

# **A Full Recount to Achieve Closure:**

## ***Comment on the Eisenstadt Poire Working Paper***

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The CNAS Working Paper, “Explaining the Credibility Gap in Mexico’s 2006 Presidential Election, Despite Strong (Albeit Perfectable) Electoral Institutions,” by Todd A. Eisenstadt and Alejandro Poire, is a very good assessment of Mexico’s electoral process and also offers specific recommendations on ways to improve it. Given the controversy surrounding the July 2, 2006 election, we are fortunate to have such an in-depth analysis by two of the most knowledgeable experts on both the Federal Election Institute (IFE) and the Electoral Court (TRIFE). I am writing this comment because I disagree with one point in the paper concerning the issue of whether to do a full recount. They argue that a full recount would have undermined Mexico’s electoral institutions. I agree that the election was fair and result was accurate, but I felt that a full recount was essential to bring closure to the process and dispel doubts among one-third of the voters.

In the 2006 election, Felipe Calderon of the conservative PAN defeated Andres Manuel Lopez Obrador (AMLO), the leader of the PRD and former Mayor of Mexico City, by .58% of roughly 41 million votes. AMLO refused to recognize Calderon’s victory and said he would establish a parallel government. Eisenstadt and Poire confirm that the electoral institutions functioned reasonably well, but they also identify some flaws that, in their view, gave some substance to AMLO’s complaints without necessarily justifying them. Their thesis is that AMLO’s rejection of the results has a long history, based on decades of electoral fraud and the more recent “concertacion” (post-electoral bargaining). However, after his election in 2000, Vicente Fox decided that democracy’s contests should be decided by counting the votes, not by bargaining among the elites after the election was over. Of course, he is right, but AMLO did not accept the fairness of the count, and that, in Eisenstadt and Poire’s view is the reason for the controversy and the source of the problem. Their interpretation follows their previous work about post-election bargaining, but it does not adequately capture the complex motives and legitimate concerns of AMLO and, more importantly, his supporters.

Eisenstadt and Poire evaluate AMLO’s complaints and the strengths and weaknesses of the electoral institutions, with a special emphasis on the campaign finance system. But their argument that the failure to enact reforms was the cause of the crisis is not substantiated. There are alternative interpretations as to why AMLO refused to accept the results, and why a recount could have brought closure to the election.

-- First, the election was extremely close and given the size of the country and the number of corrupt enclaves, it was not unreasonable for AMLO and his supporters to believe that a recount might have yielded a more accurate and a winning result and, indeed,

Eisenstadt and Poire, acknowledge that possibility. I personally believe that Calderon would have won the recount because the “Quick Count,” the PREP (preliminary results), and final count – all had Calderon winning.

-- Secondly, AMLO received almost the same number of votes as Calderon, but his constituency was mostly the poor and disenfranchised – people who long felt marginalized from politics. AMLO had few problems convincing his supporters that they were being robbed because they have long felt that way in Mexico.

-- Third, public opinion polls throughout most of the campaign had placed AMLO clearly in front so the final results not only came as a great surprise to him and his supporters; it also led many to think that the process had been manipulated against him.

A few weeks after the election, public opinion surveys showed that roughly 30% of the people felt the election had been stolen, and another 20% had doubts about the fairness of the election. This is very significant, and it suggests that a full recount would have been desirable to dispel doubts and help AMLO’s supporters accept the results.

A full recount – under the right conditions – could also have helped the public distinguish among the many complaints lodged against the electoral process. For example, many complained about advertisements, campaign finance, and statements by President Fox that could be interpreted as positive to Calderon. These issues are very hard to judge and even harder to draw a conclusion as to whether an election is legitimate. The key issue as to whether an election is legitimate should be whether the votes were counted accurately, and to the extent that a recount could focus all parties on that single issue, that would have given greater strength to the outcome and to the electoral institutions.

Seeking legitimacy, Calderon called several world leaders. In a conversation with former US President Jimmy Carter and me after the election, Calderon said that he was worried that a full recount would be an excuse by AMLO to try to annul the entire election or wreak chaos. He had other legitimate concerns, and Carter suggested that I contact AMLO and see whether he would be willing to accept a set of conditions regarding the recount. After several rounds of talks with Manuel Camacho, a senior advisor to AMLO, I was informed that AMLO would accept the following conditions if Calderon also accepted them:

1. Both Calderon and AMLO would say that they respect the decision of the Electoral Court, but they would be willing to support a full recount under the following conditions.
2. Both would accept a full recount and the one with the fewer votes would concede upon IFE’s announcement of the results. AMLO would also say that he would accept the legitimacy of the recount.
3. Both would agree that all other complaints about the electoral system would be abandoned. The winner of the count would be the winner.
4. The Electoral Court would ask IFE to organize the count by asking the July 2<sup>nd</sup> poll-workers to do their patriotic duty and return for the count at each of the 300 districts.

5. IFE and TRIFE would ask the representatives of Calderon and AMLO to explain the process for recounting the votes and agree on the criteria for deciding disputed ballots.
6. International Observers would watch each stage of the counting process. Camacho said that AMLO accepted the conditions, but Calderon's advisors said they would respect the decision of the Tribunal and thought it inappropriate to intervene. Moreover, they had doubts that AMLO would actually accept a recount.

In the end, the Tribunal made the decision to review only 9% of the polling stations, and then it certified the result. This was the proper legal decision, but it may not have been the best political outcome because it did not respond to the deep concerns of the poorest third of the country.

Eisenstadt and Poire argue that a full recount would have undermined Mexico's electoral institutions. I think the electoral institutions were harmed by not doing a full recount, and the extensive public opinion survey commissioned by IFE and conducted by Parametria before and after the election, demonstrates that. (See [www.ife.org.mx](http://www.ife.org.mx)) In May and June, 65% of the Mexican people had a positive opinion of IFE and only 6% had a negative opinion. In September 2006, the percentage with a positive opinion had plummeted to 51% and the numbers with a negative opinion more than tripled – to 20%. Only 48% had a positive opinion of the Electoral Court in September 2006. In answers to numerous questions, it is clear that IFE suffered about a 20% decline in the public's view of its competence and trust-worthiness. On the critical question as to whether the election was fraudulent, 50 percent said “no,” but 37 percent answered “yes.” Fifty percent of AMLO's supporters thought the election was fraudulent, but rather surprisingly, 29% of Calderon's supporters and 18% of the PRI agreed. This is a very serious and sad result, and one that suggests that the electoral institutions suffered a setback in the popular mind.

On December 1, 2006, the day of the inauguration, in order to avoid PRD protests at the legislature, Felipe Calderon needed to be ushered in the back door for a very brief, five-minute swearing in ceremony. AMLO had already established his parallel government, and a cloud sits above the new president. Whether a full recount could have caused the cloud to disappear will never be known, but it represented an opportunity to dispel the doubts. That historic opportunity passed. One hopes that Calderon will take the steps necessary to restore the public's confidence in the legitimacy of the process and the capacity of the President to govern.

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