Distrust Breeds Bureaucracy: Democratization and the Formal Regulation of Electoral Governance in Mexico

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Over the past 25 years, the “third wave” of global democratization has washed about 80 countries to the windy shores of electoral democracy.1 Responding to this unprecedented move towards democratic rule, political science has developed a whole new subfield – democratization studies. In this new subdiscipline, scholars have explored various explanations of either successful, failed, or flawed transitions to democracy. They have studied the influence of a wide range of variables, such as economic well-being, political culture, international pressure, pre-democratic institutions, political leadership, choice and contingency. Yet they have failed to recognize one “crucial variable for explaining the success or the failure of democratic transitions” (Pastor 1999b), namely, electoral governance.2

In general, political science has paid scarce attention to the institutional foundations of democratic elections. In established OECD democracies, scholars can afford to ignore them because “people take for granted the administrative dimension of elections” (Pastor 1999a: 76). As it seems, in the early transitions from authoritarian rule in Southern Europe and South America something similar happened. Those transitions took place in the context of “usable” (Linz and Stepan 1996: 10–11) state apparatuses (such as in Spain and Argentina), or else were

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1 Discounting authoritarian regressions, the number of “electoral democracies” in the world increased from 39 in 1974 to 117 in 1997 (see Diamond 1999: 25). On the “third wave” of global democratization, see Huntington (1991).

2 I use the expression “electoral governance” rather than the usual terms “electoral administration” or “election management” to indicate that in new democracies the organization of elections usually involves much more than just the application of valid rules. It also involves the creation of rules, the adjudication of disputes, and negotiations with political parties.
able to resuscitate dormant traditions of reliable election management (such as in Uruguay and Chile). Therefore issues of electoral governance did not acquire much visibility. They remained in the background during the transition processes. It was only in later transitions that concerns about electoral fraud and electoral integrity moved onto the center-stage of democratization. In Mexico, as in other transitions from “electoral authoritarianism” that strove to overcome a history of manipulative elections, the control of electoral fraud turned into the very axis of the process.

While the incipient debate on electoral governance has been mostly exploring either the process of organizing elections (see e.g. Elklit and Reynolds 2000) or the structure of election management bodies (see e.g. López Pintor 1999), the present article revolves around a different dimension. It focuses on one specific institutional variable: the regulatory density of election law. As it argues, distrust was a driving force behind Mexico’s democratizing reforms. It had a profound impact on the institutional framework of electoral governance. As the article will analyze in some detail, it has led parties to constrain the new election management body through detailed formal regulation. Yet, while distrust breeds bureaucracy in a fairly predictable way, this “bureaucratic” mode of control may have been more effective and somewhat less costly than contemporary “post-bureaucratic” approaches might suggest.

Democratizing Elections

Mexico’s long-time hegemonic party, the Revolutionary Institutional Party (PRI), was founded in 1929 in the aftermath of the revolutionary civil wars. During decades, it oversaw a kind of political regime that was widespread in the past and is spreading again in the present: electoral authoritarianism. Electoral autocracies reproduce and legitimate themselves on the basis of periodic elections that show some measure of pluralism but fall short of democratic minimum standards. Violations of liberal-democratic norms may be manifold, and post-revolutionary Mexico had nearly all of them in place: limitations of civil liberties, political restrictions to party and candidate registration, electoral fraud, electoral corruption through vote buying and coercion, and an uneven playing field, with the incumbent enjoying monopolistic access to media and campaign resources.

During decades, the combination of fine-tuned antidemocratic restrictions plus an immeasurable measure of genuine legitimation turned the PRI regime into an unbeatable bastion. As the country’s protracted transition to democracy finally got on its way in the early 1980s, emerging opposition parties were able to set in motion a self-reinforcing spiral that undermined both pillars of the regime – its antidemocratic structures as well as its popular legitimacy. In successive
rounds of elections, post-electoral conflicts, and electoral reforms, they succeeded in gradually accumulating strength and simultaneously negotiating democratizing reforms. While transitions from military rule culminate in the organization of “founding elections,” the Mexican transition from electoral authoritarianism revolved around the transformation of elections through legal reform.

The negotiated electoral reforms enacted in 1987, 1990, 1993, 1994, and 1996 have added up to a veritable electoral revolution. The list of institutional innovations is impressive. The new electoral code spreads a dense network of regulation over the electoral process. The new voter registry ranks among the world’s best in terms of coverage and reliability. Nominal voter lists contain individual photographs of all eligible voters (well over 58 million in 2000). The new high-tech voter credential has become the major means of personal identification in the country. Polling station officials are normal citizens selected in a two-stage random procedure. Ballot boxes are transparent and ballot papers are forgery-proof. A special attorney prosecutes electoral offenses defined as violations of the penal code. Clearly, however, the two load-bearing columns of the new electoral system have been a new independent election body and the judicialization of conflict resolution.

First of all, concordant with an international trend (see López-Pintor 1999), Mexican parties decided to delegate the organization of elections to a permanent and independent election management body. Today the government has no say anymore in the Federal Electoral Institute (IFE), founded in 1990. Since 1996, nine nonpartisan officials, who are appointed in consensus by the three major parties in Congress, control the General Council, the Institute’s top oversight and management body. In addition, electoral reformers set up a new system of judicial dispute resolution. Mexico had a long tradition of congressional “self-certification,” with elected Congress members validating their own victories without any means of legal recourse. Starting in 1987, electoral reforms have gradually built up an increasingly autonomous and impartial judicial system of electoral dispute settlement. Today, the federal electoral tribunal has the last saying over any electoral conflicts, including local disputes.³

³ Parties’ confidence in those institutions has been somewhat asymmetric. On the one hand, the electoral tribunal proudly publicizes the apparently unbiased statistical record of its findings. Still, opposition parties are reluctant to forget (and forgive) that, in some major conflicts, the tribunal’s restrictive reading of the law has consistently favored the PRI. On the other hand, after the 1997 midterm elections, IFE’s independent
Still, formal institutional changes would have been neither viable nor effective without accompanying changes in the underlying correlation of forces. A few telling figures illustrate the rising competitiveness of the party system. While until the early 1980s, opposition parties only exceptionally succeeded in winning a municipal election, by mid-2000 its mayors were governing more than half of Mexico’s total population. While opposition parties did not win any gubernatorial contest until 1989, by mid-2000 they were controlling eleven of the 31 federal states. While the first opposition candidate was elected to the Senate only in 1988, in the 1997 midterm elections the PRI lost its two thirds majority, and in 2000 it fell below the 50 percent threshold in the upper chamber. While until 1988, the PRI had always commanded a comfortable two thirds majority in the Chamber of Deputies, in 1997 it lost its absolute majority in the lower chamber, giving way to an unprecedented experience of divided government. Finally and most prominently, while the PRI had monopolized the presidency during 71 years, it was unseated in the historical 2 July 2000 election. With this watershed event – the first peaceful, democratic alternation in power in the country’s independent history – Mexico’s prolonged democratization process finally reached its culminating point.4

In the realm of electoral administrations, opposition parties have translated their new strength into comprehensive schemes of oversight. They have institutionalized a “panoptic” regime of surveillance that allows them to closely monitor the entire electoral process step by step. Their vigilant presence goes far beyond the deployment of representatives on voting day. Parties act as vigorous agents of accountability in the IFE General Council (to which they belong as consultative members) as well as in other organs of the Institute. Also, they are legally entitled to oversee (and actively committed to overseeing) the organization of elections in each of its phases, from voter registration to vote counting.5

Electoral councilors have run into some harsh conflicts with the PRI. But they have continually entertained full confidence of the major opposition parties (see Schedler 2000a).

4 On the multifaceted long-term trends of increasing “power sharing” between government and opposition in the course of Mexico’s democratization, see Lujambio (2000).

5 The term “panoptic” goes back to Jeremy Bentham’s panopticon, the paradigmatic model of the modern prison, as described by Michel Foucault (1979). For its creative application in the realm of bureaucratic controls, see Anechiarico and Jacobs (1996). It is important to stress that our preceding list of reforms covers electoral administration only. It excludes both changes in electoral rules (rules of representation) and moves towards greater electoral fairness (“leveling the playing field”). In the latter realm, reformers set restrictive
Bureaucratizing Elections

The past federal elections of 1997 and 2000 indicate that electoral reformers succeeded in subjecting the Mexican Leviathan to democratic rules, despite its historic reputation of subverting or breaking formal rules at its convenience. The present article does not pretend to analyze the complex package of interlocking “safety measures” reformers designed to keep the new Federal Electoral Institute under control. It limits its attention to one key instrument of restraint: bureaucratic regulation – the enactment of numerous specific legal rules and regulations designed to minimize the discretion of election officials. As many observers have noted, Mexico’s electoral code represents more than just a legal framework for electoral administration. Striving at comprehensive and detailed procedural regulation, it rather resembles an exhaustive “manual of procedures” (Woldenberg 1998: 29). In this sense, it looks distinctively and classically bureaucratic in spirit. At first sight, it thus appears to run diametrically against the anti-bureaucratic or post-bureaucratic Zeitgeist of current public administration theory.

In the 1990s, the new “post-bureaucratic” or “managerial” approach to public administration has become enormously influential throughout Western democracies. Yet, its attraction has by no way been limited to consolidated democratic polities. Efforts to strengthen the state by making it leaner as well as more efficient, flexible, transparent, and client-oriented, have been part and parcel of “neo-liberal” reform prescriptions in new democracies. Despite dramatically contrasting contexts and challenges, the recipes of new public management have been applied to the privatization and restructuring of public administration all over the world, in Mexico as elsewhere.6

Thus, at first sight, one might find it striking that Mexico’s new electoral law embodies about everything the new “managerial” public administration school recommends against. Indifferent to the new discourse that hails flexibility, risk-taking, innovation, experimentation, empowerment, personal responsibility, problem solving, employee participation, worker motivation, voluntary compliance, competition, market mechanisms, product orientation, service and customer spending ceilings for electoral campaigns, provided parties with generous public financing as well as with free access to mass media, and subjected them to stringent financial auditing.

6 For Latin America, see, for example, Bresser and Spink (1999). For reasons of simplicity, I treat the “reinvention school” here as a homogenous body of thought and practice, using the terms “post-bureaucratic,” “managerial,” “entrepreneurial,” and “new” public management as largely synonymous.
orientation, and so forth, the electoral code pursues with single-minded determination to establish a paradigmatic Weberian bureaucracy. Rather than assigning the distinction between politics and administration “to the dustbin of history” (Altshuler 1992: vii), Mexico’s electoral code strives to institutionalize it. Rather than adopting a focus on results, it embraces “the obsolete focus on rules” (Barzelay 1992: 125). Rather than empowering public officials, setting them free “from the constraints that limit experimentation,” and accepting “a calculated degree of risk” (Anechiarico and Jacobs 1996: 203), it does everything to minimize their discretion. Rather than fostering an “entrepreneurial culture” (Thompson and Riccucci 1998: 236) of innovation and creativity, it tries to build a machine-like apparatus that would work with maximum “precision, constancy, discipline, tightness, and reliability, hence: calculability” (Weber 1972: 128). In sum, rather than “reinventing government” (Osborne and Gaebler 1992), Mexico’s electoral reformers set out to forge an old-fashioned iron “cage of subservience” (Weber 1988: 332).

How else could it have been though? How else, given the starting point – a history of fraud and abuse that impregnated electoral governance with deep and pervasive distrust? And how else, given the corresponding task at hand – constructing electoral institutions subject to both effective and credible restraints? After all, the Federal Electoral Institute was never thought to be a simple service organization but an “agency of restraint” (Collier 1999).

In fact, even the most ardent defenders of the “new managerialism” would concede that the scope of application of their deregulatory program is limited. Scholars have not given much systematic attention to the task of “specifying the conditions under which one … management style might succeed or fail” (Thompson and Riccucci 1998: 254). But Mexico’s electoral reforms forcefully point to an issue that has been largely implicit in the discussion: the trust-based nature of entrepreneurial approaches. Most scholars as well as practitioners would easily recognize that the reinvention movement rests on the pivotal assumption that we can (and should) trust public officials.

The “post-bureaucratic paradigm” (Barzelay 1992) correctly perceives that the bureaucratic obsession with control, regulation, discipline, surveillance, and punishment flows out of a deeply

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7 Actually, election management bodies do not quite fit the conventional distinction between service organizations and regulatory bodies. Probably, we should classify them as “agencies of empowerment.” Their administrative object is unique: power. Rather than managing money, rules, or expertise, election management bodies distribute power – one person, one vote.
distrustful attitude toward public officials. Bureaucratic overregulation, rather than treating employees as “trusted servants,” views them as “potential criminals” (Anechiarico and Jacobs 1996: 62). In response, the new managerialism recommends freeing state employees from the bureaucratic bondage of rules and regulations. Where state agents must be expected to abuse their increased degrees of freedom, however, bureaucratic approaches still make a good deal of sense. Thus, apparently, where either stakes are very high or trust is very low (or both), the classical “command and control” approach still shows the way to go. No one in his mind would recommend deregulating the handling of chemical weapons, the maintenance of airplanes, or the use of force by police officers. The same way, no one would think that notoriously corrupt officials should be given full discretion without subjecting them to tight mechanisms of oversight. As Thompson and Riccucci state, “low levels of citizen trust in government encourage administrative approaches at odds with reinvention – approaches based on rules, investigations, audits, procedural requirements, and control” (1998: 255).

But distrust, once it settles into a self-reinforcing “equilibrium,” must be regarded a “hard” social constraint that cannot be simply wished away. Trusting employees and granting them discretion, may be a good way of actually making them trustworthy in the long run. But in the short run, trust is a scarce resource that cannot be generated by either administrative fiat or scholarly exhortation. To tell the participants in Mexico’s electoral reforms to trust each other would have hardly paved the way to clean and credible elections. Their mutual distrust very much compelled them to choose a high-security strategy of watertight “bureaucratic” regulation rather than a trust-based strategy of loose “post-bureaucratic” regulation.

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9 Few analysts will disagree that structural distrust impedes embracing the “post-bureaucratic” approach. Also, most will agree that many recommendations of the “managerial” reform program cannot be applied to the organization of elections for structural reasons. Imagine, for example, somebody striving to make “creative use of competitive pressures” (Rose-Ackerman 1999: 49) between polling stations; or exhorting polling station officials to experiment, innovate, and assume risks during the vote count. Still, these limitations to an entrepreneurial approach should not imply that the reinvention discourse could not be fruitfully applied to certain fields of electoral governance. Above all, functions that lie outside the core areas of electoral organization and involve direct contact with citizens (such as voter education) as well as the internal relations within election management bodies could clearly benefit from incorporating the language, criteria, and instruments of the “post-bureaucratic” program.
Institutionalizing Distrust

The pervasive presence of distrust in Mexico’s democratization is a historical fact beyond controversy. Both allegations of fraud by opposition parties and the intense post-electoral conflicts during the 1980s and early 1990s testified to the profound lack of credibility of political elections until a few years ago. Actually, the public discussion on electoral reform as well as the whole literature on the transition process revolved around the central challenge of “redressing an ancient distrust into electoral procedures” (Woldenberg 1999: 68). Public discourses, behavioral evidence, and academic diagnoses thus all point to the same direction: Distrust constituted a driving force in Mexico’s protracted democratic transition.

The historical prominence of distrust is entirely in accordance with theoretical expectations. A history of electoral manipulation creates expectations of electoral manipulation. Still, whether distrust translates into bureaucratic strategies of control is contingent on contexts and choices. In general terms, distrust seems to be a social phenomenon that may give rise to various, functionally equivalent effects. It seems to work as a “social mechanism” (see Hedström and Swedberg 1998) that does not generate unique effects, but allows for a limited set of different consequences. Rational choice theory, the anthropology of distrust, has done a good job of specifying the possible consequences of distrust. If I distrust you I may either stop dealing with you or else, constrain, monitor, reward or punish you.10

In simple, dichotomous terms, extreme levels of distrust seem to allow for two kinds of radical response: either terminating a transaction or making it safe it by institutionalizing “top security” measures. Actually, much of the literature on the consequences of social distrust has emphasized its disruptive effects. Distrust is the mother of social isolation. Distrustful actors do not cooperate. Unless they receive external guarantees they rather withdraw from interaction.11 In Mexico’s transition, the threat of withdrawal was indeed one of the strongest weapons opposition parties could muster against the incumbent. Under electoral authoritarianism, the ambivalent nature of elections puts heavy strains on genuine opposition parties. They face the torturous choice between electoral participation and boycott. While their participation legitimizes a less than democratic game, their withdrawal gives away an opportunity for widening the political

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10 For a representative list of recommendations formulated within the framework of principal-agent theory, see Kiewiet and McCubbins (1991: 27–34).
11 See, for example, Banfield (1958), Fukuyama (1995), Gambetta (1993), and North and Weingast (1996).
space. Over the past two decades, Mexico’s opposition parties have resolved this dilemma basically by participating – while reserving their right of challenging the results afterwards, be it on the streets or in the courtrooms. The ultimate threat of withdrawal served as an effective means to pressure the incumbent PRI. It was critical to achieving the institutionalization of distrust in disciplining schemes of surveillance and punishment (see Foucault 1979) as well as in the reduction of administrative discretion through bureaucratic regulation.

Before diving into some details of electoral regulation, we may convey a first idea of the rise of bureaucratic regulation in democratizing Mexico by citing some simple figures. In 1977, after the electoral reform that arguably inaugurated the country’s transition, the electoral law contained 250 articles. In 1996, after the electoral reform that arguably completed the country’s transition, the election law included nearly twice as much, namely, 492 articles.12 Also, in comparative terms, the regulatory density of Mexico’s current electoral code appears to be high. Electoral laws in fourteen other countries of Latin America and the Caribbean show an average of 230 articles, less than half the length of Mexico’s current electoral law (see Table 1).13

Two caveats are in place here. One the one hand, emphasizing the causal force of distrust is different from assuming the generation of trust. There is an important asymmetry between distrust as a cause and trust as an outcome. Since the mid-1990s, post-electoral conflicts have largely subsided. Opposition parties have largely stopped questioning the legitimacy of political elections. And an overwhelming majority of citizens think elections have become credible. Still, the main argument here is that distrust drove electoral reforms; not that electoral reforms

12 In continuation, I will refer to the 1977 Federal Law of Political Organizations and Electoral Processes (Mexico City: Federal Electoral Commission) as LFOPPE, and to the 1996 Federal Code of Electoral Institutions and Procedures (Mexico City: Federal Electoral Institute) as COFIPE 1996 (in both cases following acronyms in Spanish). As Table 1 shows, the 1996 electoral law is made up of three separate texts: COFIPE, the law on electoral dispute settlement, and the electoral offenses included in the penal code.
13 Of course, these data give only a first and rough approximation. Neither are the units chosen (articles) a perfect measure of length nor is length a perfect measure of regulatory density.
eliminated distrust. They did so to a fair degree but claiming that either voters or political parties had shed *all* their suspicion would clearly overstate the point.\(^\text{14}\)

On the other hand, the regulatory density of Mexico’s electoral law is not entirely uniform across the whole body of legislation. There are some fields where electoral reform actually led to deregulation; others where the degree of regulation is probably lower than in other countries; and still others that display low regulatory intensity.\(^\text{15}\) Still, on average, the law displays a “baroque” density of formal rules which I will document here in three classical areas of bureaucratic constraint: record keeping, identity controls, and time rules.

**Bureaucratic Records**

Forms and files are the souls of modern bureau, and the requirement to record and report everything official in writing represents one of its basic principles of action. Electoral administration in democratic Mexico is a neat case of bureaucratic organization based on record keeping. Here as anywhere else in the world of modern bureaucracy, the written form serves the main purpose of certainty and control. Red tape is the material basis of bureaucratic accountability. Hence, Mexico’s electoral reformers drew up a complex network of interlocking pieces of paper – documents, applications, forms, files, originals, copies, minutes, certificates, notifications, receipts, and reports. Those stocks and flows of paper are intended to ensure that all administrative steps follow uniform, controlled, and, above all, controllable procedures that enable parties to trace eventual irregularities back to their original sources. Accordingly, Mexico’s electoral law code turns each federal election into a gigantic paper mill. Two particularly paper-intensive processes may illustrate this point: voter registration, and vote counting.

Since the early 1990s, the construction and regular up-dating of the voter registry in Mexico is a thoroughly computerized high-tech enterprise. For all its technological sophistication, however,

\(^{14}\) On public perceptions of electoral integrity in Mexico since 1988, see Schedler (1999). For an analysis of the post-1997 “third generation” of electoral fraud allegations, that focus on critiques of vote buying and coercion, see Schedler (2000b).

\(^{15}\) For example, for the early 1990s, Clemente (1998: 551) ranks Mexico’s regulation of ballot format and ballot printing as medium to high when compared to other Latin American countries. On the “reign of liberty” the IFE General Council enjoys, above all, in between elections, see Schedler (2000a: 400–7).
the registration of voters still gives rise to considerable stocks and flows of paper. For instance, citizens, the main clients of the electoral bureaucracy besides political parties, have to fill out application forms to be included into the electoral list. They have to submit documents that prove their identity, and receive a receipt of their application. They have to sign a receipt when receiving their voter card. They have to submit documents and application forms to up-date their personal data. They have to fill in and submit forms when appealing against their eventual exclusion from the electoral list or against the eventual non-receipt of their voter card. Finally, they receive written notification of the corresponding rulings. None of these red-tape provision was present in the 1977 electoral law.16

While the preparatory steps of Mexico’s federal elections already involve extensive paper work, the requirements for record keeping are particularly tight during voting and vote counting. The 1977 election law only foresaw three kinds of forms for voting day, one to record the opening the polling station, one to record its closure, and one for vote counting (see LFOPPE, Article 200). By contrast, the 1996 electoral code demands files and forms for everything. For the tally, for example, it foresees separate forms to report the reception of voting materials from polling stations; to fill in the results computed at polling stations; to confirm that polling station files and district files are identical; to document procedures and findings when electoral packages are found altered; to report aggregate results at district level; and finally, to give a summary of vote counting at district level, including its results, eventual incidents, and declarations of validity and eligibility. At the end of the vote count, the whole process of large-scale paper production flows into a final, apotheotic act of bureaucratic ingenuity: the distribution of those files to different points in the system of electoral administration and dispute adjudication.17

Since there are up to three federal elections at a time (for the presidency and the two legislative chambers) – which furthermore are conducted on the basis of a mixed electoral system (that combines plurality formula with proportional representation for both the Chamber of Deputies and the Senate) – the paperwork associated with vote counting multiplies accordingly. For the federal election of 2 July 2000, the Institute designed, printed, and distributed 82 (eighty-two) different forms to be used for voting and vote counting.

16 See COFIPE 1996, Articles 143, 144, 146, 148, 151, and LFOPPE 1977, Chapter VIII.
Bureaucratic Identification

Any administrative apparatus, if it wants to make good on the bureaucratic promise of reliability, has to ensure clarity about and control over its basic units of operation (clients, files, and decisions). It has to define criteria of eligibility that allow it to identify the beneficiaries (or victims) of its services. It has to set up systems of storage and communication that prevent files from getting lost, altered, or misdirected. And it has to issue documents that give some recognizable form to its final decisions. Given the country’s history of electoral fraud, the organization of elections in Mexico reflects a particularly intense concern with establishing and safeguarding the identity of its main administrative objects. In accordance with the nature of the task at hand – putting the democratic principle of “one person, one vote” into administrative practice – the federal electoral law focuses on two fundamental challenges: ensuring the identity of the its core clients (citizens) and guaranteeing the integrity of its core documents (ballots).

The Identity of Citizens

In the hey days of authoritarian PRI hegemony, the voter registry represented a renowned major source of vote rigging. In essence, it worked as a mechanism of “weighting” voting rights: It denied suffrage to those people “shaved” from the list while multiplying the votes of those with various entries. While some of the inaccuracies may have had their origins in technical problems, opposition parties always suspected, and with good reason, that the deficiencies were not randomly distributed but rather reflected a clear political bias – over-representing regime loyalists while under-representing presumptive protest voters.

In the 1980s, as questions of electoral cleanliness (as different from issues of political representation) entered Mexico’s electoral reform agenda, it was clear that the country was not to have clean elections without first setting up an accurate voter registry. It was clear as well that this was not to be an easy assignment. The Mexican State has great difficulties in identifying its subjects at birth, counting them in regular national censuses, and registering them for military service, the payment of taxes, or the provision of welfare services. In addition, population mobility (internal and external migration), problems of personal identification (most people do not have a passport), problems of location in space (homonymous and anonymous streets), not to speak of sheer factors of size (numbers and spatial distances), pose formidable objective obstacles to any pretension of subjecting the Mexican population to the epistemological requirements of a modern state bureaucracy (see Scott 1998).
Since 1990, both IFE and political parties have invested enormous efforts – in terms of time, money, personnel, expertise, and technology – to set up and run a new fully computerized voter registry as well as to issue (twice) a new high-tech and maximum-security voter card (for an exhaustive review, see Luján 1997). Again, a new set of legal rules has been central to revamping the electoral registry. The 1977 electoral code did not much more than stipulating the legal attributions of the National Electoral Registry, the obligations of citizens, the reasons for excluding citizens from the voter list, the obligations of state agencies to collaborate with the Registry, and some rules for exhibiting voter lists prior to elections. The valid 1996 electoral code, by contrast, specifies detailed formal rules to prevent the alteration and misuse of voter lists and voter cards (as well as other related documents). For example, the law establishes minimum standards of safety voter credential have to fulfill in order to render them forgery-proof. It further rules that non-utilized positive impact on its international credit rating blanks of voter card must be stored in “a place that guarantees their integrity,” while replaced as well as invalidated voter cards have to be destroyed. The code also regulates in great detail the various means both parties and citizens have in order to monitor and eventually challenge the voter list.

The Integrity of Ballots

The elaborate safety measures the electoral law defines concerning ballots begin with their design. In 1977, the law only listed the minimum technical information ballots must contain. In 1996, the electoral code prescribes a paper design that allows maintaining full control over the number of ballots in circulation at any stage of the process. In addition, it authorizes the IFE General Council to introduce any further security marks it should deem necessary. In fact, with various watermarks, visible and invisible fibers, microprinting, and inverted printing, today’s numbered ballot papers are more difficult to forge than US Dollars. But the regulatory drive was even more pronounced, when it comes to distributing ballots and other voting material before election day. In this respect, the 1977 law was practically silent, dedicating less than 150 words to the matter. The 1996 code, by contrast, contains details provisions running over 500 words for safeguarding the integrity of ballots and other voting material throughout their delivery to polling stations and subsequent storage. An intense pre-electoral stream of bureaucratic activities – planning, filing, counting, sealing, stamping, signing, storing, and recording – aims at retaining

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18 See LFOPPE 1977, Chapters 7 to 12.
19 See COFIPE 1996, Articles 144, 150, and 156–64.
control over the number of ballots in circulation as well as at preventing the falsification, manipulation, and destruction of ballots before voting day.\textsuperscript{21}

Once polling stations close, complex counting procedures strive to ensure that ballots enter the electoral equation the way they should: one ballot, one vote. None lost, none added, none altered. The rules of vote counting include rules about the sequencing of vote counts; rules of distinction between valid and nil votes; an elaborate division of work and mutual controls between polling station officials; the requirement of crossing out counted ballots and putting them into a special envelope, extensive requirements of reporting and record keeping; and the obligatory presence of party representatives until the end of the process.\textsuperscript{22}

\textbf{Bureaucratic Time Rules}

One of the most prominent aspects of procedural regulation as contained in the electoral code concerns time rules. These time rules are of diverse nature. They include rules of duration, rules of sequencing, rules of frequency, as well as rules of initiation and termination. But most of them are timing rules that define schedules of administrative action. They delineate time periods during which electoral officials, political parties, or clients are either allowed or obliged to do certain things. And they fix deadlines up to which those actors are either allowed or obliged do certain things. Just one example, the elaboration of voter lists, may illustrate the grid of formal temporal constraints that covers all steps of the electoral process.

One of IFE’s core activities which is thoroughly constrained by legal time rules is the management of the nominal voter list. While the 1977 electoral law barely contains eight time rules with respect to the public distribution and exhibition of nominal voter lists, the 1996 code formulates two dozens of such rules. Among other things temporal, the law stipulates dates and deadlines for all the steps and measure in the process: for delivering nominal lists for public exhibition; for returning the lists from municipal authorities to IFE authorities; for reporting eventual modifications made by the Institute; for filing appeals against these changes; for

\textsuperscript{21} See LFOPPE 1977, Chapter XVII, and COFIPE 1996, Articles 207 and 208.

\textsuperscript{22} See COFIPE 1996, Articles 227–30, 232, and 237.
delivering magnetic tapes and hard copies of the nominal list to parties in election years; for printing nominal lists with photographs; and for delivering them to local electoral authorities.23

In general, the electoral law attaches a deadline to any right and obligation it assigns. Schedules fulfil the important technical function of coordinating activities under the shadow of the one master deadline, election day. But they also fulfil the political function of assigning power and responsibility. On the side of obligations, time rules limit power. Decision-makers do not just have an abstract obligation to do something. They have to fulfill it within determinate time limits, and may be held accountable for it. On the side of rights, time rules legitimate power. If those who hold certain rights, be it political parties or individual citizens, do not make use of them within the time frame set by the law, the responsibility for forfeiting their rights is their own. In other words, subjecting administrative agents to deadlines shifts power to their clients, while subjecting claimants to deadlines shifts power to administrative authorities. In both cases, the responsibility for any eventual failure to act in a timely fashion lays with those who ignore the legally established time limit.24

Is Electoral Administration Different?

The prevailing level of distrust towards the PRI state, I maintained above, left electoral reformers with little choice other than locking the new election management body into a bureaucratic cage of detailed rules and regulations. As a matter of course, though, the effectiveness of formal rules cannot be taken for granted. Yet the steady advance of opposition parties over the past decade testifies to the effective force of the new institutions. According to some observers, Mexico had crossed the threshold to electoral democracy since the mid-1990s. The alternation in power brought about by the 2 July 2000 presidential elections, however, delivered the final proof of the country’s membership in the democratic community. It demonstrated that the new electoral infrastructure is not just a fragile facade for show, but a solid shelter of democratic pluralism.

The election went as smoothly as an election can possibly go in a country as big and heterogeneous as Mexico. In fact, it was a master piece of logistic and administrative efficiency. Over 58 million citizens were called to express their will at the polls. More than 790,000 of them were selected by lot to administer the voting process as polling station officials. Of the 113,423

24 For some general reflections on time and democratic politics, see Schedler and Santiso (1998).
polling stations foreseen, all but a dozen got successfully installed. Among polling stations, IFE distributed about 345,000 ballot boxes, 184.9 million ballot papers, 7.9 million auxiliary documents, 2.3 million pens, and 231,000 bottles of indelible liquid. Representatives of more than one political party or coalition had been accredited in 93.8 percent of the polling sites, and well over 36,000 national and 800 international observers were monitoring the elections. In addition, IFE deployed more than 16,000 well-trained electoral assistants who shuttled between polling stations to detect and resolve problems as they were arising. This comprehensive system of “fire alarms” allowed to resolve on spot 97.4 percent of the barely 3,043 incidents registered during election day. In fact, the whole electoral machinery ran so well-oiled and trouble-free that everybody was full of praise. As former US president Jimmy Carter observed with admiration: “IFE left nothing uncovered, no stone unturned.” Gonzalo Sánchez de Lozada, former president of Bolivia (who led a small delegation of election observers jointly with Carter), assented: “This was the best electoral process I have ever seen.”

Of course, the regulatory density of the electoral code cannot but claim a modest part of the credit for this remarkable success story. Still, the Mexican experience seems to contradict the widespread assumption that bureaucratic rules and procedures are “not a very effective mode of control” (Przeworski 1999: 27). We may still wonder, however, whether it was an efficient mode of control. We may still wonder how costly the reliance on a bureaucratic mode of control has been.

In comparative terms, running elections has been seemingly more expensive in Mexico than in most Western European and Latin American countries (see López-Pintor 1999: 64–74). In part this reflects the fact that the Mexican electoral budget includes the costs of voter registration, a task which in most other OECD countries falls under the purview of general registration offices within the regular state administration. Also, the growing experience of the Federal Electoral Institute as well as decreasing procurement costs have been leading to considerable efficiency gains over time. The Institute’s budget for the presidential election year 2000 was one third lower

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25 Common press conference, Mexico City, Sheraton Hotel, 3 July 2000. Data on the coverage of party representatives and election day incidents were provided by IFE’s Dirección Ejecutiva de Organización Electoral. All other election day data cited are taken from Instituto Federal Electoral, “Información básica sobre el proceso electoral federal de 1999–2000” (Mexico City: IFE, 2000).
in absolute terms than its 1994 budget, while the costs per registered voters have been nearly halved.\textsuperscript{26}

It is nevertheless clear that many “bureaucratic” rules have direct cost implication. For example, appointing polling station officials would be cheaper without a complicated two-stage of random selection; voter lists would be less expensive if they would not contain individual photographs of each eligible voter; and the weeks preceding federal elections would be less labor-intensive if the law would not require electoral officials to count and stamp all ballots. Still, if one looks at the broader picture, even a very expensive electoral process may create substantial financial net benefits for the country. For instance, credible elections are likely to have a positive impact on a country’s international credit rating and in consequence, lower the interest rates it has to pay on its external debt. In addition, the bureaucratic regulation of electoral governance is unlikely to generate the same kind of “bureaucratic pathologies” as we have learned to know and to fear them in other spheres of public management. Electoral administration is different in at least three regards that tend to reduce the costs of dense formal regulation.

\textit{The periodical task:} Complying with the strict and detailed set of rules the Mexican electoral code imposes on election officials may be complicated, burdensome, time-consuming, and expensive. But federal elections take place just once every three years.\textsuperscript{27} The bulk of the rules do not guide the everyday operation of a bureaucracy producing a permanent flow of decisions. The Federal Electoral Institute does accomplish some continuous tasks, such as maintaining the voter registry, auditing political parties, and educating the citizenry. But its main function, the organization of elections, is cyclical. A modern, representative democracy is based on regular elections, on the institutional expression of popular preferences at determinate intervals. It is not what Ernest Renan, in his famous definition, thought a nation to be: a daily plebiscite (Renan 1882: 307). Thus, much of the bureaucratic framework that regulates the organization of elections is effective only for specific tasks in delimited periods. As a consequence, it will hardly generate the same kind of costs as a permanent straightjacket of formal rules. Rather, it will tend to produce delimited and transitory “pathologies” only. For instance, the citizens who happen to be chosen to work at a polling station, will hardly develop, in the course of one day, the same blind

\textsuperscript{26} See “Aprobó el IFE partida de 8 mil 453 millones para el 2000,” \textit{La Crónica} (15 October 1999), p. 8.

\textsuperscript{27} The presidential term is six years, the 500-member Chamber of Deputies is renewed every three and 128-member Senate every six years. Federal elections are concurrent, except for the mid-term elections for the lower chamber.
routines and the “bureaucratic personalities” that are said to afflict officials in other walks of bureaucratic life.

**Citizens as agents:** Pursuing the Weberian ideal type of a rule-bound, neutral, and predictable administrative machine, the Federal Electoral Institute has been trying, since its inception in 1990, to implement “the quintessential reform in the history of public administration” (Anechiariico and Jacobs 1996: 39) – the professionalization of public officials through a merit-based civil service system.28 Polling stations, however, are not staffed with professional employees. Rather, to staff the over 100,000 polling stations the Institute sets up at each election, it selects ordinary citizens on the basis of a complicated two-stage random procedure. Accordingly, all the “line agents” who do the face-to-face interaction with voters on voting day are not full-time bureaucrats but ordinary citizens. The numbers are impressive. At the 1997 midterm legislative elections, it was more than 730,000 citizens (Becerra and Salazar 1999: 408), and in 2000, more than 790,000 citizens (see above) who actually ran the election inside polling stations. To put this figure into perspective: Until 1999, the Federal Electoral Institute employed somewhat over 16,600 staff members, to be cut down to around 10,800 by the end of 2000.29 The massive involvement citizen in the organization of elections thus amounts to an unusual degree of community control, as Vincent Ostrom (1989) demanded it nearly three decades ago as a centerpiece of public administration reform.

**The procedural product:** According to the reinvention school, public administration should abandon its “obsolete focus on rules” (Barzelay 1992: 125) and concentrate instead on its “mission.” Products, not procedures have to be the central concerns of the “post-bureaucratic” public official. As Thompson and Ricucci synthesize, “employees are to be freed from many of the rules that currently limit their discretion” in order to hold them “accountable for the results of their activities” (1998: 236). In the realm of electoral administration, however, the procedures are the product. What are election management bodies supposed to deliver? Very simple: clean procedures. This is what we hold them accountable for: the correct and efficient implementation of a complex body of rules and procedures. They do not have a mission beyond. Election

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28 At the same time, the project of granting employees tenure on the basis of general criteria of merit and performance proceeded in an uneven and contradictory way only, since it clashed with the recurrent demands of political cleansing that opposition parties articulated at certain conjunctures (as well as with pressures to reduce the payroll in the name of austerity and efficiency).

management bodies are not supposed to provide welfare, redemption, or entertainment. They are supposed to provide the procedural foundations of liberal democracy. It would be unintelligible to election officials if we told them to focus on their “mission” instead of worrying about the rules. In the organization of elections, privileging rules over substance is not a symptom of pathological “goal displacement” (Anechiarico and Jacobs 1996: 179) but the very condition of democratic success. Substituting (post-modern?) substantive legitimation for the modern “legitimation by procedures” (Luhmann 1983) may be problematic in many spheres of public administration. In the realm of electoral governance, it is unthinkable.

**Conclusion**

The present article reconstructed the bureaucratic spirit of Mexico’s new election code in three regulatory areas: record keeping requirements, identity controls, and time rules. It identified distrust as the central “social mechanism” that makes plausible why political parties in democratizing Mexico devised a bureaucratic set of rules that strives to minimize administrative discretion, rather than opting for a less restrictive “managerial” design. Distrust breeds bureaucracy. The case under study strongly suggests that we may expect to observe a similar pattern in other democratizing countries as well. Where political parties do not trust each other, it may not be feasible to institutionalize credible democratic elections otherwise than by devising a bureaucratic grid of detailed formal rules. Furthermore, if opposition parties are strong enough to monitor elections and defend their victories, formal rules may actually put effective constraints on electoral officials. Also, due to the distinctive nature of electoral governance, a high density of formal constraints is less likely to generate the same kind of “bureaucratic pathologies” as in other spheres of public administration. But clearly, here as well as in most other areas of electoral governance, more, much more comparative research is needed.


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