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I am grateful to Jonathan Hartlyn, Jennifer McCoy, and Thomas Mustillo for generously sharing their legal database as well as their country syntheses of EMB appointment rules in Latin America since 1980. Mil gracias. Too, I thank Jorgen Elklit, Fabrice Lehoucq, Jonathan Hartlyn, Staffan Lindberg, Rafael López-Pintor, Thomas Mustillo, Robert A. Pastor, and my colleagues at the Department of Political Studies at CIDE in Mexico City for their most valuable comments on a previous version of the present piece. Work on this paper was made possible by research grant 36970-D from the Mexican National Council for Science and Technology (Conacyt).
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Introduction

Among the most frequent and intense conflicts of democratization is the struggle authoritarian incumbents and democratic opposition forces fight over the composition of the central agency of electoral governance. Practitioners as well as scholars readily admit that "the administrative aspect of elections" is of "critical importance" (Reynolds and Reilly 1997: 7) to the dynamics of democratization. More specifically, the "absence of independent [election commissions] is likely to lead to 'flawed' elections" (Pastor 1999: 18). As many assert, the "organizational structure of EMBs matters a great deal" (Elklit and Reynolds 2002: 115). Nevertheless, comparative politics has given almost no systematic attention to issues of electoral governance. Clearly, the governance of elections has been a huge "neglected variable" (Pastor 1999: 6) in the contiguous fields of electoral studies and democratization research.

This paper undertakes some preliminary conceptual steps towards the systematic incorporation of institutions of electoral governance into the study of comparative politics. More specifically, it develops a measure of formal independence of election management bodies usable in large-N research. Although some authors have been working towards the same goal, no ready-made measures are available. Extant indicators suffer from a variety of deficiencies. Often, they do not measure well core aspects of independence (problems of validity), they mix up different dimensions of electoral governance (problems of dimensionality), they are too broad or too specific (problems of differentiation), and they are less than fully transparent in their sources and coding rules (problems of reliability).¹

In essence, the operational proposal I wish to describe and defend here is simple: When measuring the formal independence of election management bodies (EMBs), I propose, we have to check first of all whether the incumbent party controls the appointment process. If it does, we confront a case of institutional dependence. If it does not, we face some form of institutional independence: control by judicial actors, civic associations, and opposition parties, or some scheme of power sharing or power dispersion.

Any exercise of operationalization has to be grounded in and justified by the analytic puzzles it is thought to address. The present approximation to the measurement of EMB independence inscribes itself in a broad comparative study of the dynamics of "electoral authoritarianism" (Schedler 2002). The project covers the universe of electoral authoritarian regimes since 1980, which amounts to about 80 countries and 450 presidential and parliamentary elections. As we will see at various points below, the mere scope of inquiry

¹ On the desiderata of conceptual differentiation and validity in the comparative study of democracy, see Collier and Levitsky (1997).
imposes strict limits in terms of viability (under scarce resources), while its thematic thrust defines our substantive concerns about the governmental control of elections.

In electoral authoritarian regimes, institutions of electoral governance tend to constitute a conflictive “focal point” (Schelling 1960: 57-8) around which transition processes revolve. More specifically, the formal rules that govern the appointment of top election officials are often one of the centerpieces of the struggle over the democratic quality of electoral contests. The challenges to electoral governance in Latin America have been somewhat different. In many of the region’s transitions from military rule, electoral governance has not been at the center of controversy. The re-establishment of elections involved the resurrection of prior institutions and practices of electoral governance. Still, in the Dominican Republic, Mexico, Nicaragua, and Paraguay, electoral governance constituted a pivotal conflict of democratization. Too, electoral authoritarianism in Peru under Fujimori and Venezuela under Chávez reignited sharp conflicts over the control of electoral governance.

Over the past years, it has become something like commonplace to affirm that Latin American democracies represent “diminished subtypes” of democracy that suffer from multiple structural deficiencies, while they have, at least, got the electoral fundamentals right.2 Guillermo O’Donnell, for instance, exempts the electoral arena from his somber diagnose of the “informal institutionalization” of Latin American politics. Contrasting with the informal structure of other spheres of public life, elections appear as well-functioning “highly formalized” institutions (1996: 35). As the author explains, in Latin American regimes, the electoral arena works “in a manner close to what its formal rules prescribe” (45), while elsewhere the “fit” between actual behavior and formal rules is “loose or practically nonexistent” (40). Whatever the multi-faceted problems of Latin America’s low-quality democracies, they seem to lie outside the electoral arena. This optimistic view on Latin American elections obscures two fundamental problems: It makes us overlook that electoral accountability often does not work well at all in the region (see Moreno, Crisp, and Shugart 2003); and it makes us overlook that neither electoral governance nor electoral legitimacy can be taken for granted in the region. Again and again, electoral governance turns from a source of institutional trust into a source of political suspicion (see Hartlyn, McCoy, and Mustillo 2003).

Focusing on agencies of electoral governance, this paper address the latter concern. Even if its approach to the measurement of EMB independence has its origins in the study of electoral authoritarianism, it should apply to the study of Latin America’s electoral democracy’s as well. The piece proceeds in three steps. In its first part, it explicates the “thinness” of EMB

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2 On “diminished subtypes” of democracy, see also Collier and Levitsky (1997).
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independence, while defending its meaningfulness, as a measure of electoral quality. In its second part, it develops its operational proposal, the specific coding rules that allow to respond to the question of who controls the appointment of top EMB officials. In its third and last part, it applies those operational rules to Latin American agencies of electoral governance since 1980. The paper, still tentative and incomplete, is reflexive of an ongoing dialogue between theory, data, and measurement.

Operationalizing Electoral Fairness

When authoritarian rulers and democratic opposition parties struggle over the institutional framework of elections, the bone of contention is the democratic quality of elections. Incumbents will fight to retain and refine the authoritarian manipulation of electoral contests. Opposition parties will struggle to achieve minimal condition of electoral fairness. Electoral fairness, though, is quite a broad normative principle. It is a long walk from its heights of abstraction to the operational valleys of the specific measure we propose: the formal independence of national agencies of electoral governance.

For all its importance, EMB independence is clearly a very thin indicator of electoral quality. Even if it is, as I contend, a meaningful or valid indicator, it is still a highly selective one that cuts most of electoral governance out of the picture. The present section gives something like balance sheet of costs, of decisions of exclusions we take if we adopt a focus on EMB independence.

Most narrowing decisions are dictated by the requirement of viability. Pragmatism dictates that data construction must be a feasible enterprise within the time frame and resource restrictions of a given research project.

Figure 1 sketches a rough roadmap. It indicates the basic decisions we take along the road that leads from a broad concern about the democratic quality of elections to a narrow measure of EMB independence.

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3 Opposition parties may try to cheat as much as the incumbent. Yet, given their relative resource-weakness, they will, as a rule, tend to struggle for democratization even if they are not democratic themselves. If they are interested in winning elections, they will only be able to do so under minimally fair conditions of electoral governance.
Figure 1
Descending the Ladder of Abstraction: From Electoral Fairness to Appointment Rules

The democratic quality of elections:

1  • Electoral competition
   • Electoral governance

2  • Electoral dispute settlement
   • Election management

3  • Functions (pre-electoral, election day, post-electoral)
   • Agencies (subnational / national; permanent / transient)

4  • Resources
   • Performance (competence, integrity)
   • Perceptions (credibility)
   • Formal structure

5  • Jurisdiction (freedom to)
   • Independence (freedom from)

6  • Financial
   • Operational
   • Personnel (staff / management)

7  • Appointment
   • Tenure
   • Impeachment
Step 1: Electoral Governance

The democratic quality of elections concerns rules and conditions of electoral competition as well as of electoral governance. Elsewhere, Shaheen Mozaffar and I (2002: 7) have summed that important initial distinction:

Elections involve more than voting. The formal act of casting a ballot is preceded by electoral competition in which rules defining, among other things, electoral formula, district magnitudes, district boundaries, and assembly size coordinate the strategic choice of voters, parties and candidates over votes and seats [...]. Electoral governance is the wider set of activities that creates and maintains the broad institutional framework in which voting and electoral competition take place. It operates on three levels: rule making, rule application, and rule adjudication. Rule making involves designing the basic rules of the electoral game. Rule application involves implementing these rules to organize the electoral game. Rule adjudication involves resolving disputes arising within the game.

The comparative study of electoral systems has been concerned almost exclusively with issues of electoral competition. As mentioned before, electoral governance has been an omitted variable in electoral studies as well as in democratization research. While readily admitting its crucial importance, scholars have been reluctant to study it systematically. The research project that motivates the present notes abandons this longstanding reluctance. By stepping right into the unexploited minefield of electoral governance, it sets out to open new venues of comparative research.

Step 2: Election Management

Electoral governance, as cited above, involves rule definition, rule application, and rule adjudication. The focus I adopt, on what conventionally is called election commissions or election management bodies, privileges rule application. It leaves out the problem of constitutional design, which in way is what the whole story of democratization is all about. And it excludes the field of dispute resolution. I look at the administration of election, not a the settlement of electoral disputes.

Studying election management, rather than electoral dispute settlement, is not an obvious choice. For instance, in their recent analysis of EMB independence in Latin America, Jonathan Hartlyn, Jennifer McCoy, and Thomas J. Mustillo (2003) give precedence to electoral tribunals over election management agencies. In countries in which a specialized tribunal possesses the last word in the adjudication of electoral disputes, they measure its
degree of formal independence, rather than the independence of the administrative agency.  

As a matter of fact, taking agencies of dispute settlement into account makes a lot of sense. "When elections go bad" (Issacharoff, Karlan, and Pildes 2001), courts may offer institutional remedies that correct and ultimately redeem the process in the last instance. Alternatively, if they fail to resolve disputes in an effective, impartial, and credible manner, they may inflict grave damage to electoral processes. Accordingly, electoral conflicts tend to take very different routes depending on whether or not parties expect to receive fair and expedient treatment by institutional arbiters. However, pragmatic considerations impose the need to be selective. Most countries in the world endow ordinary courts with the authority to settle electoral disputes. Measuring their independence would require undertaking adventurous expeditions into alien judicial systems that go well beyond the possibilities of the present research project.

Fortunately, there is a theoretical reason, too, that advises to privilege election management over dispute adjudication. While failing courts may be a disaster, one may well argue that the remedial possibilities of well-functioning courts are limited. What matters "in the first instance" for the democratic quality of an electoral process is the whole complex chain of planning, organization, and oversight activities election commissions typically take care of, from the registry of voters and candidates to the publication of official results. If either partisanship or incompetence derail an election at these earlier stages, posterior judicial arbitration will hardly be able to save it in the proverbial "last instance."

**Step 3: Central Agencies**

International election monitors as well as scholar have compiled long lists of items that require evaluation if we wish to reach meaningful judgment on the quality of a given election. For instance, Jørgen Elklit and Andrew Reynolds (2002: Table 1) suggest that the systematic study of electoral governance should cover close to fifty "important elements" that range from appointment procedures of election officials to the publication of electoral results. For the purpose of comparative research, such a functional approach is unviable. Comprehensive studies of the multifaceted functions of electoral governance are hard to carry out even for single elections in single countries. Focused studies of critical tasks confront the problem that similar tasks matter differently in different contexts. In some countries, the key problem lies in voter registration, in others, in electoral fraud on voting day, and in still others, in the resolution of post-electoral disputes. Yet we do not have the
criteria nor the case knowledge that would enable us to establish comparative equivalence within the "apples and oranges" that compose the wide-ranging task basket of electoral governance.5

Instead of a functional approach we thus propose to adopt an institutional perspective. Instead of studying the complex set of tasks national agencies of electoral governance confront, we propose to study those agencies themselves. Beyond practical considerations, the basic rationale is simple: In the contemporary world outside established industrial democracies, most electoral regimes have established specialized agencies of electoral governance. Those agencies are deemed important by all sides, government and opposition, state and non-state actors, domestic and international observers. Their instauration has constituted "a very important part of political reform agendas" (Jaramillo 1998: 239) all over the developing world. In many cases of democratization, "the struggle for free elections" has actually "pivoted" around their establishment and design (Pastor 1999: 13).

Step 4: Formal Structures

Over the past two decades then, we have witnessed the wide cross-national diffusion of specialized electoral bureaucracies and tribunals.

the progress towards democratization in the developing world has coincided with a tendency toward placing increasing responsibility for conducting the elections in independent commissions. (Pastor 1999: 14)

electoral reform in new democratising societies ... is almost invariably moving in the direction of establishing independent electoral commissions. (López-Pintor 1999: 41)

Yet, beneath the broad international trend of institutional diffusion, significant variation exists in terms of the constitutional, legal, and organizational structure, resource endowment, actual performance, and professional reputation of those agencies. Here, once again, we embrace selectivity. We evaluate election management bodies inclusively in terms of their formal structure. Their financial, technical, and human resource base as well as their (actual and perceived) performance in terms of professional integrity and competence lie outside of our narrowly "legalistic" focus.

Of course, we all know that formal rules are never the whole story. Actual performance (effectiveness) as well as intersubjective perceptions (credibility) matter as well.6 Both are likely to be low in situations of

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6 Take, for instance, Robert Pastor's caveats: "The fair and effective administration of the rules is often as important as the rules themselves" (1999: 6, italics removed). And: "the establishment of independent [election
institutional weakness, which are typical of authoritarian regimes and democratic transitions. Still, unless we take "parchment institutions" (Carey 2000) seriously, we will never know to what extent the neo-institutional core intuition holds in the field of electoral governance - the intuition that formal institutions matter.

**Step 5: Institutional Independence**

Debates about all kinds of specialized state agencies, such as courts, central banks, ombudsmen, regulatory agencies, and anti-corruption bodies, regularly emphasize two basic dimensions of their legal structure: their jurisdiction and their independence. The former concerns the authority of electoral commissions: What is their range of responsibilities? What are they entitled to do? The latter refers to their autonomy: How constrained are they in fulfilling their tasks? How free from external interference? Reviewing the history of central bank independence, Sylvia Maxfield refers to this pair of structural properties as the distinction between freedom or independence to and freedom or independence from (1999: 285).

The scant literature on EMB independence sometimes mixes those two issues of authority and autonomy (e.g. Pastor 1999: 12-13). But mostly it privileges the former, the range of legal responsibilities agencies of electoral governance are entrusted with. In his pioneering study of EMB independence in the world, Rafael López-Pintor (1999) classified contemporary election authorities according to the institutional location of conducting and overseeing elections. He distinguished between three main situations: (a) the government runs the elections, (b) the government runs elections under supervision by an independent agency, and (c) one or more specialized bodies assume full responsibility for the management of elections. In a similar way, Mozaffar (2002) divides election authorities in Sub-Saharan Africa into three categories, according to the "extent of separation and overlap of authority over operational activities on the one hand, and strategic planning, supervision and policy coordination, on the other." As he suggests, "non-autonomous" arrangements invest all responsibility in a government ministry; "semi-autonomous" agencies command "supervisory authority but no technical responsibility for organizing and conducting elections"; and finally, "autonomous" election management bodies enjoy full regulatory, operational, and supervisory authority.^

[^]: López-Pintor further identifies decentralized systems that lack central election agencies of electoral governance (in Ireland, Switzerland, the UK, and the United States).
[^8]: For a similar conceptualization of EMB dependence, see Choe and Darnoff (1999). Méndez (2000) seems to follow the same intuition when she describes the replacement of a "dependent" authority by the "autonomous" IFE in 1990 as "the most significant" electoral reform in democratizing Mexico (2000: 156). Accordingly, in her
The major problem with these typologies is their weak power of differentiation in those world regions where one institutional solution has come to prevail over all others. With few exceptions, Western Europe is the homeland of governmental election authorities, while most Latin American and Asian countries have established independent election management bodies. In those regions, the tripartite scheme is unable to capture the existing variation within the prevailing institutional families. At the same time, while my own focus on institutional independence pretends to register existing differences within institutional families, it is bound to overlook relevant differences between "powerful" and "powerless" non-governmental election authorities. My exclusive concentration on appointment procedures implies that electoral oversight agencies (with limited responsibilities) and electoral management agencies (with comprehensive responsibilities) receive similar independence scores if only their appointment rules are similar.

Clearly, it would be useful to complement measure of independence with fine-grained information on institutional jurisdiction. It would be useful to know how countries allocate the responsibility for the core tasks of electoral governance:

- Regulation and oversight
- Voter registration and identification
- Party and candidate registration
- District boundary drawing and/or seat apportionment
- Organization of national elections
- Organization of subnational elections

In the given world of limited research resources, however, coarse as well as finer measure of institutional responsibility will for the moment continue to reside, uncomfortably, in the kingdom of wishful thinking.

**Step 6: Personnel Selection**

Institutional independence is "difficult to measure" (Elklit and Reynolds 2002: 90). This is specially true for that evasive empirical phenomenon we call "real," "true," or "objective" independence. Elklit and Reynolds refer to it as "the actual, but indiscernible, level of independence" (ibid.). Ascertaining subjective perceptions of institutional independence is easier, but still complicated. Fortunately, though, our more modest enterprise of capturing only the formal or legal independence of election management agencies subsequent quantification of the evolution of electoral fairness during the 1990s, she does not register any variation any more on this dimension.
demands no more than the hermeneutic ability to understand some fragments of legal text.

Formal institutional independence is still a multi-dimensional concept, though. For the present purpose, we reduce it to one single dimension: personnel selection. This leaves other dimensions of independence, such as budgetary or operational independence, outside the picture. Our focus on the selection of top election authorities furthermore neglects the often contentious issue of how to staff the lower levels of electoral administration.

Step 7: Appointment Rules

In fields as dissimilar as central banking, corruption control, and judicial dispute settlement, studies of institutional independence regularly discuss legal rules that govern three aspects of personnel policies: the appointment, tenure, and dismissal of top officials. Who puts the leading people in their jobs? For how long? Do their terms coincide with electoral cycles? And who may dismiss them before their regular terms expire? Conventionally, analysts read long terms and secure tenure as indicators of high independence, and short terms and insecure tenure as signs of low independence. In the field of electoral governance, some authors suggest that we should follow the tread (Elklit and Reynolds 2002: 92; Jaramillo 1998: 217-8). Hartlyn, McCoy, and Mustillo (2003) actually include tenure rules in their systematic study of formal EMB independence in Latin America. Yet, a strong theoretical intuition, in addition to the usual practical concerns, justifies adopting a narrow focus on appointment rules that excludes questions of tenure and dismissal.

In theoretical terms, appointment rules and term rules influence institutional independence in very different ways. Rules of appointment are selection devices, term rules are incentive devices. The former address the question of how to select the right types of decision makers (assuming that actors are heterogeneous). The latter respond to the problem of how to structure institutional sanctions and rewards in a way that makes decision makers behave well (assuming that actors are homogeneous). Appointment rules matter in a world in which actors differ in their moral and cognitive profiles. Term rules matter in a world in which actors follow the consequentialist calculus of future rewards and sanctions.

Here, once again, our context of research shapes our measurement decisions. In authoritarian regimes and transitional situations, institutional incentives cannot play but a limited role. Almost by definition, authoritarian government involves the weakness or even absence of credible institutional self-restraints. The uncertainty of regime transitions further weakens whatever constraining power actors may be attributing to existing institutions. Accordingly, it does not come as a surprise that democratizing
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struggles over election management bodies almost tend to revolve around the question of who should (be entitled to determine those who) run those bodies. Both camps, the authoritarian incumbent as well as the democratic opposition, tend to assume that it makes a difference whether they put agencies of electoral governance in the hands of loyal authoritarians or convinced democrats. In situations of weak and fluid institutions, they cannot trust institutions, they can only trust persons. Future-oriented arrangements like terms rules can develop their constraining or liberating force only in contexts of institutional effectiveness. The methodological privilege we grant to appointment rules over term rules is thus anchored in the empirical precedence political actors grant to selection processes over incentive structures under conditions of electoral authoritarianism.

Coding Appointment Rules

For all their political relevance, appointment procedures of top EMB officials form a tiny part only of the larger set of rules and practices that determine the democratic quality of electoral contests. The previous section drew up a rough balance sheet of all those aspects of electoral governance that fall outside our camp of vision when we take appointment rules as a single indicator of electoral quality. This section addresses the subsequent challenge of how to transform the vast and heterogeneous set of existing appointment procedures into meaningful measures of EMB independence. Since our central question is who appoints top election officials we need to start by defining relevant actors, by delimitating the universe of both election officials and appointment authorities we are talking about.9

Election Authorities

Election commissions vary widely in jurisdiction, size, and personnel. They may employ just a handful of permanent staff or thousands of bureaucrats all over a national territory. As mentioned before, I propose to look just at the (as Max Weber would have described it) the "non-bureaucratic peak" of electoral bureaucracies, the members of the supreme management body.

Most election management bodies are governed by a multi-member committee. In such collegial arrangements, I propose to weight all members equally, including the committee president. He or she is counted as one, like all other committee members. This coding rule may fail to reflect the superior public visibility EMB presidents often acquire. Often, they are more than just

9 Note that our focus on appointment authorities omits another important aspect of appointment rules: the formal requirements the law stipulates for candidates to high office in electoral governance. Those legal rules of exclusion and inclusion are often highly contentious in processes of democratic transition.
a *primus inter pares*. Yet the value of simplicity trumps the elusive precision we would gain by constructing a parallel measure of presidential appointment rules. Limiting our perspective to top election commissions and treating all members equally, bears the advantage of simplification. Case-oriented measurement schemes tend to carry more detail that a comparative project is able to collect. For instance, Crespo (1996: Chapter 1) measures the independence of subnational election authorities in Mexico on the basis of several highly specific indicators:

- nominating authority (parties, legislature, or governor)
- presence of the executive
- number of legislative representatives
- number of "citizen councilors"
- appointment rules of the council president
- appointment rules of the administrative director

For comparative purposes, such a measurement scheme tailored to a specific case would be unviable in practical as well as analytical terms. A comparative indicator must not be tied to offices and appointment rules specific to a particular country case.

**Role Conceptions**

In addition to ignoring internal distinctions among election commissioners, I propose to ignore the differing expectations appointment authorities may have about the way election officials should perform their public duties. Selecting actors may appoint election officials on the basis of either partisan or neutral role conceptions. They may conceive EMB members as party agents or as impartial role carriers. As stated elsewhere (Mozaffar and Schedler 2002: 16),

> instead of nominating party representatives, [...] parties may select individuals (either experts or notables) with a reputation for independence and impartiality. Instead of sharing power in a multiparty commission, they may delegate power to a presumptively neutral, non-partisan body.

Partisan role conceptions strive to achieve institutional impartiality as an equilibrium of contending forces. Neutral role conceptions wish to establish

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10 Hybrids are possible. Mexico's current appointment scheme, for instance, leads to the nomination of something like party representatives light, that is, of election officials who are supposed to act impartially while still carrying the mark of party nomination.
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impartiality as a normative principle of decision-making. My exclusive focus on relative appointment powers sets aside this important distinction in public role conceptions. This may entail some loss of information, but it also bears the advantage of keeping our measurement scheme one-dimensional.

Extant classifications of EMB types often take contrasting role conceptions into account. Pastor (1999: 12-13), for example, distinguishes between "multiparty" and "non-partisan" commissions, López-Pintor (1999: 9) between "multi-partisan" and "expert" bodies, and Hartlyn et al. (2003) between "partisan" and "professional" agencies. As a result, however, authors sometimes arrive at multidimensional typologies that do not allow sorting cases into one and only one category. For example, Hartlyn, McCoy, and Mustillo's (2003) "index of partisanship" asks whether agencies of electoral governance are "organized" as "partisan" bodies or "operate" in a professional, "non-partisan" manner. In addition, it registers whether the tasks of electoral governance are "divided" between an administrative and a regulatory body. Since a given election management bodies may fall into more than one category, classification turns into a discretionary exercise.

Notions of Independence

Once we have defined the universe of relevant election officials, we have to circumscribe the universe of relevant appointment authorities. If the identities of appointment authorities are to tell us something meaningful about the institutional independence of electoral governance, we have first of all to be clear about our underlying conceptualization of independence. In other institutional fields, like central banking and judicial politics, students of independence tend to focus on independence from the government, especially in regions with traditions of executive encroachment, as in Latin America. At the same time, authors are aware of the need of protecting autonomous institutions from undue interference by non-governmental actors as well. For instance, insulating judges from governmental pressures is not enough; they must also establish their independence from private litigating parties as well as from the public in general. Sacrificing legal appropriateness to private threats or public pressures is no less reproachable, in terms of legal correctness, than ceding to executive demands (see e.g. Domingo 1999: 153-4).

In undemocratic contexts, under conditions of electoral authoritarianism, the overriding concern reads independence from the ruling party. It's a simple question of power: Authoritarian incumbents invariably possess, or are seen to possess, the willingness as well as the capacity to manipulate and control
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electoral processes. There is, as a consequence, no way of democratizing elections effectively and credibly except by taking electoral governance out of the hands of the ruling party. The "challenge of a transition is to negotiate electoral rules that all parties can accept and respect" (Pastor 1999: 15). Today, opposition parties are unlikely to accept election management bodies that remain under the control of the ruling party. As López-Pintor put it, the "recent wave of democratization has put into question the legitimacy of the executive playing the role of a 'referee' in the competition for power" (1999: 43). In sum, in the current context, democratizing electoral governance involves granting independence to election management bodies; and granting EMB independence means disempowering the ruling party.

In democratic regimes, concerns about EMB independence, if they arise at all, tend to be wider. Institutional reformers, rather than calling for the disempowerment of the ruling party, tend to demand the disempowerment of all political parties. They do not wish to shift the locus of political control; they strive to depoliticize electoral governance. After the 2000 US presidential elections, for instance, demands have arisen to "reduce partisan control of elections." The key positions of electoral governance, reformers demand, "should only be filled by nonpartisan professionals." (Minnite and Callahan 2003: 11). In a similar manner, in their recent study of electoral governance in contemporary democratic Latin America, Hartlyn, McCoy, and Mustillo (2003) define EMB independence as independence from the legislature. They code election authorities nominated by simple or qualified legislative majorities as least independent. Given Latin America’s electoral pre-history, which is as much a history of executive manipulation as one of legislative abuse (see Lehoucq 2002), this is an entirely defensible decision. The way we code appointment rules shall respond to both concerns. It shall tell us whether the ruling party controls the selection of EMB officials; and if it does not, who else is in charge of appointing them. Even if primarily designed to register the appointment powers of the ruling party, it shall be open to be read through the lenses of diverging conceptions of independence.

Modes of Independence

The universe of potential appointment authorities is large and diverse. I propose to divide it into four groups of actors:

- the ruling party (the government and its formal allies in the legislature),
- opposition parties (outside as well as inside the legislature)
- judicial actors (often the Supreme Court), and
- civil society (non-state actors like citizens, bar associations, and law departments at public or private universities).
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Since the scheme has to be comprehensive (we must be able to classify any possible actor involved across a large number of electoral regimes), it is wider than other schemes circulating in the literature. Analyses of Mexico’s election authorities, for example, invariably exclude judicial actors as well as non-state actors who have not been relevant in the case at hand (see e.g. Crespo 1996 and Eisenstadt 1999). Since the scheme has to be simple (we must be able to derive a lean measure from highly diverse appointment procedures), it is more coarse than others. For example, the EPIC Election Information Collection Project sponsored by International IDEA, UNDP, and IFES splits cases of executive appointment into three categories: presidential, governmental, and civil service appointment (www.epicproject.org).

The four-fold distinction between groups of actors allows us to distinguish four modes of electoral governance, depending on who controls the appointment of top EMB officials. If any of the four groups appoints at least half of all election commissioners, I assume it to exercise control over the composition of the EMB.

- government control
- opposition control
- judicial control
- civic control

The underlying assumption is that most election commissions take their internal decisions by simple majority rule. No decisions can therefore be taken without - in the language of principal-agent theory - the active consent of the "agents" (the election officials) selected by the "principal" (the selecting authority) who appoints a majority or more of EMB officials. Naturally, whether a group of "principals" is able to translate its hypothetical majority control into actual control depends on several factors, most prominently on its degree of internal fragmentation, its degree of autonomy from the government, and the degree of control it exercises over its appointees. Above all, a fragmented camp of opposition parties will have difficulties of coordination. In the face of disunited adversaries, a ruling party may lose control of the required legislative majority, but still find the allies it needs to control the selection of election authorities. Similarly, the formal powers the law concedes to judicial actors or civic associations that are pliant servants of the ruling party (as in Peru under Fujimori) carry little value for democratizing actors. The simple four-fold scheme does not exhaust all possibilities, though. Two additional configurations exist in which none of the four actors controls a majority of EMB officials:

- power sharing
- power dispersion

Power sharing describes the establishment of mutual veto powers between government and opposition, as in the case of legislative appointments that require qualified majorities. Requiring the approval of a qualified legislative majority grants veto powers to minority parties. Where the ruling party commands a legislative majority, such consensual arrangements protect the opposition; where it falls short of a legislative majority (or fears to lose it in the foreseeable future), power sharing protects the incumbent itself. Too, if no party or party coalition holds a majority of legislative seats, simple majority rule bears similar implications; it obliges parties to share power.

Power dispersion exists when the law does not authorize anybody to appoint a majority of EMB officials. Rather than putting anyone in control, it disperses appointment powers among a plurality of actors, entitling each of them to appoint only a minority of election officials. Both power sharing and power dispersion are consensual schemes. The former obliges "principals" to reach agreement on EMB nominees; the latter obliges "agents" to reach agreement on EMB policies.

A Dichotomous Measure

Our scheme implies that election management bodies may reach independence from the ruling party through various ways: by empowering opposition parties, judicial actors, or civic associations; by establishing schemes of power sharing; or by dispersing power among several groups of actors. Recognizing these institutional alternatives as equivalent solutions to the problem of governmental control implies treating them equally when it comes to measuring institutional independence. What counts is the power of non-governmental actors, of actors outside the ruling party. In principle (although perhaps not in practice), it does not matter whether the law cedes control to opposition parties or to "non-political" actors. All appointment procedures that deny the ruling party control over the election commission (over a majority of election officials) may be effective routes to establishing institutional independence.

Beneath the variety of institutional arrangement thus lies a dichotomous conception of EMB independence. Our criterion is binary: the ruling party either controls, or does not control, the appointment of at least half of top EMB officials. Of course, to ascertain the "majority control" of any group we have to calculate its relative appointment powers in the first place. We have to know which percentage of EMB authorities it is entitled to select. In principle we are free not to discard this continuous information, but to use it. For instance, we could sum up the vote shares judicial authorities and civil...
society into an indicator of "non-political" appointment powers. Or we could employ the Laakso-Taagepera Index to calculate the "effective number of authorities" involved in the appointment process. Still, even if our coding procedure generates some potentially useful continuous information about relative power shares, its principle question is categorical: Does the governing party appoint at least half of top national election officials or not?

Our categorical emphasis on governmental disempowerment and our corresponding decision of treating all non-governmental actors equally contrast with measures of EMB independence that rank agencies on a continuum from low to high independence (Hartlyn, McCoy, and Mustillo 2003). Such continuous measures commonly derive their independence scores from two basic intuitions. First, they value power dispersion. The more actors have to concur to appoint election officials, the higher the degree of EMB independence. Second, they rank nominating actors according to the degree of independence their involvement grants to election authorities. In granting institutional independence, some actors are superior to others. For instance, parties are superior to presidents, and professional associations to judges. The idea of various equivalent forms of independence, by contrast, renounces the temptation to rank one type of non-governmental actor a priori over the other (even if we know that in electoral authoritarian regimes both opposition parties and non-political actors are often subservient to the ruling party).

A categorical conception of EMB independence bears one disadvantage, though. Registering qualitative jumps only it is insensitive to incremental changes. It can account for institutional breaks, when governments assert control over election commissions or when such commissions cut loose from government control. But it fails to register the smaller steps forth and back that may either precede episodes of institutional discontinuity or follow them. Still, our binary conception of formal independence is in accordance with the categorical conception of democracy that has been underlying and motivating struggles for democracy all over the world. In this perspective, both the establishment of democracy and the institutionalization of EMB independence involve crossing a qualitative threshold. In fact, the final disempowerment of the ruling party in matters of electoral governance may come to be seen as the discrete step that separates authoritarianism from democracy.

Alignment Structures

Among our four-fold distinction of actors, the most important one runs between the ruling party and opposition parties. It corresponds to the binary nature of political conflict in electoral autocracies (as well as, albeit in softer and more contained forms, in democratic regimes). In itself, the distinction is trivial. But introducing it into the operationalization of EMB independence forces us to take two demanding and innovative methodological steps: It
obliges us to take political alignment structures into account; and it obliges us
to take electoral results into account. Only when paying attention to both
political actors and the prevailing correlation of power among them will we
be able to understand the concrete, context-bound implications legal
appointment rules carry for EMB independence.^^

In contrast to common treatments of EMB independence, we do not take
legislatures as autonomous unitary actors nor do we treat political parties as a
homogeneous group. The distinction between government and opposition is
not institutional, but political. It recognizes that modern governments are
party governments; that legislatures are party legislatures; and that some
parties are in government, others in opposition (even if some parties at some
places are no more than loose coalitions of personal cliques). It reflects that
fact that most political actors do not care whether "the legislature" or
"political parties" appoint election officials. They do not even think at this
level of institutional abstraction. What they care about is which party in or
outside the legislature is in control. The generic categories of "legislative" or
"partisan" appointment procedures obscure more than they reveal. They miss
the crucial issue: the power balance between government and opposition.

Modern legislatures are not amorphous assemblies of notables but
decision-making bodies structured and controlled by political parties. If we
know that "the legislature" has the power of appointing election officials, we
do not know very much yet. The mere fact of "legislative appointment" (EPIC
Project) does not tell us anything about the underlying distribution of power.
The crucial question is who controls the legislature. Only if we know
something about prevailing correlation of forces within the legislature do we
know to what extent given rules empower or restrain government and
opposition actors. If we fail to take into account given structures of political
alignment we are unable to discern whether "legislatively selected" election
officials (Eisenstadt 1999) are agents of the government or the opposition.
Unless we complement information about legal rules with party-systemic
data, we are not able to decipher the meaning formal rules bear in their
contexts of application.

Reading the law is (comparatively) simple and easy where it grants EMB
appointment powers to either the government or "non-political" actors. For
instance, where the election code authorizes the head of government (as in
Belize), the Supreme Court (as in Costa Rica), or law departments and bar
associations (as in Guatemala) to appoint the entire slate of top election
officials, we can easily ascertain the presence of "governmental," "judicial,"
or "civic" control, respectively. Yet, where election laws entitle either
legislatures or political parties with appointing EMB officials, legal provisions

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12 On the importance of taking alignment structures into account in analyses of institutional veto players, see
Henisz (2000).
cede to be self-explanatory, and we need to go beyond formal rules to understand formal rules. For example, if the law rules that the composition of the election commission shall follow the principle of proportional representation (as in Colombia), we need to know the prevailing seat distributing in the legislature in order to know its political implications. PR involves conceding control to the governing party in cases of unified government (when the presidential party holds a legislative majority), but to the opposition in cases of divided government (when the party of the executive falls short of a majority). Also, some election codes make the number of electoral officials dependent on the number of political parties, as in Guyana that grants one seat in the election commission to each party that holds at least five seats in parliament. Again, to understand how such variable schemes allocate power among political actors we have to gather information, election after election, about the prevailing distribution of legislative seats.

In the case of legislative appointment procedures, the challenge is to discern whether the established decision rule grants effective appointment powers to the incumbent, the opposition, or both. I propose to adopt the following coding rules:

- If the ruling party controls the required legislative majority (be it simple or qualified), I take selection by the legislature to be equivalent to selection by the government.
- If the sum of opposition parties control the required legislative majority, I code legislative appointments as opposition appointments.
- If neither the incumbent nor the joint opposition holds the required majority of seats (where the law requires the approval of qualified majorities), I classify the scheme as a power sharing arrangement (consensual appointment).\(^{13}\)

To give an example: In post-revolutionary Mexico, both legislative chambers continually sent representatives to the Federal Electoral Commission (abolished in 1990). Yet since the hegemonic PRI controlled legislative supermajorities throughout the period, those legislative appointments should count as governmental appointments. Later, in 1994, the Chamber of Deputies

\(^{13}\) It may be reasonable to soften the coding rules at the margins, in cases where (a) the ruling party falls just short of either a legislative majority or a veto minority, and (b) the field of opposition parties is relatively fragmented. Presumptively, in such borderline cases (still to be defined with precision), the incumbent may easily win over the allies it needs to control the votes it needs. A Latin American example is Panama. The country’s election code stipulates that the executive, the judiciary, and a simple majority of the legislature shall appoint one member each of the three-member EMB. In the 1989, 1994, and 1999 elections, the victorious party secured less than a majority, oscillating between 42 and 48 percent of legislative seats. Still, given the relative fragmentation of the party system it may still have been able to control the selection of the legislative EMB member (in addition to controlling the executive appointment).
was authorized to appoint 54.5 percent of top election officials by a two-thirds majority. Since by then the PRI had lost its qualified majority in the lower house, these later legislative appointments should count as consensual appointments.

The methodological point of coding rules with an eye to actors and relations of power is, in fact, more general. Here as well as in other institutional fields, the practical meaning of formal rules can only be discerned in context. Formal rules of any kind are always designed and applied within given configurations of actors and correlations of power. Legal text alone is insufficient to ascertain their factual implications. Of course, formal alignment structures as defined by party organizations are not the whole story. Especially in authoritarian contexts, informal alignment structures may go well beyond formal alliances and party membership. The incumbent may well control "non-political" actors (judges and civic associations) as well as formal "opposition" parties. For the present purpose, I define opposition parties as all parties except the ruling party (and its formal coalition partners, if applicable). As a matter of course, though, those "residual" parties may show widely differing degrees of affinity or hostility towards the incumbent. Some may in fact be no more than nominal opposition parties, state-sponsored satellites whose motivating purpose is not contestation but the simulation of plurality. Yet any effort of distinguishing "real" from "apparent" opposition parties would require "thick" local knowledge beyond the reach of a large-N study. The same applies for the distinction between assertive and pliant judiciaries, and between autonomous and controlled civic associations.

Interactive Procedures

As a matter of course, to assure reliability, coding rules have to be precise and explicit. Unfortunately, more often than not, studies of EMB independence are neither reliable nor replicable.14 One current source of ambiguity are two-layered appointment procedures. Electoral laws frequently confer appointment authority to several actors interacting with each other in sometimes complex schemes of power sharing and power fragmentation. Numerous laws foresee a two-step procedure in which one actor x nominates candidates who then have to be ratified by another actor y. How can we translate such varied schemes of "checks and balances" into numerical values that express the underlying correlations of power? Whom do such procedures put in control? Aren't they designed to force actors into cooperation? Vague

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14 Extant studies on EMB independence generally neither explicate their precise coding rules, nor do they specify and publish their sources. Studies that employ questionnaires (like Choe and Darnolf 1999 and the EPIC Project) tend to shift the responsibility for the reliable provision of information to their respondents.
references to the "interaction" of various bodies (Jaramillo 1998: 215) are not really helpful. We do not get very far either if we ignore the interplay between various appointment authorities, as the EPIC project does. Actually, despite the appearance of power sharing, two-level procedures often do distribute appointment powers in clearly asymmetric ways.

The first step is to recognize the distinction between nomination and confirmation. The "nominating" authority proposes (names, nominates) candidates, the "confirming" authority ratifies (approves, confirms, consents to, selects among) them. Todd Eisenstadt refers to actors naming, nominating, selecting, and appointing election authorities as if all these were interchangeable terms (Eisenstadt 1999: Appendix A). They are not. Setting up lists of candidates (the prerogative of x) is not the same as selecting officials from those lists (the prerogative of y).

Distinguishing the tasks of nomination and confirmation, however, does not tell us very much about the locus of effective power in layered appointment procedures. Operational proposals that sort all layered procedures into one single category, as in Molina and Hernández (1999), overlook the contrasting implications different micro-institutional designs may carry. The correlation of power between the nominating agent x and the confirming agent y depends, more than anything else, on the consequences of disconfirmation. It depends on what happens when y refuses to choose from the menu of candidates offered by x. There are four basic possibilities:

a. By law, y has to select among the candidates pre-selected by x. Rejecting them is no valid option.

b. If y withdraws her consent, election officials are chosen by lot from the original set of candidates proposed by x.

c. The law is silent. It does not contain any explicit fall-back option. When x and y dissent, deadlock may ensue. Actor x may insist on her original proposal or engage with y in endless rounds of new proposals and rejections. Not the formal rule, but patience, determines the winner.

d. If y rejects the set of candidates she is offered, the decision returns to x who is obliged to elaborate a new proposal.

The first two options clearly empower the nominating agent, while they constrain the confirming agent. Option a negates y all choice. Option b forces her to choose within the parameters determined by x. Option c distributes power evenly. The actor who can wait (or the one who is least averse to confrontation) will have the last say. Option d, finally, disempowers the nominating authority. In the end (if not right from the start), x is forced to
anticipate y’s preferences and to accommodate to them if she wishes to make a successful offer.

From this set of possibilities I derive the following coding rule: When election codes establish layered appointment procedures, I shall classify the nominating authority x as the appointment authority if her proposal is constraining (options a and b) or if the consequences of disapproval by y are uncertain (option c). In other words, I always hold the nominating authority x to be more powerful, except in those cases when y can force her to submit a new set of candidates.

To give just two examples, one illustrating a powerful nominator, the other one a powerful selector. Mexico’s 1990 election code established that two thirds of the Senate would select six impartial “electoral magistrates” from a list of at least twelve candidates proposed by the president. In case the Senate would withhold its consent, the magistrates would be chosen by lot from among the original list. According to my coding rules, this classifies as a case of presidential appointment. In apparent contrast, Albania’s 2000 electoral law concedes opposition parties the right to propose three candidates to the election commission. In continuation, a simple majority of the legislature selects one of them. If none receives the required approval (which in fact means the approval by the governing party that controls a legislative majority), opposition parties have to draw up a new list. Following my coding rules, this classifies, too, as a case of governmental appointment. Formal rules that look very different on the surface bear very similar implications. As there are several modes of institutional independence, institutional dependence may wear a variety of formal trappings, too.15

Our binary coding rule tends to underestimate the role of confirming authorities y who have to deal with “constraining” proposals or else, have to live with indeterminate rules. Yet, this bias against y seems to be akin to the perception bias opposition parties tend to suffer from under conditions of electoral authoritarianism. They, too, tend to evaluate institutions in binary terms: It’s either them or the authoritarian rules who controls them. Accordingly, they too tend to downplay the relevance of rights of confirmation. They tend to denounce the introduction of layered appointment procedures as a deceptive maneuver designed to veil persisting realities of authoritarian control. Think of Mexico’s electoral magistrates between 1990 and early 1994. Once again, the context and purpose of our research provides justification for our operational choices.

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15For Mexico, see COFIE 1990, Article 74.5. For Albania, see “The Electoral Code of the Republic of Albania,” Law 8609, 8 May 2000, Article 17, Database on Central and Eastern European Results and Legislation (www.essex.ac.uk/elections).
Electoral Governance in Latin America

If the proof of the pudding lies in the eating, the proof of a coding scheme lies in its application. The task of systematically evaluating our indicators goes well beyond the possibilities of the present draft which for lack of time has to remain tentative and incomplete. Yet, let us at least try a quick initial exploration of how our coding decisions play out in contemporary Latin America. If we cannot eat our methodological pudding here, let us have at least a quick taste.

**Table 1**

<table>
<thead>
<tr>
<th>EMB Appointment</th>
<th>Country</th>
</tr>
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<tbody>
<tr>
<td><strong>JUDICIAL CONTROL</strong></td>
<td><strong>ARGENTINA,</strong> <strong>BRAZIL</strong></td>
</tr>
<tr>
<td><strong>COSTA RICA</strong></td>
<td><strong>NICARAGUA (1984–87)</strong></td>
</tr>
<tr>
<td><strong>CIVIL SOCIETY CONTROL</strong></td>
<td><strong>GUATEMALA (SINCE 1983)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>PERU (SINCE 1980)</strong></td>
</tr>
<tr>
<td><strong>GOVERNMENT CONTROL</strong></td>
<td><strong>BELIZE</strong></td>
</tr>
<tr>
<td></td>
<td><strong>COLOMBIA (SINCE 1991)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>DOMINICAN REPUBLIC (SINCE 1997)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>MEXICO (UNTIL 1994)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>NICARAGUA (1987–95)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>PANAMA (SINCE 1983)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>PARAGUAY</strong></td>
</tr>
<tr>
<td><strong>OPPOSITION CONTROL</strong></td>
<td><strong>COLOMBIA (1979–91)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>ECUADOR (SINCE 1997)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>EL SALVADOR (SINCE 1984)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>HONDURAS (SINCE 1982)</strong></td>
</tr>
<tr>
<td><strong>POWER SHARING</strong></td>
<td><strong>BOLIVIA (SINCE 1991)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>MEXICO (SINCE 1994)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>NICARAGUA (SINCE 1995)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>URUGUAY</strong></td>
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<tr>
<td></td>
<td><strong>VENEZUELA (UNTIL 1999)</strong></td>
</tr>
<tr>
<td><strong>POWER DISPERSION</strong></td>
<td><strong>ECUADOR (UNTIL 1997)</strong></td>
</tr>
</tbody>
</table>

Source: Author classifications on the basis of legal database and country summaries of Hartlyn, McCoy, and Mustillo (2003).
Table 1 provides an overview over types of election management agencies in Latin America between 1980 and 2000. The classification draws primarily upon the legal database as well as the country syntheses of appointment procedures set up by Jonathan Hartlyn, Jennifer McCoy, and Thomas Mustillo within their recent research on EMB independence and electoral legitimacy in Latin America (Hartlyn, McCoy, and Mustillo 2003). In all cases of "political" appointment, where it was necessary to take partisan alignment structures into account (i.e., in all cases except those of either judicial or civic appointment), I relied on the election results provided by Payne et al. (2002). To ensure transparency (and thus replicability) of coding decisions, future versions of this paper must include a summary of relevant legal rules as well as a summary of party-systemic features that went into my classifications. At this point, I would just like to highlight two points: prevailing patterns of institutional independence; and prevailing patterns of institutional stability.

First, it is noteworthy that the overwhelming majority of Latin American election management bodies qualify as independent from government intervention. By 2000, only Belize, Colombia, the Dominican Republic, Panama, and Paraguay kept the appointment of EMB officials under control of the governing party. Belize did so by direct executive appointment, the Dominican Republic and Panama through majoritarian parties controlling legislative appointments, Colombia and Paraguay through versions of proportional representation. Only the Belizean arrangement of government control is immune to electoral changes. In all other cases, the governing party is bound to lose control of EMB appointments as soon as it loses control of its legislative majority (or rather, as in the Paraguayan case of popular election of EMB members, as soon as it loses its electoral majority).

All other election management agencies in the region classify as independent. Remarkably they cover the whole range of possible modes of EMB independence. Argentina, Brazil, and Costa Rica have long traditions of judicial control, Guatemala and Peru long traditions of civic control, El Salvador and Honduras long traditions of opposition control, and Uruguay and Venezuela (until 1999) long traditions of consensual arrangements, more recently joined by Bolivia, Mexico, and Nicaragua. Ecuador was the only country (until 1997) to disperse the appointment of EMB officials among the executive, Supreme Court judges, and a legislative majority not controlled by the presidential party.

As remarkable as the prevalent norm of EMB independence and the variation in prevalent modes of EMB independence is the relative stability of Latin America's institutions of electoral governance. Most countries in the region, if they reform their EMB appointment procedures at all, they only do

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16 For lack of conclusive data (be it legal rules or electoral outcomes), the table excludes Guyana, Haiti, and Venezuela after 1999.
so at the margins, remaining true to the underlying guiding principle. In the
1980s and 1990s, the only exceptions to the rule of high institutionalization
were Ecuador, Guyana, Nicaragua, Mexico, and Paraguay. In 1997, Ecuador
abandoned its longstanding dispersion of EMB appointment powers among
executive, judiciary, and legislature, to adopt a procedure that reflects the
notorious dispersion of its party system (granting each of the first seven
parties one seat in the EMB). Guyana, between 1995 and 1997, briefly
switched from an equal distribution of seats among legislative parties to a
fixed-member commission controlled by the government and back. In the
course of its incremental process of democratization by election, Mexico
transferred the organization of elections from the state controlled by the
hegemonic party to an independent EMB staffed through inter-party
consensus. In 1990, Paraguay changed from an institutionalized form of
government control (granting the ruling party six out of nine seats in the
election commission) to a contingent mode of government control
(establishing popular election of election commissioners on the basis of
proportional representation).

### Table 2


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</thead>
<tbody>
<tr>
<td>1 Total number of EMB members</td>
<td>13</td>
<td>31</td>
<td>23</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>2 Government appointments</td>
<td>5</td>
<td>19</td>
<td>13</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>3 Opposition appointments</td>
<td>8</td>
<td>12</td>
<td>10</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>4 Consensual appointments</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>5 Locus of control</td>
<td>O</td>
<td>G</td>
<td>G</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>6 Independence score Hartlyn et al.</td>
<td>..</td>
<td>9.4</td>
<td>..</td>
<td>8.4</td>
<td>4.4</td>
</tr>
<tr>
<td>7 Independence score López-Pintor</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Notes:
Election reforms and election dates: Prior to 1994, EMB composition was dependent on the number of legislative
parties. Years in parentheses indicate the election dates used to calculate EMB membership.
Line 5: (O) opposition control, (G) government control, (C) consensual decision-making.
Line 7: Author’s classification, following López-Pintor’s (1999) EMB typology (adjusted): (0) Government body, (1) Government under supervision of election commission, (2) Independent commission.
.. Data not available.
A brief glimpse at México may award us a first impression of how our measurement scheme fares in terms of differentiation and validity, when compared to other measures of EMB independence. Table 2 compares the relative appointment powers of government and opposition with the "index of formal EMB independence" recently proposed by Hartlyn, McCoy, and Mustillo (2003). For illustrative purposes, I add scores of institutional independence that follow the criterion proposed by López-Pintor (1999), the institutional locus of election management and oversight. How does the resulting picture look like? Mexico's successive election laws, intriguingly, endowed opposition parties with majority control of EMB appointments before the "regressive" reform of 1987, that reestablished governmental control over the election commission. Afterwards, appointment procedures shifted gradually towards a consensual arrangement (through approval by two thirds of the lower chamber). The election reform of 1994 placed the nomination of impartial election councilors in the hands of a qualified majority of the lower chamber. Since 1996, all top election officials are appointed by a qualified legislative majority. Over the course of several electoral reforms, governmental control over EMB composition thus gave way to inter-party consensus in the appointment of election officials.

Our measure of non-governmental veto powers is insensitive to the foundation of the Federal Electoral Institute (IFE) in 1990. In this sense, the measure fails to capture a watershed event in Mexico's electoral history, but so does the Hartlyn et al. index that scores IFE's independence low until the "definitive" electoral reform of 1996. Ironically, only the relatively coarse measure of EMB independence inspired by López-Pintor (1999), that does not register any other variation among our Latin American cases, reflects Mexico's 1990 reform through a jump from 1 (indicating the governmental organization of elections under the oversight of a separate commission) to 2 (indicating the presence of a specialized election management body).

Still, the diagnosis of continuing governmental control until 1994 corresponds fairly well to the perceptions of opposition parties back then. Especially the left-wing PRD denounced back then that the 1990 scheme did no more than to prolong presidential control of election management. From the viewpoint of opposition parties, the 1994 reform brought a more significant shift away from executive domination than the 1990 foundation of the IFE. Our binary measure of "non-governmental appointment powers" seems to reflect this shift fairly well. In 1994, the management of elections had migrated out of governmental control. The subsequent reform in 1996 completed the trend, without introducing any further qualitative changes. By contrast, the Hartlyn et al. index remains basically stable from the late 1980s to the mid-1990s. Throughout the period, it shows a consistently low level of EMB independence. It is only after 1996 that it reflects a gain in institutional independence, although the score of 4.4 it gives IFE after the "definitive"
1996 reform situates the Institute at no more than a medium level of independence (see Table 2).

Choe, Yonhyok and Staffan Darnolf (1999), "Evaluating the Structure and Functional Role of Election Administration in Contemporary Democracies," 95th Annual Meeting of the American Political Science Association (APSA), Atlanta, Georgia, 2-5 September.


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