

## TRANSPARENCY OR CYNICISM? THE FEDERAL ELECTORAL INSTITUTE'S ROLE IN THE 2006 PRESIDENTIAL ELECTION PROCESS

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### Presentation

Rather than address the formal issues involving the Federal Electoral Institute (IFE in Spanish), this article will address its actual role *in practice*, with a focus on its General Council. I will also comment on some processes in which I participated, as a member of the Citizens' Electoral Process Monitoring Committee (Comité Ciudadano para el Seguimiento del Proceso Electoral, in Spanish), both before and after July 2, 2006.

### The Citizens' Committee

Before the 2006 electoral process, a diverse group of citizens decided to constitute the *Citizens' Electoral Process Monitoring Committee*, whose objective was to, “contribute to safeguard legality, transparency, equity and tranquility in the 2006 presidential election.” The Committee's intention was to offer a citizen voice – in the midst of the polarization that we were observing – that could be trustworthy for a broad sector of the citizenry.<sup>1</sup> It turned out to be a politically diverse group with extensive experience in electoral issues, and tried to keep an objective civic stance throughout the process.

### The Relationship with the IFE

From the beginning, the Committee agreed to have a respectful relationship with the IFE's General Council. The goal was not to question its legitimacy, but rather to collaborate and, as needed, to point out issues that we thought would be important to address. IFE Council members offered us the necessary information, and three Commissions were

<sup>1</sup> Citizens' Electoral Process Monitoring Committee, *Comunicado 1. Presentación ante los medios de comunicación*. Mexico, D.F., May 31, 2006. The committee included: Clara Jusidman, Rosa María Rubalcava, Rodolfo Tuirán, Alfredo Orellana, Silvia Alonso, Alfredo Figueroa, Alberto Athié, Jorge Alonso, Miguel Basáñez, Roy Campos, José Antonio Crespo, Denise Dresser, P. Camilo Daniel, Paquita Jiménez, Cecilia Loría, Cristina Martín, Alberto Aziz, Ernesto Isunza, Alberto Olvera, Carlos Pérez, Ana Sáiz, Orfe Castillo and Elio Villaseñor.

formed, in which some members of our Committee would work with IFE council members, directors and advisers: one for issues related to media, another for the training of polling place officials, and the last for everything related to the election day itself, such as the SIJE (Election Day Information System), the PREP (Preliminary Electoral Results Program) and the Quick Count.

## Training

I participated in both the training and election day commissions. For training issues, we were given access to the ELEC-2006 system, which brought together all the information related to the process: names of citizens who were randomly selected to serve in the electoral process, those visited and trained during the first stage, those designated as polling place officials, those trained in the second stage and alternate officials, as well as those who were not found or refused the visit or training. It is important to highlight that the existence and comprehensiveness of this system is an improvement over previous processes. However, the system was not open to the public, so that only IFE council members, advisers and corresponding officials had access to it. The fact that we were allowed access was a courtesy of the council members, especially Andrés Albo.

Out of those selected, 31.8% were not located when they were visited, a figure that was much worse than what the Institute acknowledged to be outdated electoral census data, and there was no explanation for the difference. In many cases, “justified causes” for rejection were not really explained, aside from the fact that the order of priority had been lax and doors to discretion were opened. Among the citizens who were found and who agreed to be trained, the IFE simply did not return to train 25% of them, without a clear reason for it. And, while there were districts where no citizen was left untrained, there were others where 75% were not reached.

All these facts were promptly presented to the IFE. When polling place officials were designated and the second stage of training had begun, we found a huge difference in the percentage of substitutions in each district. There were districts where the percentage of substitutions was so high that it implied, in the best case scenario, that officials had not been trained during the first stage, data had been invented and forms were just then being filled out or, in the worst case, that officials were being substituted without justification. We analyzed the patterns by trainers and by the cause they claimed for substituting poll-workers, and we found atypical (impossible) situations in many districts. We pointed out where information was being made up.

We presented the information to council members and learned that it was forcefully discussed (we could not be present) in the Joint Commissions for Training and Organization meeting. We were asked to select 20 districts where the situation seemed to be most serious, for them to perform a quick field verification. We carefully carried this out and reported the districts and the reasons why they were selected.

*And that's as far as we got...* They did not have the courtesy to inform us what happened subsequently. Close to election day, when we asked one of the council members for the verification results, they told us that, "it had been suspended because there was little time and they had other priorities."

### **On Election Day**

In this commission, we had a single meeting, although it was quite crucial. A good part of the Committee was present, as well as someone representing the Quick Count (Rubén Hernández), the PREP (René Miranda), the Election Day Information System (Jorge Castro), and several council members.

Regarding the Quick Count, there were not any important comments and, in general, there was a good impression. However, there was a discussion about the PREP. We asked if a small box could be included to indicate the type of ballot (urban or rural), and we made observations about inconsistencies, "in an election where there are two parties that will barely reach 2% of the vote, there are going to be many zeros and the data entry staff might overlook them, and if you leave them as inconsistencies, the PREP will be busted." We made this observation at least twice and they *agreed to look into it*. They did not correct it, and we do not know why.

In terms of the SIJE, we expressed, with frustration, that it was a huge effort, and an expensive one at that, compared to the results that they would get: they had eliminated questions about the quality of the process on election day and left only questions about whether or not party representatives and poll-workers were present. There was a clear backward movement in terms of transparency and especially in a key ingredient: *council members did not want to know*, they preferred not to find out, about the quality of the electoral process on the day of the vote.

In general, council members did not know, *they had no idea what was going on in the districts*. Not in matters of training, organization, or anything. They wanted to think that

everything was OK and that they could travel to Europe in the middle of the electoral process. They would rather not find out, or pretend that they did not know, about the relationship between the IFE and powerful political factions in the states.

They pretended to treat us well, but they did not take us into account and did not pay attention to any of the issues that we raised. This generated the irritation that Clara Jusidman summarized in *Proceso* magazine, “the IFE is like an ocean liner sailed by fishermen from the coast,” who, in addition, preferred to sail blindfolded.<sup>2</sup>

## The PREP

The IFE’s transparency was strongly questioned after election day. In the first place, the IFE decided not to make public their Quick Count results, arguing that the margin of difference between the two main competitors was lower than the one previously established: 1%. Although they were showered with questions, the Committee considered that this was a good decision. Given the controversy about the Institute’s partiality, to have made the Quick Count’s results public would not have been the best choice.<sup>3</sup>

In fact, the PREP results were flowing reasonably well and that very night, the whole country went to bed with the certainty that, after more than 97% of the ballots were counted, Felipe Calderón was ahead by more than one percentage point, a trend that could not be reversed. The IFE published that information on its webpage until the PREP was closed, on Monday at 8 pm. That night, I circulated to my email contact list, an analysis where I showed how in the official PREP results themselves, there were over 600,000 more votes in the election for senators than in the election for president. Taking into account special ballots and voting in foreign countries, there should have been some extra votes for president, in any case, yet the situation did not seem to have an explanation. Moreover, the differences showed a peculiar tendency: in states where the PRD (Party of the Democratic Revolution) was winning (Tabasco, Michoacán, Chiapas, D.F. and Oaxaca), there were many more (total) votes for senators than for president. In Tabasco alone, there were at least 96,000 votes missing. In states where the PAN (National Action Party) had an advantage, mainly Nuevo León and Sinaloa, there were more votes for president. Also,

<sup>2</sup> *Proceso*, July 9, 2007.

<sup>3</sup> It would be wise to remember that in 2003, the composition of the IFE’s General Council was determined primarily by congressional representatives Juan Molinar, Germán Martínez and Margarita Zavala, for the PAN, and Elba Esther Gordillo and Miguel Ángel Yunes (formerly for the PRI, and later with the PAN), with the artful elimination of the PRD from the selection process. Even after its years of democratic work, the PAN did to others – in all cynicism – exactly as had been done to them many times. Recall as well all of the questioning of the IFE’s impartiality before the election.

the PRD was denouncing the absence of more than 3 million votes in the PREP, which had a lot of impact and precipitated the crisis.

On Tuesday, July 4, we were urgently called to a meeting with some of the most representative people from Mexico's civil society, as well as some IFE council members and our Committee. After making clear that we did not have a problem with the decision regarding the Quick Count, the PREP was seriously questioned. The IFE had lied, we pointed out, about the percentage of ballots that had been counted (they were now informing us that their results were not based on 98% of the total votes, but rather only 89%) and about the size of the margin of difference between the two leading candidates (that it was not 1.0% but only around 0.6%). They had presented a different picture and deceived the country. Also, we could not even concede political innocence, given the difference in the election results for senators and for president, which we presented state by state, eliciting the response from council member Arturo Sánchez that, "our data was false."<sup>4</sup> The request from those who came together that day was for a precise and clear explanation, with the broadest possible dissemination to the public, regarding the truth.

The explanation never came. On Wednesday morning, the district level counting process began, and the IFE's communication efforts focused on this new process. Only later would explanations come, in fits and starts, about "inconsistencies", and they were neither complete nor timely. The IFE never explained how, with such large populations, the votes in the polling places that did enter the PREP and those that did not, could be so different. Furthermore, it did not explain the differences between the numbers of votes in the senatorial and presidential elections. Even if there was no bad faith, and they were only mistakes, *transparency and credibility had been lost*.

### Vote-Counting at the District Level

Although the election was very close, and the *Coalición por el Bien de Todos* demanded that the ballot boxes be opened (and recounted)— or maybe because of it— the IFE sent out a memo to its staff in all the districts warning about, "the risk of annulling the election in case too many packages were opened."<sup>5</sup> Even if the language of the memo was very careful, trying to seem like it was following the letter of the law, the intention for ballot

<sup>4</sup> When we made it clear that our analysis was no more than a "copy-paste" from the IFE's own PREP website (data that the whole country had, with logos and everything), followed by a subtraction, there was no further response.

<sup>5</sup> Editor's note: El Coalición por el Bien de Todos was an electoral alliance between the Party of the Democratic Revolution (PRD), the Labor Party (PT) and the Convergence Party.

boxes not to be opened could be clearly read. Some of the IFE's council members were also calling the different districts by telephone, warning representatives and district-level council members not to open the ballot boxes.

The result was that only 2,894(?) ballot boxes were opened, a number even lower than in previous elections, although there were widespread calls to open them, and there was documentation of large numbers of arithmetic errors, involving just over half of the acts. In 22 districts, not a single package was opened, in 107 out of the 300, three or less were opened, and the average reached only nine per district.

Therefore, *when faced with the dilemma of choosing between transparency or defending the interests of one of the political parties, the IFE chose the latter*, radically, and left behind the transparency that much of the country demanded.

## Conclusions and Proposals

The council members have to go; one can draw no other conclusion. To start with: because they should have never been named in the first place. At this point, to expect that these council members could be transparent would be ridiculous.

Our highest electoral authority requires consensus among all the political contenders, meaning *at least 90% of the votes*, if the appointment is to be made by one of the houses of congress. Plus, more skilled leaders.