the extent to which residential voting would be used in 2009.

Thus in 2009, residential voting was expanded to a total of only 23 municipalities, involving 73 voting centers and covering 4.65 percent of the country's voters. In the department of Cuscatlán where residential voting was implemented, the number of voting centers increased fourfold. Turnout in the affected areas again surpassed national average turnout levels significantly (EUEOM 2009; ISD 2009; TSE-ES n.d.[a], 2).

Debate then resumed over how far to extend residential voting for the 2012 elections. This debate centered on the TSE's capacity to implement it nationwide. After the 2009 elections, the EU observer mission reported that the TSE had the technical capacity to do so (EUEOM 2009c, 6). A UN mission also analyzed the prospects for extending residential voting to the entire country, and the TSE adopted its recommendations, which involved creating a catalogue of voting centers from which citizens would choose their voting center (within their municipality) when renewing their DUI – most of which were set to expire in 2010 (UN 2009, 18-24). The plan would have covered the entire country and had a low cost by exploiting the renewal process for ID cards (UN 2009, 22), and the UN also offered technical and financial support to implement the program (La Prensa Gráfica 2009c; hereafter LPG). When the TSE failed to get the catalogue of voting centers prepared in time, it sought ways to systematize voters' addresses for the purpose of assigning voting centers (EDH 2009d; 2009e).

At this point costs became a decisive factor. The TSE's new plan to extend residential voting to the entire country would cost \$12-14 million, but president Funes of the FMLN indicated that he had other priorities for his budget and would not fully fund the TSE plan. Funes and the president of the TSE, also from the FMLN, briefly clashed over the issue (EDH 2009c; 2010; LPG 2009d). After the conflict over funding, and with the TSE's technical preparations proceeding slowly, a more limited (though still extensive) expansion was planned for 2012. Residential voting was extended to 185 municipalities covering 47.3 percent of registered voters (TSE-ES n.d.[b], 2-3). Whereas the country had 399 voting centers in 2006 (TSE-ES 2006, 42) and 460 in 2009 (TSE-ES 2009, 51), the number jumped to 1,148 in 2012 (EDH 2012).

Table 7.2 Election Administration Inclusiveness, El Salvador 2004-2012

Dimension	Description	Inclusiveness	Juridical Basis*
Voter Registration			
Extent of state responsibility for registering voters	Automatic registration upon obtaining ID card	High	Electoral law
Difficulty of registration process	One trip to centralized office; free first-time ID, \$10.31 for renewals	Medium	Administrative practice / Registry law
Ease of access to ID documents required for registration	Birth certificate required, which some people lack	Medium	Registry law
Registration closing date	90-180 days	Low	Electoral law
Residency requirement	1 year (since 2007); voter must obtain new ID card listing new address	Low	Electoral law
Provisional registration	No provisional registration (though those turning 18 between close of registration and election day may register)	Low	Administrative practice
Registry consultation	Voter lists distributed to political parties and posted in public places; website limited to electoral periods	High	Electoral law / Administrative practice
Purging of voter rolls	Voters not purged from the rolls for failure to vote	High	n/a
Getting to the Ballot Box			
Accessibility of polling places	Largely decentralized by 2012; moderately accessible public transportation	Low / Medium	Electoral law / administrative practice
Assignment of voters to polling places	Mostly residential by 2012	Low / Medium	Electoral law / Administrative practice
Convenience voting measures	Not used		Electoral law
Electoral calendar	Voting held on Sunday	High	Administrative practice
Casting a Ballot			
Voter ID requirement	DUI required (no additional burden beyond registration)	High	Electoral law
Provisional or tendered ballots	Not used	Low	Electoral law

Continued on next page

Table 7.2, continued

Dimension	Description	Inclusiveness	Juridical Basis*
Voter Education			
State efforts to inform voters of where and how to register and vote	Extensive information campaigns through diverse media	High	Administrative practice
Overall Inclusiveness		Medium	

* Electoral law refers to those elements based on the electoral law that are not open to modification by the electoral management body. Registry law refers to the laws regulating the National Registry of Natural Persons (RNPN) and the issuance of identity cards (DUIs). Administrative practice refers to those elements that are not explicitly codified in the electoral law, but are instead matters of bureaucratic performance and administrative discretion.

Explaining El Salvador’s Election Administration Reforms

El Salvador undertook major election administration reforms from the mid-1990s onward that increased inclusiveness, particularly the streamlining of voter registration and the gradual implementation of a more accessible system of polling locations. These measures are summarized in Table 7.2 above. This section discusses the factors that contributed to the substance and timing of these reforms.

Explaining Voter Registration Reform

That voter registration reform preceded the decentralization of voting sites in El Salvador is understandable in the light of the extreme lack of confidence in the electoral registry in the 1980s and 1990s. A UN electoral mission to the country in the 1990s noted that the lack of confidence in the registry was “a constant theme in Salvadoran political-electoral debate and the motivation of the better part of the [electoral reform] projects under discussion,” and reported that the main interest of instituting a new identity card was not its all-purpose usefulness but the opportunity it offered to purge the voter rolls;

making polling sites more accessible was considered an objective secondary to purging the electoral registry (UN 1997, 9).

Voter registration problems had been so severe that they threatened the legitimacy of election outcomes. And while some thought that the left was disadvantaged the most by registration obstacles, there was general concern among all political actors of registration fraud and the unreliability of the voter rolls (see, e.g., UN 1997, 11). Thus the previous system was neither accessible to citizens nor particularly secure against manipulation, and it was a highly politicized issue given priority over other electoral matters. Thus the process of registration reform began the year after the 1994 elections (although years would pass before changes were implemented), and addressed both accessibility and security. The reforms enjoyed widespread support: when the DUI was introduced to replace the *carnet* as voter identification, all parties supported the measure (EDH 2003c). And according to numerous respondents, there was consensus among political parties to make voter registration automatic (Interviews 51, 54, 55, 57). It appears that no political parties felt threatened by these reforms, and the UN electoral mission at the time suggested that the new civil registry and ID card would not benefit some parties over others (UN 1997, 31).

Despite agreement on the major changes, there were partisan differences over whether to subsidize ID cards, with ARENA opposed to the free first-time distribution of cards and other parties in favor. In typical fashion, some attributed partisan motives to ARENA's stance: "Only ARENA would give its sympathizers the 90 *colones* so that they can go vote," said one opposition politician (EDH 2001). When the issue arose again in

2009, it was ARENA advocating free renewals of DUIs and the governing FMLN reluctant to devote the necessary funds (LPG 2009b).

Explaining the Course of Residential Voting

After residential voting had been endorsed by the major political forces in 1994, what delayed its introduction for so long? Publicly, all parties have consistently supported residential voting, and decisions to delay it have always involved technical or economic justifications (Interview 57; Martel 2010, 29). And in fact, residential voting has been a major technical challenge for the TSE. One such challenge has been the fact that residence information in the electoral registry is often imprecise, due to the lack of uniformity in the country's address system, multiple names used for a given location, ill-defined borders between municipalities, and citizens who give the wrong address to authorities (partly a legacy of the war and military regime). This presents problems in assigning voters to polling stations (FUSADES 2011, 10-11; UN 2009, 13; Interviews 55, 60). Another challenge has been determining what installations would be adequate for voting centers outside of municipal centers (UN 2009, 14). Yet another challenge was funding, given the costs of developing the necessary electoral cartography and conducting voting in more polling places on election day.

So in 2007, for example, when the extension of residential voting was being debated, ARENA and others could point to technical challenges such as the fact that some 16 percent of identity cards did not include an exact address (EDH 2007i; see also UN 2009, 14). They could also point to a report of two Panamanian technical advisers who in 2007 recommended a gradual extension of residential voting and an overhaul of the system for coding voters' addresses (EDH 2007f). But as TSE magistrate Eduardo

Urquilla noted, these challenges were not insurmountable (EDH 2007i). One member of the centrist CD party accused the ARENA and PDC parties of using the recommendations from the Panamanian advisors to cover their political motives for not wanting to extend residential voting (EDH 2007g).

Indeed, while these technical challenges are significant, they do not account for why residential voting was delayed for so long. In fact, much technical preparation and financial investment were wasted by decisions to delay residential voting. According to one respondent from the FMLN, the necessary cartography and funding was available in 2000, and the decision to abandon the residential voting plan that the TSE had been developing was the result of a lack of “political will” (Interview 58). Again in 2003 when the assembly postponed residential voting, the TSE was prepared with the logistical plan and already had the funding to implement it for the 2004 election (Interview 60; TSE-ES 2004, 24).²¹⁹ According to one TSE magistrate at the time, when the parties realized how prepared the TSE was to implement residential voting on a large scale, they were nervous about how it would affect them electorally. Ultimately two magistrates on the TSE – one from ARENA, another from the Supreme Court – opposed going ahead with the plan (Interview 60), and an ARENA-backed bill postponing implementation passed through the Assembly. Other respondents agreed that although the cost of residential voting was a consideration, it was not what caused the repeated postponements of implementing residential voting (Interviews 53, 55); in fact, funding constraints were more important after 2009 than when residential voting was delayed during the mid-2000s (Interview 59).

²¹⁹ The TSE in fact returned excess funds after the elections (Interview 60; see also *El Diario de Hoy* 2003c; 2009a).

Instead of technical or financial impediments, almost everyone agrees that electoral calculations delayed residential voting. Despite all parties' public statements of support, according to many sources the major impediment has been uncertainty about who would benefit electorally from the reform. For some, this fear was generalized among the major political parties (Interviews 51, 52, 59). For others, it was conservative parties that feared the consequences of residential voting, as the prevailing idea at the time was that it would benefit the left. This view was commonly expressed by those from the FMLN (Interviews 53, 55, 58, 61, 63), but it came from other sources as well. An official with the CD party and a former TSE magistrate indicated that the decision in 1999 to abandon residential voting plans came from ARENA, and that the 2003 decision to postpone residential voting (which was also backed by ARENA) was ultimately political rather than based on technical considerations (Interview 60). A non-partisan advisor to the Legislative Assembly's committee on electoral and constitutional reform also reported that parties on the right were privately reluctant about the possible electoral consequences of residential voting, and that the technical capacity to carry out residential voting existed long before it actually was implemented (Interview 57). Other sources also suggest that reluctance about residential voting came primarily from the right (Dalton 2010; ISD 2011a, 5-6, note 10). Only one respondent – a deputy from the ARENA party – indicated that partisan electoral concerns played no role in delaying residential voting (Interview 54).

The fact that the implementation of residential voting was delayed for so long while the Legislative Assembly and Presidency were controlled by the right offers some indication that reluctance by these parties was critical (the FMLN never had enough seats

in the Assembly to pass legislation on its own; see Holiday 2010, 4). More direct evidence comes from the parties' positions at key decision points. As noted above, all parties supported the initial bill mandating residential voting and the first postponement of implementation for one year. In 2003, however, it was the conservative ARENA and PCN parties that pushed for the postponement of residential voting. The decision in 2005 to implement residential voting gradually was endorsed by all parties, with the bill receiving 80 votes in the Assembly; the bill itself was sponsored by deputies from the ARENA, PCN, and PDC parties. But according to the FMLN's secretary of electoral matters, ARENA had wanted to derogate the existing residential voting bills altogether, and it was the FMLN's magistrate on the TSE that intervened to secure an agreement on gradual implementation (Interview 61).²²⁰

The basis for the idea that residential voting would benefit the left was that low income voters would most benefit, and this would supposedly redound to the left's advantage. The social bases of the FMLN and ARENA parties didn't bear this out, however. While both parties are sometimes characterized as catch-all parties (Artiga-González 2004, 80-83; Ulloa et al. 2000, 40-41), the FMLN has been stronger in urban than rural areas (Artiga-González 2004, 76; Colindres 1997, 19; Spence, Lanchin, and Thale 2001, 5; Ulloa et al. 1997, 139), and does better among more educated and higher socioeconomic status voters (Artiga-González 2004, 82; Nevitte 2009, 117). ARENA, on the other hand, is stronger in rural areas (Ulloa et al. 1997, 138-139).²²¹ ARENA's rural and lower-income base suggests that the party would stand to benefit from decentralization of polling locations, a point noted by an ARENA deputy and another

²²⁰ I was unable to find corroborating evidence on this point.

²²¹ In 2009, only 57.6 percent of ARENA sympathizers lived in urban areas, compared to 72.8 percent of FMLN sympathizers (Nevitte 2009, 118).

analyst (Interviews 52, 54). However, the dual nature of residential voting, including not just decentralization to rural areas but also residence-based assignment of voters to polling stations, meant that it would facilitate the participation of urban voters as well.

In any case, the uncertainty about the electoral consequences of residential voting not only caused its delay, but also led to the Assembly's decision to implement residential voting through small pilot programs rather than all at once (Interviews 52, 53, 55, 58). The small pilot programs allowed the parties to gauge the effects of residential voting without risking significant electoral outcomes.²²² One of the lessons of the pilot programs was that residential voting didn't seem to favor any particular parties over others (Dalton 2010; ISD 2011a, 5; Interviews 53, 55, 58, 59). After 2006, it also appeared to have limited impact on voter turnout.²²³ As a result, reluctance about extending residential voting has dissipated, although partisan conflict continues over controlling its implementation (Interview 60).

Assessing the Hypothesized Influences on Election Administration

While several of the above sections identify the key causal factors influencing election administration inclusiveness in El Salvador, this section assesses the influence of several independent variables related to the hypotheses presented in chapter 2. It begins with brief discussion of two factors emphasized above (concerns about preventing election fraud and partisan interests in shaping the electorate) before assessing the impact of the electoral management body, civil society, and international factors.

²²² On a related note, residential voting may also allow parties to gauge their support at the sub-municipal level (Interview 54) and thereby cater their campaign themes on a local level (FUSADES 2011, 5). Apparently, however, residential voting has not resulted in a shift in campaign strategies (Interviews 52, 54), as has occurred in Guatemala.

²²³ Turnout rates in the 2009 presidential election in most municipalities where residential voting was introduced was actually lower than turnout in the previous presidential election in 2004 (TSE-ES 2009, 88).

The Specter of Election Fraud

In El Salvador, election fraud occurred in the 1972, 1974, and 1977 elections, marked by ballot stuffing, intimidation of voters, and altered vote counts (Montgomery 1995, 64, 67, 71-71). And as in Guatemala, these frauds played a significant role in the restrictive election administration measures adopted in the 1980s and 1990s, although concerns about recurrent fraud shaped voter registration policies more than the location of polling sites.

Since the 1980s, mutual accusations of fraud have been common, particularly involving registration fraud and accusations that people are shipped in from neighboring municipalities (or from neighboring countries) by local candidates to vote on election day (CIS 2000, 2003; 2009, 12; EUEOM 2009b, 2; OAS 2009b, 18, 22).²²⁴ Perceptions of fraud are also widespread in the public, with pre-election polls showing up to half of respondents believing there would be fraud and less than one-third believing the elections would be clean (Artiga-González 2004, 49; Ulloa et al. 2000, 34).

Ironically, some of the restrictive procedures adopted in the 1980s which made voter participation more difficult also made voter fraud more likely. The overcrowding of voting centers that accompanied the concentration of polling locations not only led some voters to give up the search for their voting table in frustration, but also “overwhelmed the JRVs, causing many procedural errors to take place and creating opportunities for fraud” (CIS 2004). Moreover, the partisan staffing of the electoral body at all levels often

²²⁴ Several interview respondents suggested that the “*traslados*” problem is relatively isolated (Interviews 54, 56, 58), and certainly detection and prosecution of the problem is rare: a 2009 electoral mission from the UN indicated that it received no reports of people being prosecuted or sanctioned for falsifying their residence (UN 2009, 12). The introduction of the DUI, the costs of changing one’s residence in the registry, and an early closing date for residence changes have no doubt made this form of manipulation difficult. Other sources suggest the practice of *traslados* is routine, and one mayor even admitted to a journalist that he paid five dollars per person to change their address on the registry for electoral purposes (Arauz 2006).

results in poorly trained poll workers and supervisors, which results in both inadequate protections against fraud – poll workers who do not check voters’ fingers for indelible ink, for instance (CIS 2004) – and obstacles to voter participation, such as poor orientation of voters at polling places.

Concerns about fraud have led to restrictive rules more recently as well, particularly the early closing dates for registration and residency changes aimed at preventing the transfer of voters across municipalities. Yet oddly, this is not accompanied by other measures such as requiring proof of residence when registering (Consortio 2000, 73; EUEOM 2009b, 6) or any efforts in the year between the closing date and election day to detect fraudulent registrations (Interview 55; UN 2009, 22). The latter is due in part to the ambiguity of responsibilities between the TSE (which administers the electoral register) and the RNPN (which administers the civil register), leaving it unclear which agency is responsible for checking the veracity of residence changes (Arauz 2006). Thus some of the measures aimed at deterring election fraud have turned out to be quite ineffective safeguards while at the same time limiting voter access; other measures that may be more effective have tended to shift the burden onto voters rather than election administrators to achieve the desired goal.

At the same time that restrictive measures have often coincided with opportunities for voter fraud, inclusive measures intended to facilitate voter participation can also help prevent fraud. The introduction of the DUI, for instance, allowed for better (but still imperfect) control over the issuance of identity cards and the use of photographic voter lists (thus making double voting or voter impersonation more difficult),²²⁵ and also made

²²⁵ While cases of voter impersonation and the use of fake ID cards have been reported by observers, such irregularities are thought to be isolated (OAS 2009b, 21; NDI 2009, 4).

voter registration automatic, eliminating a major hurdle for potential voters. Similarly, residential voting is widely thought to not only lower barriers to voter participation, but also provide greater protection against pre-electoral registration fraud, as citizens voting in their own communities can recognize when outsiders attempt to vote in jurisdictions where they do not live (TSE-ES n.d.[c]).²²⁶

Partisan Interests

As discussed above, partisan interests have at times played a central role in shaping election administration inclusiveness in El Salvador. In the past, a prevalent hypothesis was that the ARENA party hoped to benefit from low turnout, particularly among low income voters and those who had not participated in the early-mid 1980s. According to this view, poorer people and those who were unregistered would tend to support the leftist opposition (Freedom House 1989, 48-49; Montgomery 2000, 158). The extent to which this helps explain the complicated registration procedures used from the late 1980s through the 1990s is unclear. But it should be noted that ARENA, along with all other parties, supported the replacement of the *carnet* with the unified ID card and the associated automatic voter registration. If any parties had hoped to benefit from restrictive voter registration practices, by 1995 (when the RNPN law was passed) and certainly by 2004 (when the use of the DUI as voter identification began) it seems they were willing to give up such an advantage in exchange for a more reliable registry and national ID card. ARENA advocated early cutoff dates for registration and residency changes, but such measures drew little opposition from the FMLN. The left and the right

²²⁶ This is a commonly expressed idea (see, e.g., El Diario de Hoy 2008c; 2011b). The UN (2009, 8, note 11) notes that the benefit of voters detecting outsiders at their polling stations as a result of residential voting only applies to small rural areas.

have shifted positions on other registration-related measures, such as whether or not to subsidize ID cards.

The evidence of partisan interests shaping residential voting is clearer, as discussed above. The greatest resistance to making polling places more accessible came from the right, although at times there seems to have been reluctance on the left as well. The contrast with Guatemala, where there was no partisan opposition to decentralizing voting sites, can be understood as a consequence of differences in the two countries' party systems. In contrast to Guatemala's personalist and ephemeral parties, El Salvador's major parties are highly institutionalized, and levels of party identification are higher.²²⁷ These parties have a core vote (*voto duro*), and residential voting presented the prospect of drawing new voters into the electorate that were not part of the party's core base.²²⁸ While the right, which was already in power, had more to fear from unpredictable new voters entering the electorate, the left also couldn't be certain that it would benefit from higher turnout. These partisan calculations appear to have been crucial in postponing residential voting and determining the nature of its implementation.

EMB Structure: The Supreme Electoral Tribunal

The partisan composition of the Supreme Electoral Tribunal, born of the distrust between the main protagonists of the peace accords, has frequently been blamed for a number of ills. Critics argue that election officials function more as party representatives than neutral administrators (EUEOM 2009b, 3-5; OAS 2008c, 6). While one magistrate nominated by the Supreme Court estimated that over 95 percent of decisions taken by the

²²⁷ For three years for which data are available (2006, 2008, and 2010), party identification levels were 31%, 41%, and 34%, respectively (LAPOP n.d.).

²²⁸ For a similar analysis, see the comments of an anonymous political analyst quoted in *El Diario de Hoy* 2007i.

TSE magistrates are unanimous (Interview 59), at least on one crucial issue – residential voting – the positions of TSE magistrates have often coincided with the positions taken by their political parties. In cases such as this, the lack of a non-partisan electoral body that could act as an independent force is a notable contrast to Guatemala, where the electoral tribunal has been an important agent in prompting electoral law reforms. In El Salvador the TSE lacks the authority to introduce legislation in the Assembly (Artiga-González 2008a, 558), and although it submits proposals to the Assembly’s electoral committee, there is little institutionalized collaboration between the TSE and the committee (Interviews 57, 59) – perhaps because the large parties prefer to deal with the TSE through their magistrates.

The composition of the TSE not only hampers its ability to be an independent advocate for reform, it has also generated distrust over the implementation of reforms like residential voting. While at least some parties were concerned about the electoral consequences of residential voting in general, parties have also been preoccupied with the potential for partisan implementation – namely, that decisions about where to place voting centers would be based on the support that parties enjoy in a particular locale rather than on objective criteria. These concerns are still evident in the preoccupation over which party controls the TSE divisions responsible for putting residential voting into practice (Interview 60). These concerns, which have contributed to the long delay in making polling places more accessible to voters, would likely be less prevalent if the electoral body were non-partisan.

The partisan composition of the TSE also has implications for its technical capacity. At the top level, the magistrates named by political parties are not required to be

specialists in electoral matters (Artiga-González 2008a, 558, note 33), while the directors and staff of the operational divisions are partisan appointees who may or may not be qualified. This certainly played a role in the voter registration problems in years past, and has contributed to the slow progress in implementing residential voting – though in this case technical capacity seems to have been secondary to partisan motivations. At lower levels, observers have repeatedly documented the poor training of poll workers, who are named by political parties and are not always qualified. Many do not receive training from the TSE, but instead are trained by political parties or not at all (CIS 2004; Colindres 1997, 87; Consorcio 2000, 20; OAS 2009b, 24). According to the TSE, for instance, only half of poll workers attended the TSE’s training sessions prior to the 1999 elections (TSE-ES 1999, 15). Additionally, the sale of poll worker credentials between parties is thought to be common (CIS 2009, 31), with obvious consequences for the capacity and suitability of some people working the voting booths. Aside from the myriad problems that poor training can cause with vote counting, preventing voter fraud, and the handling of election materials, it can also make voting more difficult if poll workers are not trained to direct voters to the appropriate voting table, open polling tables late due to confusion over procedures, or lack a clear understanding of the conditions under which a prospective voter can be turned away.²²⁹

The TSE has improved its technical capacity over the years, and has been proactive in areas such as voter education. It is no longer the “cauldron[] of incompetence” (Montgomery 2000, 142) that it was characterized to be in its first years.

²²⁹ More important in the latter case is ambiguity in the electoral code regarding how exact the match must be between the voter’s identification card and the voter list, although since the move to automatic registration the problem of inconsistencies between ID cards and the voter lists has diminished significantly.

But its partisan composition has over the years obstructed more inclusive election administration in several ways: by depriving the country of an independent authoritative force for electoral reform, by magnifying partisan uncertainties over residential voting, and by producing a corps of lower level staff that is not as professional or capable as it might be.

Civil Society

Election-related civil society groups have included individual organizations as well as umbrella groups uniting diverse organizations. In the 1990s, the Consortium of Civic Education NGOs of El Salvador predominated in monitoring elections and advocating reforms. In recent years, individual organizations such as the Independent Movement for Electoral Reform (MIRE) and umbrella groups such as the Coalition for Political and Electoral Reform (CREE) have emerged, while Central American University's Institute of Public Opinion (IUDOP) has undertaken election monitoring. Civil society groups have frequently criticized restrictive election administration features and advocated for reforms such as residential voting (e.g., Consorcio 2000, 2001; ISD 2011b; Martel 2010).²³⁰

As was the case in Guatemala's reform process, Salvadoran civic groups are formally consulted on electoral issues. Civic groups submit proposals to the Legislative Assembly and are often granted an audience in the Assembly's electoral reform committee, and at least in recent years have enjoyed good relations with the TSE (Interviews 50, 52, 55, 57). Yet these proposals are rarely taken into consideration when

²³⁰ For instance, in 2010 three nongovernmental groups endorsed TSE president Eugenio Chicas' plan to extend residential voting to the entire country for the 2012 elections, and proposed making voter registration procedures simpler for citizens (such as simplifying forms and increasing the number of locations where DUIs are distributed) (Martel 2010, 30-31, 36-37).

electoral reforms are drafted, according to an advisor to the electoral reform committee and others (Interviews 57, 60; Martel 2010, 16, 20). As one respondent noted, the civil society groups working on electoral issues in El Salvador are small and have little capacity to mobilize large numbers of people, and as a result their impact has been “very limited” (Interview 60). Despite the advocacy efforts of civil society groups, election administration in El Salvador, as elsewhere, has been an elite affair played primarily by the major political parties.

International Influences

What of the role of international election observers, technical and financial assistance, and other forms of democracy promotion? El Salvador has seen wide variation in the presence of international election observers, with the 1994 elections being heavily observed, with over 2,500 observers including the massive 900-plus member UN mission (IFES 1994, 18; TSE-ES 1994, 31). Since then international election observers have only had a large presence in the 2009 elections that saw the presidential victory of the FMLN. El Salvador has also received observer delegations from other electoral commissions in the region, and Salvadoran election officials have participated as observers in other countries.

The largest impact of election observation certainly occurred in the 1994 elections, when the UN’s observer mission (ONUSAL) exceeded its mandate in the face of massive problems with voter registration and directly assisted with surveys to identify bottlenecks in the registration process (the results of which prompted additional voter registration efforts by the TSE) and provided direct support in registering voters, with financial support from UNDP and USAID (Baloyra 1998, 19; Manca 1997; Montgomery

1995, 247, 251). Beyond that direct activity, however, “international observation had a limited impact on the way in which Salvadorean electoral officials chose to discharge their duties,” according to one analyst closely involved (Montgomery 2000, 142).

Since then the impacts of election observation on longer term structural reforms have been limited, but not negligible. Observer reports have overwhelmingly endorsed more inclusive election administration measures, including residential voting, simplifying voter registration procedures, and improving voter education efforts (see Appendix B). And observer organizations have enjoyed close relations with the TSE and seen their recommendations taken up on the agenda of the Legislative Assembly’s electoral reform committee (CIS 2004; Interview 53, 62). The slowness with which reforms such as residential voting have been implemented points to the limited influence of such recommendations, however, and according to an advisor to the electoral committee, the decisions taken by the parties are not strongly affected by observer recommendations (Interview 57). Kelley (2012a, 225-226) likewise concludes that the country largely neglected observer recommendations as the international community focused on consolidating the peace process and did not pressure particularly hard for electoral improvements. But the intermittent pressure that observers have applied, along with consistent pressure from domestic civil society groups, have at least made it more difficult for political parties to indefinitely delay reforms that are seen as indispensable for a modern democracy.

This form of international influence – living up to international standards of election administration – is worth noting. Studies of residential voting, TSE publications, and media reports have frequently made reference to the fact that El Salvador is the only

country in the region without residential voting, and there is a clear sense of being behind other countries in the modernization of election administration as a result (FUSADES 2011, 1; Martel 2010, 5, 22; TSE-ES n.d.[c]; UN 2009, 8, note 12). Some TSE magistrates, in advocating a more rapid extension of residential voting, have pointed out in the media that countries less developed than El Salvador have long had residential voting (EDH 2007g; 2008c; 2009a; 2009b). It's not clear that this gap between domestic practice and international standards exercised much influence in prompting residential voting or other reforms, but the fact that it has been invoked in debates points to a potential influence on election administration practices.

Aside from election observation, El Salvador has also received significant international financial and technical support for election administration. Funds came from a variety of donors to support all aspects of the 1994 electoral process, totaling \$20 million, \$7 million of which was for ONUSAL (Baloyra 1998, 19; TSE-ES 1994, 23-24).²³¹ Since 1994, international financial support has especially aimed at supporting the introduction of the new ID card and registry, audits of the electoral registry performed by the OAS, and technical assistance on residential voting provided by Panama's electoral tribunal and the UN (TSE-ES 2009, 9; 2004, 73; 2006, 14; UN 2009). Especially in the case of residential voting, El Salvador has looked to the experiences of other countries, such as Panama and Costa Rica, for models (EDH 2007a; 2007b).

International funding has at times directly facilitated the access of voters to the ballot box, as in 1994 when more public transportation was made available in the second round of voting with assistance from USAID and UNDP (Montgomery 2000, 154-155).

²³¹ UNDP and bilateral donors provided funds for materials and transportation, while USAID provided \$1 million to CAPEL for technical assistance to the TSE, involving the training of poll workers and assistance with voter registration drives (Baloyra 1998, 19; IFES 1994b, 18).

More important, however, has been technical assistance in implementing reforms. Such assistance has been critical in putting residential voting into practice (Interview 55). But as in Guatemala and Nicaragua, this assistance has been a necessary but insufficient condition for enacting reforms to facilitate voter participation. Domestic politics have largely determined the nature and pace of reforms, while international technical assistance has helped put them into practice.

Conclusion

El Salvador's election administration has slowly shifted from large scale barriers to voting to more inclusive practices. A number of factors contributed both to the establishment of the country's election administration practices and to their evolution over time; Table 7.3 below summarizes how well the hypotheses account for the El Salvador case.

El Salvador's restrictive administrative measures were adopted in the country's pre-democratic period in response to the security conditions during the country's civil war and the desire to eradicate the election fraud that had been common in prior elections. These restrictions continued long after these initial conditions had changed due to both institutional inertia and partisan calculations about the likely effects of expanding the electorate. Ultimately, intermittent pressure from the left, reinforced by pressure from domestic civil society and international election observers and experts, led to halting reforms. However, calculations of partisan interests dictated the sequence and shape of reform.

Table 7.3 Support for Hypotheses, El Salvador

Category	Hypothesis	Support	Comments
Partisan Interests	H1: Where a ruling party can identify opposition supporters, election administration inclusiveness will tend to be low, whereas countries with catch-all parties or fluid party systems marked by low levels of partisan attachments will tend to have more inclusive electoral procedures.	Supported	Modest ability of parties to identify their supporters and concern about consequences of expanding the electorate contributed to delaying reform.
	H2: Parties with strong lower class support (typically populist or leftist parties) will support inclusive rules.	Inconclusive	Leftist FMLN generally supported inclusive measures, but right wing ARENA had stronger lower class base.
Electoral Management Body Structure	H3: Partisan EMBs will tend to implement less inclusive measures as partisan election officials attempt to impede the participation of some parties' supporters.	Inconclusive	Partisan EMB implemented restrictive measures in 1994, but subsequently undertook efforts towards greater inclusiveness.
	H4: Independent, non-partisan EMBs will be associated with inclusive rules in part by playing an active role in electoral reform.	Supported	Partisanship within TSE impeded its ability to play proactive role in reform.
The Specter of Election Fraud	H5: A history of election fraud will lead democratizing countries to adopt strict safeguards against fraud, which may in turn impose procedural barriers to voting.	Supported	System of voter registration and possibly centralization of polling places influenced by concerns about fraud.
	H6: Parties that have been the victims of election fraud will support strict safeguards that reduce inclusiveness.	Supported	ARENA and PDC parties supported restrictive measures after alleged fraud against them in 1970s and 1980s.
Election Costs and Financial Resources	H7: Countries with more resources will have more inclusive election administration.	Inconclusive	Cost often cited as a constraint on residential voting, but its significance not always supported by the evidence.

Continued on next page

Table 7.3, continued

Category	Hypothesis	Support	Comments
Civil Society and Public Opinion	H8: Strong civil society, particularly domestic election observation groups, will increase election administration inclusiveness.	Not supported	Civil society advocacy has had little impact on legislation or administrative practices.
	H9: Public opinion will set limits on the extent to which elites can pursue self-serving election administration rules.	Not supported	No evidence of public opinion influence on election administration.
International Influences	H10: International observers will prevent extremely restrictive measures in elections that they observe, particularly measures that are highly visible on election day.	Not supported	Observation did not prevent highly restrictive practices in 1994, though observers were influential.
	H11: The recommendations of election observers will have little impact on election administration practices.	Supported	Recommendations had little impact on reform processes.
	H12: When a country seeks good relations with Western democracies, the influence of election observers will be enhanced and inclusive election administration practices will be more likely.	Inconclusive	
	H13: Technical and financial assistance will make inclusive measures more likely by enhancing domestic bureaucratic capacity.	Supported	International support was critical in implementing reforms.

CHAPTER 8

CONCLUSION

Countries holding competitive elections vary significantly in the extent to which the administrative conduct of elections – the voter registration process, the location of polling places, the manner in which voters cast ballots, and so on – facilitates or impedes voter participation. Some countries strive to bring the ballot box to the people, minimizing the procedural hurdles that citizens confront in exercising their right to vote. In other countries the administrative barriers to participation can be so onerous as to call into question the legitimacy of the election results.

This study has put forward the concept of election administration inclusiveness to encapsulate the various features of electoral administration that bear on voter access to the ballot. It has also described the many facets of election administration that have made voting easier and more difficult in three Central American countries since their transitions to electoral democracy, and investigated the reasons why those election administration practices were put in place. This chapter summarizes the study's main findings, beginning with a brief synopsis of each case followed by discussion of each causal factor outlined in chapter 2. The chapter concludes with a discussion of future avenues for research that are suggested by this study's findings.

Case Summaries

Guatemala

Chapter 3 documented and explained the origins of Guatemala's highly restrictive election administration practices, which posed significant obstacles to participation for

many voters, particularly women and indigenous citizens in rural areas. In particular, onerous voter registration procedures and the strict prohibition against locating polling stations outside of municipal centers required many voters to negotiate significant procedural and logistical obstacles to voting. These procedural barriers were the consequence of efforts to overcome the country's history of election fraud in the 1970s and early 1980s. In order to inoculate the electoral system against several types of fraud, the act of voting was in many ways made more difficult. In order to deter ballot stuffing and manipulation of rural voters by landlords or political bosses, polling places were limited to municipal centers where election officials and party poll watchers could exercise greater oversight. To protect against voter registration fraud, a system of registry checks was put in place that resulted in a complex process of voter registration. And in the focus on rooting out election fraud, other tasks such as informing voters of procedural requisites through voter education campaigns received low priority from election officials. While other factors influenced election administration as well, such as financial constraints, the evidence suggests that it was concerns about election fraud – and not partisan or class interests in excluding certain segments of voters – that had the biggest impact on electoral procedures.

Chapter 4 examined the process of electoral reform in Guatemala that resulted in the elimination or reduction of several procedural barriers to participation that were put in place in the early years of electoral democracy. These reforms included the decentralization of polling stations to facilitate the vote of rural citizens and significant improvements in the provision of voter education. I argued that a confluence of factors came together to produce these reforms. Of particular importance was the nature of the

party system, consisting of weakly institutionalized personalist parties that lacked clearly identifiable constituencies that competing parties might hope to exclude from the electorate. As a result, although leftist guerrillas pushed for inclusive election administration reforms to be included in the country's peace agreements, political parties across the spectrum supported administrative reforms that were expected to have little effect on the parties' electoral competitiveness or on party leaders' positions, while (in the case of polling place decentralization) reducing their costs of voter mobilization.

While partisan interests did not prevent electoral reform, the non-partisan Supreme Electoral Tribunal (TSE) actively sought to boost the legitimacy of the electoral regime by cautiously increasing voter access while maintaining the integrity of the election process that it had safeguarded since the mid-1980s. As time went on, confidence in the TSE and in the electoral process grew and concerns about election fraud abated somewhat, making polling decentralization possible. International actors also played a crucial role in providing the financing and technical expertise to implement electoral reform, although it was domestic actors that set the reform agenda.

While several factors facilitated reform, some events impeded the trend toward greater inclusiveness. This was the case when Congress, apparently motivated by the desire to control patronage resources and wary of strengthening the TSE, created a new civil registry agency rather than giving authority over the civil registry to the electoral tribunal. This decision inadvertently derailed the possibility for automatic voter registration. Thus, while Guatemala's election administration became significantly more inclusive from the mid-1990s onward, some attempts at increasing voter access were frustrated.

Nicaragua

Chapter 5 addressed the puzzle of why Nicaragua exceeded its Central American neighbors in inclusiveness despite having a partisan electoral management body and facing severe economic crisis. Nicaragua's election administration practices from the mid-1980s to 2000 included voter registration processes that were relatively easy to negotiate (with significant efforts by the state to register voters and distribute voter ID cards), highly decentralized polling locations that minimized travel to the polls, and significant voter education efforts. These practices were later complemented by other measures not present in El Salvador and Guatemala, such as allowing ballots from registered voters whose names did not appear on the voter rolls on election day.

Several crucial differences from the other cases help explain this outcome. First, the election fraud that marked the pre-democratic period in Nicaragua was of a different type than that which occurred in Guatemala and El Salvador, which in turn was a product of the different authoritarian regime types across the three countries (personalist in Nicaragua and military in Guatemala and El Salvador). As a result, the overriding preoccupation of those designing the electoral system after the fall of the Somoza regime was not preventing ballot stuffing or double voting, but ensuring high voter turnout. The goal of high turnout was driven especially by international political pressures, as the revolutionary regime sought high-turnout elections to appease its European supporters, mollify or fend off hostility from the U.S., and consolidate political legitimacy at home. Importantly, the governing FSLN party did not feel threatened by inclusive measures that would facilitate voter turnout, as it was confident it would win fair elections with massive participation. The party could thus afford to facilitate the vote even of rural sectors,

where the party's support was weak. Aside from international pressures, the technical and financial assistance offered by international actors was a necessary but not sufficient condition to implement many inclusive election administration measures.

Chapter 6 documented the slow erosion of inclusiveness in Nicaragua's election administration after 2000. This erosion has been marked by the politicization of the distribution of ID cards which are needed to vote, as well as the disappearance of voter education efforts on the part of the electoral management body. I argued that the proximate cause of this change has been the dominance of one political party in the electoral management body. However, the puzzle is that the party in control of the electoral machinery now, the FSLN, is the same party (in name) that created the inclusive system in the 1980s. This raised the question of what has changed to make this party now want to restrict access to the vote. I argued that the explanation lies in the party's expectations of electoral competitiveness, the nature of partisan identification and party organization, and the lessening of external pressures. I argued that the FSLN is no longer confident of its ability to win in fair electoral contests, despite arguably being objectively stronger than it was in 1990. Equally important is strong partisan identification and the FSLN's organizational capacity that allows the party to identify its supporters and thus single them out for ID cards and partisan voter information campaigns. These features of partisan identification and organization are marked contrasts with the other cases, especially Guatemala. Finally, these domestic variables are not sufficiently counteracted by international pressure, as U.S. interest has waned and financial aid from new actors (mainly Venezuela) has compensated for the loss of democracy-conditioned aid from U.S. and European donors.

The Nicaragua case shows that the pathologies of partisan election administration can be severe, but they do not result automatically from the partisan composition of the electoral management body. Rather, the case shows that the effects of partisan election administration are mediated by patterns of party identification, by expectations of electoral competitiveness, and by pressures from foreign powers.

El Salvador

Chapter 7 examined the slow transformation of El Salvador's election administration from large scale exclusion to more inclusive practices. In the 1980s election administration practices were put in place that presented severe barriers to voter participation, such as onerous voter registration processes, the centralization of polling locations, and the assignment of voters to municipal polling locations in alphabetical order rather than according to residence. Following the transitional 1994 elections, El Salvador undertook a slow process of electoral reform that instituted automatic voter registration and gradually put in place a system of residential voting, whereby polling places were decentralized and voters were assigned to polling sites based on residence.

El Salvador's restrictive administrative measures were initially adopted in the 1980s in response to the security conditions during the country's civil war and the desire to eradicate the election fraud that had been common in the elections of the 1970s. I argued that these restrictions continued long after these initial conditions had changed due to both institutional inertia and partisan calculations about the likely effects of expanding the electorate. Ultimately, intermittent pressure from the left, reinforced by persistent pressure from domestic civil society and international election observers and experts, led to halting reforms. However, it was calculations of partisan interests that

dictated the sequence and shape of reform, especially in the case of residential voting. While the technical and financial challenges of implementing residential voting were significant, uncertainty about the electoral consequences led the major parties (and at times, especially the conservative ARENA party) to delay the reform and then carry it out through small pilot programs to gauge its effects. The partisan control of the Supreme Electoral Tribunal also played a part, exacerbating parties' uncertainties over the implementation of residential voting. Only once it appeared to have no impact on election outcomes was residential voting rapidly expanded. In contrast, voter registration reform was less contentious because it was expected to provide greater protection against electoral manipulation without adversely affecting partisan interests. This, in combination with the severity of voter registry problems in the 1980s to mid-1990s, helps explain why El Salvador took on voter registration reform before residential voting, while the reverse was true in Guatemala.

The Hypotheses Evaluated

With the preceding case summaries as background, this section offers a more systematic evaluation of the influence of the hypothesized causal factors outlined in chapter 2: partisan interests, EMB structure, the specter of election fraud, domestic civil society, and international influences.²³² A summary of these findings is presented in Table 8.1 below.

²³² The impact of election costs and financial resources is discussed briefly in the context of international influences.

Partisan Interests

Given the potential for election administration rules to shape the electorate and thereby influence election results, the natural place to seek explanations of those rules is in the interests of the major political parties. Indeed, the case studies revealed such partisan interests at work at certain times. In recent years in Nicaragua, the governing party has manipulated the distribution of ID cards and eliminated voter education in order to depress turnout of opposition supporters. Some evidence suggested that the governing party in El Salvador in earlier years also manipulated voter registration to its benefit.

But when will partisan interests play a predominant role in choosing election administration practices? When should we expect parties to use restrictive measures for their own electoral advantage? One condition suggested by the case studies is the knowledge of voter preferences. Such knowledge has enabled the FSLN in Nicaragua to restrict access of voters who are not supporters of the party. It was argued that the lack of knowledge of voters' sympathies facilitated inclusive reform in Guatemala, as parties – and more importantly in the Guatemalan context, party leaders – had no reason to expect that greater access (and resultant higher levels of participation) would affect their electoral prospects. El Salvador might be thought of as an intermediate case in which parties are more institutionalized and partisan identification is stronger than in Guatemala, but the major parties do not have the capacity to single out opposition supporters to the extent that the FSLN does in Nicaragua. Thus while parties have not singled out opposition supporters to target for voter suppression, uncertainty about each party's social base and how those bases would be affected by residential voting delayed

reform, as the ARENA and FMLN parties were fearful that expansion of the electorate might benefit the other party.

Thus some knowledge of voter preferences – either direct individual-level knowledge or indirect group-level correlations – appears to be a necessary condition for the intentional use of administrative measures to disenfranchise voters (or voter suppression). This is not surprising, and is consistent with other forms of manipulation such as vote buying and gerrymandering, which require information about voter preferences (Katz 1997, 173; Lehoucq 2007, 39; Schaffer 2008, 121). But it carries an interesting implication (Hypothesis 1): party systems characterized by low levels of party identification and personalist or catch-all parties that are not linked to social cleavages may be more conducive to election administration inclusiveness than institutionalized parties with clear social bases. The case study evidence was largely consistent with this hypothesis.

A second, and related, consideration regarding partisan motives relates to the social base of individual parties. It was suggested in chapter 2 that parties with strong lower class support (typically populist or leftist parties) would tend to support inclusive rules, while parties with upper class support might tend to favor administrative restrictions that would burden poorer voters more than well-to-do voters (Hypothesis 2). The evidence from the case studies is partly consistent with this hypothesis. In Nicaragua, the leftist FSLN put inclusive measures in place in the 1980s, but recently has used restrictive practices to exclude opposition supporters. The party's individual-level knowledge of voter preferences allows it to target administrative barriers at individual voters rather than putting in place blunt measures that have disproportionate impacts on

entire segments of voters (such as low income, young, or geographically segregated groups). In El Salvador, the leftist FMLN generally endorsed lowering barriers to voting, while the right-wing ARENA was more reluctant about instituting residential voting. Yet here class cleavages did not neatly coincide with partisan divisions, as the leftist FMLN has a strong middle-class base and the right-wing ARENA party has strong support among low-income rural voters. In Guatemala the absence of a strong left was associated with restrictive election administration measures, and the leftist URNG pushed for inclusive practices in the country's peace accords. But this push from the left was not decisive, as the URNG and allied parties were too small to push reforms through the legislature. Ultimately the country's moderate and conservative parties, most of which lack an identifiable or stable social base, also supported inclusive reforms such as polling decentralization and voter registration reform.

A final condition bearing on the importance of partisan interests for election administration is the competitiveness of elections. As discussed in chapter 2, higher levels of competitiveness may be more likely to result in electoral manipulation, including disenfranchisement through restrictive administrative measures. This is consistent with the evidence from the case studies. In Nicaragua in the 1984 and 1990 elections, the governing party's confidence in victory coincided with inclusiveness, while in recent years the same party has had motives to manipulate electoral rules in part because of the party's perception of competitiveness (including the party's traditionally firm upper limit of support).²³³ In El Salvador, elections have been highly competitive

²³³ The concept of "competitiveness" in this context should be thought of as both subjective and relative. It is subjective in the sense that the perceptions of the closeness of an electoral contest among party leaders matter more than the objective closeness of a race. For instance, while the FSLN lost the 1990 presidential election in Nicaragua, party leaders and political observers strongly expected the FSLN to win handily.

between the two largest parties, which have therefore been very attentive to the potential electoral effects of election administration reforms. In Guatemala, in contrast, parties tend to be so fluid and short-lived that electoral competition has not resulted in efforts by governing parties to restrict the participation of opposition supporters.

EMB Structure

Intersecting with partisan interests is the issue of partisan control of the electoral machinery. One hypothesis raised in chapter 2 was that nonpartisan electoral management bodies (EMBs) tend to adopt more inclusive measures than partisan EMBs (Hypothesis 3). This gained only partial support from the case studies. Simple bivariate analysis across the three cases shows that in the early democratic period, nonpartisan electoral administration coincided with restrictive practices in Guatemala, while partisan electoral administration coincided with restrictive practices in El Salvador and inclusive practices in Nicaragua. In later periods, Guatemala's nonpartisan EMB was associated with more inclusive practices, while the partisan EMBs in the other two cases were again associated with both restrictive (Nicaragua) and more inclusive (El Salvador) practices. Such simple comparisons show that nonpartisan election administration is neither a necessary or sufficient condition for inclusive electoral procedures.

Yet within-case analysis revealed greater support for the hypothesis linking nonpartisan EMBs to inclusiveness than the correlational analysis would suggest. If we consider whether partisanship and inclusiveness were causally linked, we find that in Guatemala during its early democratic period, restrictions resulted only partly from the

Competitiveness is also relative to the objectives sought by parties. In the Nicaraguan case, in the 2011 general election the FSLN could be confident in winning the presidency and a majority in the Assembly, but given its apparent objective of securing a supermajority in the Assembly to unilaterally amend the Constitution, the election might *ex ante* be considered competitive *relative to the goals of the party*.

nonpartisan EMB's administrative decisions; major restrictions (especially the centralization of polling places) were included in the country's electoral law and therefore outside the authority of the EMB. In El Salvador during its democratic transition, partisanship in the EMB contributed to restrictions, although it was not the only cause. We find the clearest causal link in Nicaragua after 2006, where election administration restrictions have resulted directly from the behavior of the single-party-dominated EMB.

The case studies also supported the hypothesis that independent, nonpartisan EMBs will be associated with inclusive rules in part by playing an active role in electoral reform (Hypothesis 4). A significant finding was that where non-partisan electoral management bodies do contribute to inclusiveness, they often do so not just by neutrally applying electoral rules but through lobbying for legal reforms and developing bureaucratic capacity. The central role of an independent EMB in the electoral reform process was most evident in Guatemala, where the Supreme Electoral Tribunal actively shaped the reform agenda and influenced Congress by providing information to legislators and publicly opposing some Congressional decisions. This contrasts with El Salvador, where even though there were no legal impediments to implementing residential voting, the party-based TSE did not push ahead and put the reform into practice, instead deferring to the Legislative Assembly to decide on the pace and scope of implementation. The El Salvador case also suggested that partisanship can inhibit the development of bureaucratic capacity within the EMB. This is consistent with the suggestion of Hartlyn, McCoy, and Mustillo (2008, 90) that EMB partisanship can

potentially lead to “lower technical competence” than that found in nonpartisan electoral bodies.

The case of Nicaragua also suggests two additional lessons that are relevant for inclusiveness and election administration more broadly. First, it is not only partisanship or nonpartisanship of an electoral management body that is important. Rather, the nature of partisanship also matters. Nicaragua’s CSE has always been partisan, but the nature of its partisanship has changed over time, going from FSLN-led with opposition representation, to an explicitly bi-partisan structure dominated by cartel parties, to once again being FSLN-controlled with no effective opposition counterweight. These shifts in the nature of partisanship have had important implications for inclusiveness and the effective functioning of the electoral body, suggesting the appropriateness of measurements of EMB partisan autonomy that distinguish between single-party and multiparty structures (see Hartlyn, McCoy, and Mustillo 2008).

Second, the experience of Nicaragua shows that the professionalism and neutrality of an electoral management body can be undone. This challenges the view that “once such independence has taken root, it tends to replicate itself over time and even survive assaults by authoritarian rulers” (IDEA 2012, 9). While autonomy and professionalism may be durable in many cases, the Nicaraguan case shows that even countries that have built a highly professional election administration may be subject to successful efforts to undermine the institutional independence and professionalism of the electoral body (see Middlebrook 1998, 21-22).

The Specter of Election Fraud: Access versus Integrity

One of the central findings of this study concerns the relationship between voter fraud and election administration inclusiveness. Hypothesis 5 suggested that a history of election fraud would lead democratizing countries to adopt strict safeguards against fraud, which may in turn impose procedural barriers to voting. Indeed, in two of the three cases very restrictive practices were adopted at least in part to prevent particular types of electoral manipulation, such as multiple voting, voter impersonation, voter intimidation, and ballot stuffing. Restrictive measures responded to the major episodes of election fraud that occurred in the pre-democratic period in which apparently victorious opposition parties were cheated of their victory. In short, historical legacies strongly influenced institutional choices during the transitional periods: legislators and election administrators sought first and foremost to curb the ills that had afflicted previous elections, “[i]llustrating the principle that people tend to rate most highly those values in the shortest supply,” as Katz (1997, 301) put it when discussing electoral reform in a different context.

Although concerns about fraud led to restrictive election administration practices, the relationship between voter inclusion and preventing election fraud is more nuanced than is presumed in popular debates over voting procedures. Some restrictive measures were ineffective at preventing fraud, while in some instances making voting easier can make some types of election fraud more difficult. For instance, while it is impossible to know whether the centralization of polling places prevented fraud in Guatemala and El Salvador, subsequent decentralization appears not to have resulted in more fraud in either country. The decentralization of polling places also did not produce ballot stuffing or

other irregularities in Nicaragua.²³⁴ In fact, in El Salvador and Nicaragua, small decentralized voting centers have been thought to facilitate oversight by poll workers and voters in identifying outsiders trying to vote in jurisdictions where they do not live. Residential voting thus represents a “win-win” for election administration as a measure promoting both voter access and electoral integrity.

Similarly, onerous voter registration processes did not result in reliable voter registries. In both El Salvador and Guatemala, the burdensome registration process did not ensure accurate voter rolls. In large part this results from the failure to incorporate deaths and emigrations into the voter registry, but the very difficulty of registration also plays a part, as citizens who change residences do not want to re-register, leading to outdated residence information on the registry. In this case, registration obstacles actually reduce the accuracy of the voter registry. Overcrowded voting centers are another instance that can produce both obstacles to voter participation (long waits and difficulty finding one’s polling table) and opportunities for error and fraud (due to poor vigilance by overwhelmed poll workers in checking for ink on voters’ fingers, checking ID cards, marking voters off on the voter roll, etc.).

None of this is to say that there are no tradeoffs between access and integrity. In the case studies, such a tradeoff was clear in the case of residential registration fraud, which is a substantial problem (although just how substantial is unknown). As noted, making changes of residence on the voter registry difficult can lead to the accumulation of outdated information on the rolls. Yet where it is easy for voters to change their residence on the voter registry, politicians may organize the fraudulent transfer of voters

²³⁴ The 2008 and 2011 elections in Nicaragua were marred by irregularities, but these have not been the result of polling places being highly dispersed; rather, the partisanship of election officials and poll workers has been the root of electoral manipulation.

across jurisdictions for electoral purposes. On this measure there is a tradeoff between access and integrity, although different remedies place different burdens on voters and election administrators. Most onerous for voters are early registration cutoff dates and the requirement to obtain a new ID card listing one's new address; less onerous are requirements to provide some documentation (e.g., a utility bill) when updating one's residence; least onerous would be to place responsibility for verifying residence changes on the EMB or civil registry, for example through data-sharing arrangements with other state agencies.

The cases also revealed one instance in which concerns about a particular type of electoral manipulation led to an inclusive administrative rule. Article 41 in the Nicaraguan electoral law, which allowed voters whose names did not appear on the voter list to cast a ballot if they presented an ID card showing an address pertaining to the precinct, responded to concerns in the mid-1990s that election officials would manipulate the voter registry by removing names of opposition supporters. Thus, while concerns about ballot stuffing and multiple voting led to restrictive practices, in at least one instance concerns about misconduct by election officials led to an unusually inclusive measure.

In sum, the case studies revealed some trade-offs between voter access and electoral integrity and presented evidence that concerns about particular types of election fraud contributed to the adoption of restrictive administrative practices that made voting more difficult for many citizens (though it wasn't always clear that parties that had been the victims of election fraud supported strict safeguards that reduced inclusiveness – leaving the evidence for Hypothesis 6 inconclusive). Yet the cases also revealed some

instances where access and integrity can be pursued simultaneously, and one instance where fears of fraud led to greater inclusiveness. These findings may have important policy implications for the design of electoral procedures that balance the goals of voter access and election integrity, and more research is needed on the relationship between voter access and electoral integrity, as discussed below.

Civil Society

A focus on partisan interests, electoral management bodies, and debates over voter fraud and inclusion centers on elites as the prime movers shaping electoral rules. Chapter 2 suggested there might be other societal influences on election administration, in the forms of organized civil society (particularly domestic election observation groups) (Hypothesis 8) and diffuse public opinion (Hypothesis 9). The evidence presented in the preceding chapters suggested strongly that neither civil society nor public opinion exerted strong influence on election administration practices. Instead, the case studies showed that the crafting of election administration rules was an elite affair driven by politicians and administrators and relatively unconstrained by popular pressures.

Although the case studies did not explicitly analyze the role of public opinion, no evidence was uncovered that public opinion on issues of electoral administration influenced, or even constrained, the decisions of legislators or election administrators. The activities of organized civic groups have been more influential, but only slightly. In Guatemala, major election administration reforms were already on the agenda by the mid-1990s, when civil society groups first became active in proposing reforms. While endorsements from civil society added legitimacy to the reforms being considered, most proposals from civic groups that deviated from reforms already under consideration were

rejected. Likewise in El Salvador, civic groups involved in electoral matters have proliferated since the country's democratic transition, but although they submit proposals to the Legislative Assembly and enjoy fairly good relations with the electoral management body, they have had little influence on election administration rules. The story was similar in Nicaragua, where several prominent, professional NGOs have conducted election observation and made proposals for election administration reforms, but have seen their recommendations largely ignored by the dominant political party. Despite the advocacy efforts of civil society groups in all three countries, election administration has been an elite affair dominated by the major political parties and election administrators.

International Influences

The case studies revealed mixed results regarding the influence of international actors on domestic election administration practices. International election observation appeared to have only modest influence. It is difficult to determine whether administrative practices for any given observed electoral process would have been less inclusive in the absence of observers, or more inclusive for any given non-observed electoral process (Hypothesis 10). Yet it is clear that observers did not prevent extremely restrictive measures, even those that were highly visible leading up to and on election day, as El Salvador's 1991 and 1994 elections and Nicaragua's 2011 elections demonstrate. It is easier to evaluate the influence of post-election recommendations issued by election observers, and consistent with recent work (Kelley 2012a), the case studies revealed that the recommendations for reform issued by election observation organizations had little impact on election administration inclusiveness within each

country (supporting Hypothesis 11). Observers for the most part advocated more inclusive practices such as voter registration reform, the decentralization of polling places, and improved voter education, although in some instances observer groups recommended more restrictive measures to safeguard against electoral manipulation (see Appendix B). Yet the evidence presented in the case studies suggested that these recommendations had only minimal influence on election administration in the recipient countries.

Greater international influence was evident through two different channels: geopolitical pressures and financial and technical electoral assistance. Geopolitical pressure was a clear influence on electoral conduct in Nicaragua in its early democratic period, increasing the importance of high turnout to legitimize the elections and raising the costs of manipulation.²³⁵ In contrast to Nicaragua, which faced intense international pressure and sought improved relations with Western powers, Guatemala and El Salvador were U.S. allies and faced only modest (El Salvador) or hardly any (Guatemala) pressure to improve the quality of elections. In El Salvador, according to Kelley (2012a, 145), “the international community focused more on the success of the peace agreements and the continued holding of passable elections than on pushing hard for improvements” (Kelley 2012a, 145). The importance of international political pressure has also been evident in recent years in Nicaragua, as pressure for improvement in electoral quality from the U.S. and European donors has been counterbalanced by Venezuelan support for the FSLN government. The case studies thus supported the hypothesis that election administration

²³⁵ A comment from a Chilean general before the 1988 plebiscite on Pinochet’s rule applies equally well to Nicaragua’s 1984 and 1990 elections: “If the government’s candidate wins everyone will say it was fraud. If he loses everyone will say it was a fair election. So it is more in our interests than anyone else’s to be able to show it was an absolutely fair election” (quoted in Hyde 2011, 38-39). For the Nicaragua regime, high turnout was part of the effort to demonstrate a legitimate electoral process.

practices are more likely to be inclusive when a country seeks good relations with Western democracies (Hypothesis 12).

Finally, the case studies supported the hypothesis that technical and financial assistance makes election administration more inclusive by enhancing domestic capacity (Hypothesis 13). In all three cases, international support was crucial in providing the resources and technical expertise to carry out civil and voter registry modernization, adopt cartographic technologies and decentralize polling places, and carry out voter information campaigns. The availability of international financial assistance likely explains why election costs and resource constraints, although important, did not help explain variations in election administration practices in the three cases (contra Hypothesis 7). While such assistance was not sufficient to ensure inclusive election administration practices, it was often necessary in order to implement such practices.

Table 8.1 Summary of Findings

	Guatemala Early Period	Guatemala Later Period	Nicaragua Early Period	Nicaragua Later Period	El Salvador	Conclusion
H1	I	S	NS	S	S	Partly supported
H2	I	S	S	NS	I	Partly supported
H3	NS	I	NS	S	I	Inconclusive
H4	I	S	I	I	S	Supported
H5	S	I	I	I	S	Supported
H6	I	I	I	I	S	Inconclusive
H7	I	I	NS	NS	I	Not supported
H8	I	NS	I	NS	NS	Not supported
H9	NS	NS	NS	NS	NS	Not supported
H10	NS	I	I	NS	NS	Not supported
H11	S	S	I	S	S	Supported
H12	I	I	S	S	I	Supported
H13	I	S	S	I	S	Supported

S = Supported; NS = Not Supported; I = Inconclusive.

Contributions, Limitations, and Avenues for Future Research

This study is one of the first to offer an in-depth comparative analysis of election administration practices. One of the study's contributions has been descriptive: to catalogue the variations in election administration practices in three countries and their consequences for voter participation and electoral quality. A second contribution has been to suggest a number of causal relationships that account for why countries adopt particular election administration rules and practices. It did this by drawing hypotheses from diverse strands of literature on election administration, electoral systems, and voting rights, and probing the validity of those hypotheses through the close examination of cases.

While the empirical evidence presented in this study sheds light on the origins of election administration practices, it is important to note the study's limitations. First is the small-n research design, which raises the question of the generalizability of findings drawn from three small, post-conflict Central American countries. Certain characteristics of the cases, such as the wartime destruction of civil registries and the challenges of registering repatriated voters, may only be applicable in similar post-conflict circumstances. Other characteristics, such as financial scarcity and the role of international technical assistance, may generalize more broadly to all developing countries, while yet other features such as the influence of EMB partisanship and the specter of election fraud may apply to all countries with competitive elections. Ultimately the generalizability of the findings presented here is an empirical question that will need to be addressed through further research.

Secondly, while the case studies have identified a number of causal relationships, the comparative case study approach carries shortcomings that Collier and Collier ([1991] 2004, 20) attribute to comparative historical work, namely that such a methodological approach “lacks the capacity to state precisely the degree to which a given factor is a partial explanation of some important outcome, and it lacks a precise means of summarizing relationships in terms that are probabilistic rather than deterministic.” These are strengths of quantitative and experimental methods, and future research might employ such methods to test and refine the theoretical explanations of election administration practices put forward here.

Considering this study’s limitations, there are a number of directions for future research to add to our knowledge of electoral administration. First, on a descriptive level, little comparative data on election administration practices is readily available, although recent efforts have begun to compile such information for particular regions (Carter Center 2013; Evrensel 2010). Compiling systematic and comparable data on both formal institutions and informal practices will be an important step towards rigorous empirical analysis of election administration.

Second, many of the causal factors assessed in this study call out for further investigation. Research on partisan interests might investigate how much party knowledge of voters’ support varies across different social contexts and party systems, and whether this affects contestation over election administration practices. It also remains an open question whether partisan interests other than office-seeking affect negotiations over election administration, as scholars have suggested is the case for electoral systems (Bowler, Donovan, and Carp 2006; Benoit 2004, 369; 2007, 384).

Furthermore, scholarly research on the consequences of the institutional design of electoral management bodies is just beginning, and more research is needed on this highly policy-relevant subject (see Hyde and Pallister forthcoming). The finding of this study that independent EMBs play leading roles in legislative reform is likely generalizable beyond the three cases. One example is India's independent election commission, which has played a leading role in electoral law reform, and more generally has been highly assertive of its regulatory powers in the context of a weak legislature and judiciary, "arguably exceeding its proper constitutional role by asserting new executive powers and attempting to impose sanctions without adequate legal authority" (McMillan 2012, 199). No doubt many other independent EMBs exceed their purely administrative functions and help shape electoral legislation. Understanding this mode of influence, and more generally unpacking the mechanisms by which EMB institutional structures affect electoral quality, is a promising avenue for research.

More research is also needed on the relationship between voter access and electoral integrity. While recent work has helped to clarify the concepts of election fraud, electoral malpractice, and electoral integrity (Birch 2011; Norris forthcoming; Vickery and Shein 2012), there is still much we do not know. For instance, how often do concerns about fraud lead to the consideration of restrictive election administration measures? Do some political actors seek restrictive measures as a substitute for other forms of electoral manipulation? How do different countries balance the tradeoffs between access and integrity differently, and why?

Future research might also focus on the impacts of technical and financial electoral assistance as well as regional and global networks of electoral management

bodies and electoral experts. Regional associations of EMBs exist in most regions of the world,²³⁶ and in 1999 a global association was established (International IDEA 2006, 280-282). Interwoven with these EMB associations are a variety of intergovernmental and international nongovernmental organizations that provide financial and technical assistance for elections, including support for the institutional development of electoral management bodies and for the conduct of all aspects of the electoral process.²³⁷ In contrast to election observation, little is known about the effects of these international ties on domestic electoral institutions and practices. While this study has suggested the importance of technical and financial assistance in carrying out election administration reforms, such international contacts provide an opportunity for scholars to study the dynamics of socialization and norm diffusion (to determine whether transnational contacts among election administrators and experts have facilitated the articulation and diffusion of norms related to electoral administration) and the effects of international democracy promotion.²³⁸

In sum, this study should be far from the last word on the study of election administration inclusiveness. The administrative conduct of election processes and the bureaucratic procedures to which prospective voters are subject can potentially have

²³⁶ These regional associations are: the Association of Electoral Institutions of Central America (known as the Tikal Protocol) and the Association of South American Electoral Organizations (the Quito Protocol), which coordinate under the Inter-American Union of Electoral Organizations (UNIORE) established in 1991; the Association of Central and Eastern European Electoral Officials (ACEEEO), established in 1991; the Association of African Election Authorities (AAEA), established in 1997; the Association of Asian Election Authorities (AAEA), established in 1997; the Pacific Islands, Australia and New Zealand Electoral Administrators Network (PIANZEA), established in 1997; and the Association of Caribbean Electoral Organizations (ACEO), established in 1998 (International IDEA 2006, 280-281).

²³⁷ Organizations involved in such assistance include the International Foundation for Electoral Systems, the Organization of American States, the European Commission, the United Nations Development Program, and the United Nations Electoral Assistance Division.

²³⁸ Kelley (2012b) suggests similar avenues for future research.

important consequences for citizen participation and engagement, election results, and the legitimacy of elected governments. It is a subject ripe for further scholarly research.

APPENDIX A

VOTER TURNOUT IN GUATEMALA, NICARAGUA, AND EL SALVADOR

	Year	Turnout*	Type of Election
Guatemala			
	1985	69.3	Concurrent
	1990	56.4	Concurrent
	1994	21.6	Legislative
	1995	46.7	Concurrent
	1999	53.8	Concurrent
	2003	58.0	Concurrent
	2007	60.3	Concurrent
	2011	68.9	Concurrent
Nicaragua			
	1984	75	Concurrent
	1990	86.2	Concurrent
	1996	76.4	Concurrent
	2000	57.0	Municipal
	2001	73.2	Presidential and Legislative
	2004	50.8	Municipal
	2006	66.8	Presidential and Legislative
	2011	<i>No reliable data available</i>	Presidential and Legislative
El Salvador			
	1994	53.6	Concurrent
	1997	38.8	Legislative and Municipal
	1999	38.6	Presidential
	2000	38.5	Legislative and Municipal
	2003	41.0	Legislative and Municipal
	2004	69.4	Presidential
	2006	54.2	Legislative and Municipal
	2009	61.9	Concurrent

Sources: Artiga-González 2008a; IPADE 2008; LASA 1990; Solórzano 2008; TSE 2012; TSE-ES 2009.

*Turnout measured as the percentage of registered voters participating. In the case of presidential elections, turnout is taken from the first round of voting; for concurrent elections, turnout is measured as the percentage of registered voters casting ballots in the presidential contest.

APPENDIX B

RECOMMENDATIONS FROM INTERNATIONAL ELECTION OBSERVER MISSIONS

Note: The tables below contain information on all recommendations bearing on election administration inclusiveness from international election observers found in those observers' official reports. Election observation organizations included are the Carter Center, the European Union, the International Foundation for Electoral Systems, the International Republican Institute, the Organization of American States, the United Nations, and the Centro de Intercambio y Solidaridad (CIS). This last group is based in El Salvador but run largely by American staff; it is perhaps most appropriately considered a domestic (rather than international) observation group, but its recommendations are included due to its extensive coverage of elections in El Salvador. Cells marked with an "I" represent a recommendation for the inclusive measure indicated for that row; cells marked with an "R" represent a recommendation for a more restrictive measure; and cells marked with an "X" represent relevant recommendations that are not directly inclusive or restrictive.

<i>Election Year</i>	Guatemala							
	1995	1999	2003	2003	2003	2007	2007	2011
<i>Election Observation Organization</i>	OAS	OAS	OAS	EU	Carter Center	OAS	EU	OAS
Decentralize polling places	I			I				
Provide free transportation for voters	I							
Automatic voter registration / registry collaboration	I	I	I	I				
Increase voter registration efforts	I		I					
Later closing date for registration	I							
Earlier closing date for registration							R	
Extend residency requirement							R	
Require EMB to distribute voter rolls to parties for review				I		I		
Improve voter education	I		I			I		
Hold a verification period for voters to check their registration information	I							
Simplify / make more accessible election day voting procedures		I			I		I	
Change election dates to facilitate participation				I				
Reduce number of voters per polling place to reduce waiting time								I

	Nicaragua													
<i>Election Year</i>	1996	1996	1996	1996	2000	2001	2001	2001	2001	2006	2006	2006	2010	2011
<i>Election Observation Organization</i>	IFES	Carter Center	OAS	IRI	Carter Center	Carter Center	OAS	IRI	EU	Carter Center	EU	OAS	EU	EU
Complete cedulaization process and reduce the need for substitute documents		I	I	I	I			I					I	
Improve distribution of ID cards					I					I	I	I	I	I
Streamline civil registry and ID process						I	I				I	I	I	
Use mobile registration units in high schools										I				
Simplify election day voting procedures						I	I							
Reduce geographic concentration of polling places								I						

Continued on next page

<i>Election Year</i>	1996	1996	1996	1996	2000	2001	2001	2001	2001	2006	2006	2006	2010	2011
<i>Election Observation Organization</i>	IFES	Carter Center	OAS	IRI	Carter Center	Carter Center	OAS	IRI	EU	Carter Center	EU	OAS	EU	EU
Increase geographic concentration of / reduce number of polling places	R										R			
Eliminate Article 41 (pending improvement in registry accuracy)											R		R	
Improve voter education			I	I			I	I				I	I	I
Reduce/eliminate partisanship in EMB						X		X	X	X	X		X	X

	El Salvador										
<i>Election Year</i>	1994	1994	2000	2003	2004	2004	2006	2006	2009	2009	2009
<i>Election Observation Organization</i>	UN	IFES	CIS	CIS	CIS	OAS	OAS	CIS	OAS	EU	CIS
Implement residential voting	I	I	I	I	I	I		I	I	I	I
Provide free transportation for voters		I		I				I		I	I
Make voter registration automatic	I										
Simplify voter registration		I		I							
Introduce new ID card	I	I	I	I							
Issue ID card free of charge											I
Strengthen proof of residence requirements										R	R
Purge non-voters from registry									R		
Improve voter education	I	I					I	I			
Simplify / make more accessible election day voting process					I				I	I	
Implement alternative voting methods (electronic, mail)								I			
Reduce/eliminate partisanship in EMB	X	X	X	X	X			X		X	

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