

# DEMOCRACY AND ELECTIONS IN NORTH AMERICA: WHAT CAN WE LEARN FROM OUR NEIGHBORS?

A Conference at American University  
Washington, D.C.

NOVEMBER 14-15, 2003

## Organized by:

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## Background on the Issues

In the year 2000, the three countries of North America – Canada, Mexico, and the United States – held national elections. As in the past, the Canadian elections were conducted well, and few people outside the country paid any attention to the process. However, something very unusual occurred in the other two North American countries. After more than seventy years of one-party rule and chronic electoral fraud, Mexico made a successful transition to a democratic electoral system. Mexico's election was hailed by all the international observers as free and fair, and its political parties all accepted and respected the process and the results without serious questions or challenges. This was not true of the United States. After more than two hundred years of competitive democracy, the U.S. electoral system almost broke down in a fit of recriminations and dysfunctional administration that was an embarrassment to all in the United States.

After the election of 2000, the U.S. Congress and a bipartisan Commission on Election Reform, chaired by former Presidents Jimmy Carter and Gerald Ford, and staffed by the Miller Center of the University of Virginia and The Century Foundation, undertook extensive evaluations of the election. Based on the work of the Commission and other projects, Congress debated the issues and approved the Help America Vote Act (HAVA) in November 2002. President Bush signed it into law.

The Chief Electoral Officer of Canada and scholars of other countries' election systems testified before the Commission, but the final report and the HAVA bill did not adequately consider what could be learned from Mexico and Canada. This occurred despite the fact that the three countries of North America had entered into a pact – the North American Free Trade Agreement (NAFTA) – that was intended to signal a unique and enduring partnership.

## **Purpose of the Conference**

The conference was convened to analyze the state of democracy of these three countries, extract lessons concerning best (and worst) practices, and recommend measures that could be taken to improve democracy in each.

Another objective of this conference was to alter the way that people in each of the three countries think about their neighbors. The United States government rarely, if ever, considers what it could learn from its neighbors on almost any issue, and that not only harms its pursuit of good public policy, but it also undermines the chance of establishing a genuine partnership in North America. Canada and Mexico are deeply aware of U.S. disinterest, and this influences the defensive character of their relationship with the United States. Interestingly, Mexico turned to Canada, not to the US, for advice on ways to improve its electoral system.

There is much that each election system could learn from the others. For example, the United States and Canada could learn a great deal from Mexico's registration and identification system. Mexico and the United States could learn a great deal from the brief and relatively inexpensive Canadian campaigns and the way in which the Chief Electoral Officer of Canada can propose new ways to strengthen the election system. Mexico and Canada could learn from the ways in which the primary elections for political party candidates are conducted in the United States. Canada and the United States can learn from Mexico's public financing system. We hope that discussions of this kind lead to genuine change in how the citizens and leaders of each country look at their neighbors.

## **Organization of the Conference**

The Conference began with brief presentations at the opening dinner by political figures from each of the three countries. Joe Clark, a former Prime Minister and Foreign Minister of Canada, who recently stepped down as leader of the Progressive Conservative Party, spoke about what he sees as grave dangers confronting Canada's election system. On Mexico, Dr. Jorge Castaneda, former Foreign Minister and best-selling author, focused on the successes, failures, and challenges during Mexico's ongoing transition. Finally, John Anderson, former Illinois Republican Congressman, chair of the Center for Voting and Democracy, and 1980 U.S. Presidential candidate, spoke of the need for a constitutional right to vote and the problems inherent in redistricting in the US.

The conference was organized into four panels. First, a discussion of the electoral administration system in each of the three countries addressed the following questions: how it works, where it fails, and what it needs to do to improve. The second panel was on the campaign financing system. This is one area in constant need of reform, and the panelists explained each country's system and then offered thoughts on ways each could be improved.

The third panel addressed a range of procedural and constitutional issues. These papers identified ways that each country could learn from the best of the others or, at least, correct some of the most deficient elements of each. Several papers also attempted to identify the best way to address the key elements of a good electoral system – for example, the best way to settle electoral disputes, register voters, assure that only those eligible could vote, etc. The final panel consciously tried to extract from the entire conference the ways each country should reform and whether a North American model to conduct elections is conceivable or desirable.

Papers from the conference will be published as a special edition of the *Election Law Journal*, in July 2004.

## **Participants and Co-Sponsors**

Participants included scholars, policy analysts, and political leaders from the three countries who have given thought to the limitations of each country's democracy, and media representatives who are responsible for communicating these ideas to the public. Students and faculty of American University participated in the conference as well.

## **Speakers and Panelists**

John Anderson

Distinguished Visiting Professor of Law, Nova Southeastern University Law School

Keith Archer

Professor, Political Science, University of Calgary

Jorge Castañeda

Former Foreign Minister of Mexico

Honorable Joseph A. Clark

Former Prime Minister of Canada

John Courtney

Professor, Political Science, University of Saskatchewan

Diane Davidson

Chief Elections Office, Elections Canada

Thomas Edsall

The Washington Post

Todd Eisenstadt

Assistant Professor, School of Public Affairs, American University

George Grayson

Professor, Department of Government, College of William and Mary

Richard L. Hasen

Professor of Law and William M. Rains Fellow, Loyola University School of Law

Jean-Pierre Kingsley

Chief Elections Officer, Elections Canada

Benjamin Ladner

President, American University

Thomas Mann  
W. Averell Harriman Chair and Senior Fellow, Brookings Institution

Robert A. Pastor  
Director, Center for Democracy and Election Management  
Director, Center for North American Studies

Jacqueline Peschard  
Instituto Federal Electoral

Honorable Fernando Ojesto  
President, Electoral Tribunal of Mexico

Jesus Orozco  
Magistrado de la Sala Superior del TEPJF

Jamin Raskin (*paper presented in absentia*)  
Professor, Washington College of Law, American University

Robert Richie  
Executive Director, Center for Voting and Democracy

Leonard Shambon  
Wilmer, Cutler and Pickering

Amb. Jesus Silva-Herzog  
Former Ambassador of Mexico to the U.S., Former Finance Minister

Donald Simon  
Sonosky, Chambers, Sachse, Endreson & Perry, LLP

Richard G. Smolka  
Professor Emeritus, American University

James Thurber  
Professor, School of Public Affairs, American University

Jeffery Weldon  
Departamento de Ciencia Política, ITAM

Juan Williams  
Senior Correspondent, National Public Radio

Steve Wuhs  
Assistant Professor, University of Redlands

Lisa Young  
Professor, University of Calgary

## Conference Schedule

### FRIDAY, NOVEMBER 14

**Opening Dinner** **6-9 pm**  
Mary Graydon Center, Rooms 2-7, American University main campus

**Introduction:** **Dr. Benjamin Ladner**, President American University  
**Dr. Robert Pastor**, American University, Vice President for International Affairs, Director of the Centers for Democracy and North American Studies

**Keynote Addresses:** “What’s Wrong and Right with Democracy...

...in Canada?” **Hon. Joe Clark**, former Prime Minister, Canada  
...in Mexico?” **Hon. Jorge Castañeda**, former Foreign Minister, Mexico  
...in the US?” **Hon. John B. Anderson**, Chair, Center for Voting and Democracy; U.S. Presidential Candidate, 1980; former U.S. Congressman (Rep.-IL, 1961-81)

### SATURDAY, NOVEMBER 15

Butler Boardroom, American University main campus

#### THE ADMINISTRATION OF ELECTIONS 9:00-10:30 am

Chair: Robert Pastor, American University  
Canada: Jean-Pierre Kingsley, Chief Electoral Officer, Canada  
Mexico: Jacqueline Peschard Mariscal, Federal Election Institute, Mexico (IFE)  
U.S.: Leonard Shambon, Counsel, Wilmer, Cutler, and Pickering; legal advisor to the Carter-Ford Commission on Election Reform

Commentators: Richard Smolka, Professor Emeritus, American University and Editor of *Election Administration Report*

#### Break 10:30-11:00 am

#### CAMPAIGN FINANCING 11:00-12:30 am

Chair: Juan Williams, National Public Radio  
Canada: Lisa Young, University of Calgary  
Mexico: Jesus Orozco, Judge, Federal Electoral Tribunal of Mexico  
U.S.: Donald Simon, Of Counsel, Common Cause

Commentators: Thomas E. Mann, Senior Fellow, Brookings Institution  
Diane Davidson, Deputy Chief Electoral Officer and Legal Counsel, Elections Canada

#### Lunch 12:30-1:45 pm

