



RESTORING CREDIBILITY TO MEXICO'S ELECTORAL PROCESS, 2006–2012

SYNOPSIS

Following a close and highly contested 2006 presidential race, Mexico faced a crisis of credibility in the management of its elections. An opposition party threatened not to recognize the government as legitimate, citing fraud and unfair treatment by broadcast media during the campaign. Legislators in Mexico's three largest political parties parlayed the crisis into an opportunity to address long-standing problems in the country's electoral process. They passed a reform package that prohibited the purchase of radio and television campaign advertisements and gave political parties access to free airtime, thereby cutting into the profits of Mexico's powerful broadcast industry. In the wake of the 2006 crisis, Leonardo Valdés Zurita, president of the Instituto Federal Electoral (Federal Electoral Institute), and the institute's General Council had to implement the legislative reforms and restore public trust in the electoral management body itself. To do so, they had to meet both the technical challenge of monitoring broadcast signals across the country and the political challenge of winning compliance from some of Mexico's most powerful corporations.

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INTRODUCTION

In late July 2006, hundreds of thousands of people took to the streets of Mexico City to protest the outcome of the presidential election.¹ Supporters of presidential runner-up Andrés Manuel López Obrador of the left-wing Democratic Revolutionary Party (PRD), they blockaded traffic and set up a sprawling tent city in the heart of the capital, demanding a full recount of the presidential vote. Many of the demonstrators were farmers, laborers, or students, the PRD's traditional base.

The protests vividly illustrated the intensification of the July 2006 presidential election's credibility crisis. The race had initially been too close to call. Felipe Calderón Hinojosa of the right wing National Action Party (PAN) and López Obrador had each immediately declared himself the winner. Four days after the election, the Instituto Federal Electoral (Federal Electoral Institute, IFE) declared Calderón the winner by 0.58% of the vote, or 240,000 ballots. López Obrador immediately filed a complaint with the Electoral Tribunal of the Federal

Judiciary, Mexico's court of last resort for electoral matters, disputing the result and requesting a full recount.

When the Electoral Tribunal ruled that the allegations of fraud did not meet the legal threshold to trigger a full recount and allowed recounts only in specific polling stations where there was evidence of irregularities, López Obrador's supporters poured into the capital to protest. López Obrador alleged that the PRD had suffered systematic discrimination during the campaign period and the mass media had given better coverage to his opponents and preferential pricing and placement to his opponents' advertisements.

In September, when the Electoral Tribunal concluded its partial recount and upheld Calderón's victory, López Obrador and his supporters packed up their tents and went home.² But the political crisis was far from over. Some PRD legislators took their seats in the Senate and the Chamber of Deputies, Mexico's lower house of Congress, but others refused to accept the legitimacy of Calderón's incoming administration. López Obrador and his supporters announced plans to set up their own, shadow government and scheduled a parallel presidential inauguration.

As the crisis worsened, the parties brokered a behind-the-scenes deal. The formal leadership of the PRD agreed to acknowledge Calderón's administration on the condition that Mexico's three main parties—the PRD, the PAN, and the Institutional Revolutionary Party (the PRI, which had governed Mexico until 2000)—legislate a series of major electoral reforms to avoid a repetition of the 2006 crisis and address broader concerns of inequality in Mexican electoral campaigning.

In early 2007, representatives of the three main parties, along with a team of technical advisers, drafted a reform package through a series of discreet, backroom negotiations. The group aimed to create more-equal access to broadcast

media, to increase the IFE's capacity to oversee and audit campaign expenditures, to permit the IFE to conduct a total-vote recount under certain conditions, and to change the membership of the IFE's governing General Council and top administrators.

THE CHALLENGE

Even though the recount controversy was itself the immediate cause of the 2006 postelection protests, the IFE's damaged credibility had deeper roots in the perception of inequality during the campaign period. Coupled with the IFE's handling of electoral complaints during the 2006 campaign, the political crisis deeply damaged public trust in the institution. The political-party representatives who sat down in 2007 to negotiate the legislative reform package had three broad challenges: to restore confidence in the IFE as an institution, to address inequality in media access, and to reduce the high cost of election campaigns to the Mexican taxpayer.

Rising broadcast advertising costs blocked smaller parties from placing television advertisements in prime-time spots, and some broadcasters also allegedly gave unofficial discounts to political parties they favored while charging those parties' opponents exorbitant prices—in contravention of Mexican laws.³ "Political parties became transferors of public money to TV stations," said Lorenzo Córdova Vianello, an electoral-law scholar and a technical adviser to the reform negotiators. (Córdova became one of the IFE's electoral councillors in 2011 and then President of the renamed National Electoral Institute in 2014.) He recalled, "This [arrangement] gave TV stations great ability to manipulate politics itself, giving different prices and treatments to different contenders and enriching themselves." A 2007 analysis by the University of Texas at Austin School of Journalism found that during the official campaign period, Mexico's two largest

broadcasters gave more coverage to Calderón than they gave to either López Obrador or the PRI candidate, Roberto Madrazo. The analysis also found that Calderón and Madrazo received a greater amount of favorable coverage than López Obrador received.⁴

Television broadcasters were a powerful force in Mexican politics. Under Mexican law, broadcasters received 20-year, renewable licenses from the state for the rights to use satellite and radio frequencies, which are public property. In exchange for those concessions, broadcasters gave the state a set amount of free airtime daily. Two conglomerates—Grupo Televisa S.A.B. and TV Azteca⁵—controlled over 90% of television airwaves in 2006, and 13 radio groups held 86% of radio signals.⁶ The majority of the Mexican population relied on either radio or television for their news, making broadcast advertisements vital to electoral campaigning. During his presidential campaign, López Obrador had taken a strong public stand against monopolies in general and Televisa and TV Azteca in particular.

Broadcasters pressured presidential candidates to lend their support to new laws that would increase broadcasters' control of the airwaves. In 2006, three months before election day and with the approval of the three main parties, Congress passed a new federal broadcasting law, nicknamed “Ley Televisa,” or Televisa Law, which gave Televisa and TV Azteca exclusive concessions on electromagnetic broadcasting for 20 years. Analysts attributed the timing to media industry concerns that López Obrador might win office and work to end the broadcasting duopoly.⁷ “Today we know television broadcasters used blackmail, conditioning the television appearances of political parties' presidential candidates and the purchase of advertising on this law's passage,” Córdova said. Scholars have noted anecdotally that just before the election, several critics of the law received “unwarranted negative media coverage,” such as

news broadcasts accusing them of crimes without existing formal investigations, while supporters of the Ley Televisa legislation generally received more-favorable coverage.⁸

The high cost of campaigns also represented a significant financial burden to the Mexican state. Since the late 1990s, Mexico had grappled with increasingly expensive publicly financed election campaigns. The constitution guaranteed public funding of political parties, and Mexican electoral laws limited the level of influence of private donors, who faced strong restrictions regarding their contributions. Mexico's transition from a one-party state under the PRI to a multiparty democracy involved reforms to the country's electoral system and the allocation of public campaign funds. In 1990, Mexico established a new, independent electoral management body: the IFE. The IFE was tasked with calculating the pool for public financing of ordinary activities.⁹ The IFE would then allocate 70% of the pool to political parties—based on votes won in the most recent election for the Chamber of Deputies, the lower house of the Mexican Congress—and disperse the remaining 30% evenly between the parties that had each received at least 2% of votes in the previous election. A party's share based on that formula would double in an election year to cover the cost of the campaign.

Mexican taxpayers shouldered the significant burden of financing expensive political campaigns; the majority of their contributions subsidized the political parties' purchase of radio and television advertisements (see Table 1). In 2006, the IFE predicted that election costs would rise dramatically—due largely to increased prices for broadcast media.

Beyond addressing the two concrete challenges of unequal access to broadcast media in elections and expensive campaigns, the negotiators of the legislative reform had the more nebulous task of helping restore both opposition party and

Table 1
Political Party Campaign Financing and Broadcast Advertising Expenditures, 1997-2012

	Public Campaign Financing to Political Parties	Party Expenditures for Radio and Television Advertising
	<i>(in 2010 pesos)</i>	
1997 Legislative	2,496,200,000	1,584,950,000
2000 Presidential	2,425,300,000	1,905,900,000
2003 Legislative	3,359,000,000	960,410,000
2006 Presidential	2,537,300,000	2,434,000,000
2009 Legislative	873,500,000	0
2012 Presidential	2,420,000,000	0

Source: Instituto Federal Electoral, *El IFE y el costo de la vida democrática en México, 2013*; Instituto Federal Electoral, “Financiamiento público de los partidos políticos 1997–2013,” 2013.

public confidence in the IFE following the damage caused by the 2006 political crisis. Even though violence was not seen as a threat in federal-level elections, the overall credibility of the IFE and its election management were important to maintaining the legitimacy of the electoral process and the administrations the process produced. Scholarly analyses found that public confidence in the IFE fell from 74% before the 2006 election to 56% afterward, although the IFE remained one of the more trusted government institutions in Mexico.¹⁰ The PRD’s demand for a new IFE president and for replacement of the IFE’s General Council illustrated that the PRD too had lost faith with the electoral institution despite international observers’ certification of the 2006 election procedures as generally fair.

At the time of the 2006 election, the IFE’s main governing body, the General Council, was entirely renewed every seven years. Mexico’s Chamber of Deputies had the power and responsibility to nominate and select, by a two-thirds majority, the eight councillors and the council president, who served as the IFE’s administrative head. Candidates were not allowed to be current or recent members of political parties.

The electoral councillors and the president together made decisions by majority vote on the

IFE’s interpretation of legislation and on other topics of electoral management policy, with formal opportunities for political parties’ and legislative coalitions’ nonbinding input. Even though the president of the IFE had some discretion in administrative governance and was the public face of the institution, his vote carried the same weight as the votes of the other councillors.

In the previous round of nominations, in 2003, the PRI and the PAN had held a two-thirds majority in the Chamber of Deputies, which enabled them to shut the PRD out of the selection process. Because it had no role in selecting any of the 2003 councillors, the PRD accused the General Council of partisan bias. Following the 2006 election, López Obrador escalated that rhetoric, arguing the General Council’s decisions were heavily weighted in favor of the PRI and the PAN. (Scholarly studies of the General Council’s voting record during that period and the preceding decade, did not detect partisan bias, however.¹¹)

FRAMING A RESPONSE

After the 2006 election, when representatives from the PAN, the PRD, and the PRI met to negotiate a blueprint for electoral reforms, they aimed not only to revisit Mexico’s recount laws but also to create more-equal access to broadcast

media, to increase the IFE's capacity to oversee and audit campaign expenditures, and to change the General Council and top administration of the IFE. As the legislators worked to frame a reform package and pass it through the Congress, they would also have to facilitate the appointment of the IFE's new president and eight electoral councillors.

The tripartite agreement to negotiate for electoral reforms was part of a broader agreement between the parties, which sought give more-moderate elements of the PRD some leverage in an intraparty debate over the legitimacy of Mexico's electoral institutions and elected government. Concessions in electoral reform would also give PRD leadership the political cover to participate in planned reform negotiations on other topics. In that context, the PRD's conditions for participation largely framed the agenda for discussion, including more-equal access to broadcast media, stronger IFE oversight of campaign expenditures, expanded right of the IFE to conduct recounts without a specific petition before the Electoral Tribunal, and a changeover in the leadership of the General Council.

Legislating the reforms

One of the PRD's most significant conditions for participation in the negotiations was a new model of political broadcast advertising. The aims of the new system would be to ensure fair access to the airwaves, reduce the public costs of electoral campaigns, and reduce the leverage of media companies in politics. Those aims were based on both general concerns that money played too great a role in determining electoral outcomes and conditions set by the PRD during the previous round of negotiations. Concerned about the potential for manipulation by media broadcasters, the negotiators proceeded quietly. "Those who formed the Senate group knew it existed, but nobody acknowledged it," said

Córdova. "This was a secret group precisely to avoid mass-media pressure."

At first, it was unclear how strong a stance the political parties would take against broadcasting conglomerates, according to Córdova. Based on certain European countries' successes in prohibiting paid political advertising, the political party representatives were inspired to take a hard line against the purchase of airtime for electoral campaigns.¹² Some of the participants, however, shied away from such a strong response, advocating either temporary measures or more-gradual, phased-in changes; others advocated a complete ban on television advertising of any kind.

While the secret negotiations were under way, the Supreme Court dealt a surprise blow to consolidated broadcast media, empowering the legislators to take a stronger stance. The Supreme Court ruled *Ley Televisa* unconstitutional, finding the 40-year exclusive broadcast licenses granted by *Ley Televisa* anticompetitive. That blow to television broadcasters inspired the reform negotiators to take a "radical step in the relationship between politics and television broadcasters," Córdova said. The overturning of *Ley Televisa*, coupled with a protracted series of negotiations, brought the different political party representatives into consensus, thereby charting a middle ground between proposals ranging from a complete ban on television advertising to only minimal, gradual changes.

The final reform package proposed to completely prohibit broadcast media from selling political advertising to political parties or any other group during the electoral cycle and to replace paid advertisements with free airtime. It outlined a series of constitutional and legislative changes required to implement that change in policy. As a condition of receiving broadcast concessions, radio and television stations were already required to give the state 48 minutes of free airtime daily. Under the new legal framework,

the IFE would take over that time and allocate it among political parties as free advertising. It would administer the policy through a new administrative unit: the Executive Division for Prerogatives and Political Parties. The IFE was also required to punish parties for system-aired ads that constituted denigration or slander.

The legislative package included numerous adjustments to the electoral management system that were aimed at reducing costs and rebuilding institutional credibility. Because of the reduction in advertising costs, legislators changed the electoral public-financing formula by reducing overall allocations by roughly 50% and reducing expenditure limits for individual candidates. The legislation also lowered the ceiling on private contributions to presidential campaigns from 270 million pesos (US\$24.7 million) to 40 million pesos (US\$3.7 million). To address the problems apparent in the 2006 election, the negotiators agreed to expand auditors' authority to access political party bank accounts and expenditure records and to create a more independent and better equipped Oversight Unit for the Resources of Political Parties (Unidad de Fiscalización de los Recursos de los Partidos Políticos), with the aim of better detecting fraud, enforcing campaign spending limits, and monitoring private campaign contributions. The negotiators drafted automatic triggers for a full recount if the result was particularly close or if null ballots reached a certain level; those triggers would address the immediate cause of López Obrador's postelection protests. The reform package also included numerous other adjustments to electoral procedures such as mandated presidential debates, requirements that parties establish internal dispute resolution systems, and new regulations for coalition formation.

In late 2007 and early 2008, the negotiators introduced the reforms as a series of constitutional amendments—requiring a two-thirds majority at the national level in both houses of Congress as

well as 16 of the 31 state legislatures¹³—and sweeping changes to the existing electoral legislation. Even though those changes required significant effort, constitutional amendments were frequent in Mexico. From 1990 to 2007, the country averaged more than three amendments a year.

The negotiators carefully phased the changes through the legislature by building momentum through broader and less controversial amendments so as not to alert media interests to the communication reforms until shortly before the reforms were to be voted on in the Chamber of Deputies. That step reduced the amount of time broadcasters had for mounting a public relations campaign against the changes. The changes to electoral broadcast advertising were on the floor of Congress for open discussion for only a short period, during which media broadcasters mounted strong opposition through an industry lobbying organization. The media broadcasters could not, however, shake the negotiated reform brokered by the three main parties; the electoral reforms won 90% of the vote in both houses at the national level, as well as support by all but one of the country's 31 state legislatures.¹⁴ Many smaller parties, which had been mostly shut out of the negotiations, voted against the changes, arguing that an unfair percentage of the media spots would go to the PAN, the PRI, and the PRD, but they were unable to mount a large-enough opposition.

As the heads of the PAN, the PRD, and the PRI shepherded the reform through Congress, they also worked to meet the PRD's final condition: a changeover of the IFE's leaders, replacing the president and all eight of the electoral councillors.

Following an open call for candidates and several months of public debate, electoral scholar Leonardo Valdés Zurita won the two-thirds margin necessary for legislative confirmation as the new president of the IFE. Valdés, at the time

a University of Guanajuato professor and a scholar of electoral reform, had a long history of work with the IFE. He had managed electoral logistics for the IFE in 1997, leaving academia for one year to help shepherd the electoral commission through a series of reforms to the electoral process, and he had served as an electoral councillor for the Federal District Electoral Institute, which organized elections for the mayoral government of Mexico City.

The Congress also replaced two electoral councillors in February 2008 and three more in August, leaving replacement of the other three for 2011 in order to preserve institutional knowledge. Legislators chose Marco Antonio Baños Martínez, Benito Nacif Hernández, Alfredo Figueroa Fernández, Maria Macarita Elizondo Gasperín, and Francisco Javier Guerrero Aguirre.

When Valdés and the other new electoral councillors took office in 2008 following their congressional appointments, the General Council and the IFE's top administration faced two major challenges: they would not only have to implement the legislative reforms but also have to meet the bigger challenge of restoring public trust in an electoral management body damaged by the 2006 political crisis. Accomplishing those tasks would require Valdés and the General Council to go toe-to-toe with some of Mexico's most powerful business interests: television and radio broadcast companies that had a significant financial interest in their failure.

Defining responsibilities

As the governing body of the country's election management body, the General Council, with Valdés as president, had to oversee implementation of the legislatively mandated reforms, which had been designed to improve fairness, reduce costs, and restrict media broadcasters' political influence.

When Valdés and the other new councillors took office in February 2008, they had only nine

months before the precampaign period began for the next legislative elections, a tight time frame in which to implement the electoral reform package.

The upcoming campaigns also meant the IFE's leadership could not rely on public support from political parties. Though legislators had taken a firm stance against broadcasters, many politicians feared being singled out by media companies during an election. "One of the authors of the reform said the reform was orphaned the day it passed, because the parties, even the government, left the IFE to itself in its fight against the media," Córdova said. Valdés and the councillors had to find a way to bring radio and television broadcasters throughout Mexico into compliance with a new advertising model that represented a significant loss in both revenue and political influence. The initiative would entail new systems that would assign broadcasting time, distribute advertisements to broadcasters, and ensure stations' compliance.

Valdés and the councillors also had the broader task of restoring political-party and public trust in the IFE following the 2006 crisis. Successfully implementing the reforms could help build that credibility, but the risk of failure was high, given the number of tasks, the degree of difficulty, and the short time frame. Alfredo E. Ríos Camarena Rodríguez, at the time Valdés's chief of staff, said: "It was double the work. The first task was to reposition the institution to where it would be trusted."

The reforms represented only one part of the IFE's urgent agenda. Resolving a backlog of more than 700 outstanding complaints still remaining from the 2006 election campaign was important to rebuilding the electoral institution's credibility. And to prevent future backlogs, so was ensuring quick resolution of new complaints. "The legitimacy crisis in 2006 was very much related to the problems the IFE had in solving those complaints prior to the 2006 election day and the announcement of the results," Valdés said.

Managing both sets of activities while preparing for the next election would require drastic changes to the IFE's administration. Valdés added, "I had to do two things at the same time: try to solve by optimizing and dividing the work groups to address all the outstanding political complaints while at the same time implementing the newly passed reforms."

For help, Valdés turned to a new team, composed mostly of people he had previously worked with either at the IFE or in academia. He recruited a new executive secretary to manage the IFE's administrative structure: Edmundo Jacobo Molina, former professor at the University of Guanajuato and secretary-general of the Universidad Autónoma Metropolitana system. Jacobo and Valdés would together handle much of the implementation work. "We split the work," Jacobo said. "In general, I was in charge of the inner, operational work. Dr. Valdés had to coordinate the IFE's General Council and take care of the political work of dealing with the political environment." Valdés also brought in a new head of his legal team—drawing on a former judge from the Guanajuato Supreme Court—and a strong Ministry of Finance auditor to head the Oversight Unit for the Resources of Political Parties.

GETTING DOWN TO WORK

The team needed to create a more efficient and nimbler administration to effectively implement the legislative reforms. "After having found these four key people, together we started the revision of all the regulations and profiles at the IFE," Valdés said. Valdés and his administrative team began looking at the electoral service laws, which governed the IFE's 2,500 professional electoral service members, who organized electoral logistics in more than 300 regional offices. The IFE itself had a larger staff, of more than 14,000. A large portion of those

employees produced the millions of voter identification cards, which also served as de facto national identity documents for many Mexican citizens. The revision lasted several years—through the 2009 electoral cycle—and created "the right incentives so that workers would improve their abilities," Valdés said. Among other changes, the new electoral service laws required that incoming employees pass a national exam and that employees be reexamined regularly. "These are the elite corps of the IFE," Jacobo said. "Civil services need to be properly administrated, for there is the danger of bureaucratization, of people thinking of their job as an appointment for life." The IFE also began regularly rotating professional electoral service members through the regional offices. "It is not advisable for the electoral civil service that public servants stay in the same state for too long, because there is the risk that by being in constant touch with the local political actors, they may establish relationships and alliances that are detrimental to the institute's impartiality," Jacobo added.

Valdés and the electoral councillors spent several crucial early months first reorganizing the IFE's functions to meet the requirements of the statutes and then writing the regulations that would translate the law into new election procedures. "Before 2009, my main work was to prepare the internal work to have the new rules and regulations ready so we could do our jobs," Valdés said. Valdés, Jacobo, and the General Council, in consultation with political parties and electoral law experts, interpreted the reform and wrote numerous regulations from February to July 2008 to ensure the IFE staff would be able to carry out new functions contained in the legislation. "We had to create the bridge between the constitutional amendments and our daily functioning, since the legal and constitutional reforms did not foresee many concrete situations," Jacobo said.

Building a technical broadcast and monitoring system

In some ways, the Congress had handed Valdés and the other councillors a minutely detailed blueprint for the IFE's administration of free political advertising. The constitutional amendments and legislation spelled out down to the minute how much free, state-sponsored broadcast time the IFE would get and how it should allocate that time during (1) nonelectoral periods, (2) the precampaign period, (3) the campaign period, and (4) election day. Some of the time was reserved for the IFE; the rest was shared among parties: 30% divided equally and 70% allocated based on vote share of the previous election. Congress also gave the IFE the power to impose fines and other sanctions on broadcasters that did not air the free political advertisements and on political parties that purchased additional airtime for campaign purposes—in violation of the rules.

The law still left some of the operational details vague, however, and the General Council had to fill in the gaps, drawing on the help of lawyers and technical advisers to create a fair policy. Ultimately, the electoral councillors and the head of the Executive Division for Prerogatives and Political Parties, in consultation with political party representatives, decided to divide parties' time into 30-second spots in a randomly assigned order. Called the *pauta* (guideline), the order would rotate so each spot could be aired in different time slots.

To ensure compliance, the unit had to build the capacity to monitor stations across the country so it could check on whether broadcasters were airing the correct ad at the correct time. In 2006, the IFE had used private companies to monitor political party advertising for auditing purposes, but the audits had used random samples of broadcasts, not direct counts. There was no system in Mexico capable of monitoring and verifying every advertisement across multiple broadcasts.

The IFE would have to create its own system—an expensive and technically challenging task.

The IFE's leadership had originally intended to have the monitoring system operational at the end of January 2009, when the precampaign period began—akin to party primaries in many countries. But before they could begin implementing the political communication system—which represented the most technically and logistically difficult piece of the reform—IFE needed to ensure it could fund the system. In March 2008, the General Council drew up an initial proposal, asking the Ministry of Finance to increase the IFE's budget by 1.45 billion pesos (US\$134.8 million at the time) in order to implement the advertisement allocation and monitoring systems. "IFE asked for 1 billion pesos, but we did not have any parameters that allowed us to know exactly how expensive this new challenge was going to be," Jacobo said. In September 2008, after several months of review, negotiation, and expert consultation, the IFE and the Ministry of Finance settled on 650 million pesos (US\$60.5 million) for the initial purchase and development of the system. The lengthy negotiations delayed the monitoring system's implementation.

At the conclusion of that process, in September 2008, the IFE opened a public, international bid, seeking a system that could record and verify every advertisement. In the end, the IFE had to pull from a variety of providers to meet its hardware and software requirements. When the bidding process concluded in November, the initial timeline to have the monitoring system in place for the precampaign was no longer feasible. The companies that won the bid would have five months before the beginning of the official campaign to implement the system across Mexico.

The staff of the Executive Division for Prerogatives and Political Parties also had to

develop guidelines for the submission and broadcast of materials across the country, taking into account different broadcast requirements for state and local elections as well. They were delayed by the lack of maps showing physical coverage of radio and television signals, which they then had to create. “There was no information on how many radio and TV stations there were in Mexico, and we had two months to implement the entire system,” said Figueroa, who served as an electoral councillor from 2008 to 2013.

At the same time, Jacobo and his team began restructuring the unit by increasing unit staff from 200 to 500 employees so as to meet the increased workload involved in both processing ads and monitoring the broadcasts by using 150 monitoring stations around the country to ensure the television and radio stations complied with the new requirements.

In January 2009, the Executive Division for Prerogatives and Political Parties began taking in advertisements from political parties for the precampaign period. The staff would first verify the compliance of each spot relative to technical requirements and would then send the spots out to the stations to be broadcast in the predetermined rotating order. At first, the system experienced significant delays of up to 15 days between submission and airing, causing parties to complain they could not respond to changing political situations. The Executive Division for Prerogatives and Political Parties later became able to decrease that time lag to three days at most.

The monitoring system, called El Sistema Integral para la Administración de los Tiempos del Estado en Radio y Televisión (Integrated System for the Management of State Times in Radio and Television), went live in March 2009, after the start of the precampaign period. It used the 150 monitoring stations, each with a small staff, to scan nearby broadcasts from 6 a.m. to

midnight, automatically verify the audio fingerprints of each political party’s advertisements, and check that stations aired the correct ads within specific ranges of time. The computer system recorded and checked the broadcasts of 1,551 of the 2,335 radio and TV stations (excluding those with extremely remote broadcast areas and community, nonprofit radio stations). To confirm any suspected breach, a team of monitors would then double-check the computer records if the system had recorded an advertisement as missing.

The strength of the technical system would be important to implementation and enforcement of the new advertising model. “The IFE had to show the radio and television stations that we had sufficient technical structure to detect breaches and that we had invested money and resources in a system that was infallible and with which we could show the tribunal and legal authorities proof [if broadcasters] did not comply,” said Ríos Camarena, who became head of the Executive Division for Prerogatives and Political Parties in 2011.

Legal requirements for the use of state time for electoral campaigning created other technical implementation hurdles beyond simply monitoring the broadcasters. Advertisements for congressional races or other state-level races, for example, were legally only to be broadcast with the candidates’ prospective constituencies, but broadcasters’ ranges often crossed political boundaries. The General Council gave broadcasters several extra years to implement technical solutions to that problem, but those solutions ultimately required television and radio stations to block their entire signals outside the state during official campaign periods.

Streamlining the handling of electoral complaints

The framers of the legislative reforms had recognized that the IFE’s inability to deal with the majority of political parties’ formal complaints

before election day in 2006 hurt the credibility of the elections. “If justice takes too long to be discharged, the damage will have already been done by the time there is a decision,” Jacobo said. “The intention of the 2007–08 reform was to have more-expedient administration of justice, which had the effect of turning the IFE into a judge.”

To increase the IFE’s capacity to handle complaints quickly, the legislators increased the IFE’s legal authority to directly apply sanctions rather than wait for the Electoral Tribunal to rule on each matter. The legislators also conferred upon district and state-level electoral councils the right to handle alleged violations of electoral procedures, including by the imposition of sanctions.

In late 2008 and early 2009, the IFE recruited more than 300 legal advisers—spread across each of the district councils—to facilitate the process. “This radically altered the life of the IFE because this new quasi-judicial function required a lot of resources. If there was a complaint, we had to request information from the parties and other involved actors, investigate, and gather evidence. And we had to do all this very quickly,” Jacobo said.

That decentralized model was key to resolving procedural complaints because it freed up the IFE’s General Council to deal with a new influx of high-level complaints related to violations of the radio and television regulations or involving new restrictions on slanderous propaganda. “All of those complaints had to be resolved before the elections took place so that we could give legal legitimacy and certainty to the elections,” Valdés said. In 2006, the IFE resolved 74 of 802 political party complaints before the election process ended. In 2009, under the new system, the IFE resolved 498 of 555 complaints during the election process. In 2012, the IFE handled 1,459 of 1,587 complaints before the end of the election process.

Building credibility

Beyond implementing the legislative electoral reforms, Valdés and the electoral councillors faced the larger challenge of restoring credibility to the IFE following the allegations of fraud and inequality in 2006. Addressing the inequalities in access to airtime and overseeing legislative provisions for automatic recount procedures and for increased transparency in reporting results from individual polling stations were necessary, but not sufficient, steps to achieving the goal of restoration of credibility. The IFE administration’s focus on implementation of the legislative reforms ahead of the 2009 legislative elections made it difficult to tackle the IFE’s credibility and public image problems until the electoral management body began preparing for the 2012 presidential election.

“[The] 2006 [election] created much doubt about whether the IFE had acted to the best of its abilities,” Jacobo said, adding that he believed the IFE’s credibility problems lay in difficulties communicating with citizens. “After the 2006 elections, we needed to recover that trust. This required a lot of work. The 2009 midterm election was the first step, but the big test was the presidential election of 2012. We needed to work very hard, and we had to learn how to effectively communicate our achievements and our job in order to regain the trust of the different social actors.”

In the early years of implementing the reforms, broadcasters’ animosity toward the IFE further damaged public trust in the institution. “One of the main objectives [of the reform] was to restore the IFE’s credibility,” said Jorge Alcocer Villanueva, a key technical adviser to the legislators who wrote the reform package, coordinator of research organization Centro de Estudios para un Proyecto Nacional (Study Center for a National Plan), and founding director of *Voz y Voto* (*Voice and Vote*) magazine.

“There was collateral damage that was not anticipated. Because the IFE became this mega-agency that regulated airtime, the IFE started a permanent conflict with the media stations,” he added. That conflict created a media narrative about Valdés’s administration of the IFE “where the good decisions were not shown and the questionable decisions were magnified,” Córdova said.

Focused on technical and logistical challenges ahead of the 2009 elections and bringing radio and television companies into compliance, the Valdés administration avoided a public confrontation to counteract that media campaign. Still, Ríos Camarena said: “I believe the public realized, little by little, that industry was seeking a return to the past through noncompliance. They discredited the IFE so harshly that in the end, the citizens realized something was wrong and that it was not possible that the electoral institution was the bad guy.” Public trust in the IFE did begin to recover from 2006; polling data from that period showed an increase in public confidence from 2007 to 2009.¹⁵

Following the 2009 election, political discord over the appointment of three new electoral councillors compounded the IFE’s dysfunctional public image. The 2007–08 legislative reforms mandated that the IFE’s electoral council be gradually changed—with three councillors every three years—in order to phase in a new administration while preserving institutional knowledge. From 2010 to the beginning of the 2012 campaign cycle, political parties were unable to agree on any of the nominees. “While it didn’t cause a crisis, it created complexity in the operation of the institution and risk with respect to the upcoming 2012 election,” said Córdova, who was eventually chosen as one of the new electoral councillors.

Those disagreements took place on television, in front of the Mexican public. “The publicity of the procedure meant public opinion

identified finalists as unconditional candidates of PRI, PAN, PRD, and, even worse, unconditional candidates of the mass media,” Córdova said. Alcocer said that that process, which delayed the renewal by more than a year, turned into a fight for distribution of General Council seats among the political parties and parliamentary groups, which each demanded to decisively influence the appointment of new councillors.

Perceptions of electoral councillor bias at the IFE had potentially far-reaching consequences for the 2012 presidential election, which would test whether the institution had recovered from 2006. “As referees at the IFE, we receive pressure from political parties, from the media, from interest groups,” Córdova said. “The nomination proposal is very important to generate a feeling of autonomy for those who have to make decisions that always affect one political party or another.” The parties eventually reached such a stalemate that they appointed an independent commission of high-level scholars and public figures to determine the three new electoral councillors.

Between negative commentary in the media and a dysfunctional councillor-selection process, Valdés realized by mid 2011 that he needed to reach out to the public to change public perception of the IFE. “Moving toward the 2012 presidential election, I was convinced I had to come out in front of Mexican society and explain what we had done so far in order to generate trust in the IFE for the upcoming elections,” he said.

Valdés knew he could not rely on broadcast media to help in reaching the public, and Mexico’s newspapers had limited circulation. “It would have been easier if radio and TV had wanted to help in this job, but they did not want to help,” he said. “So I started a policy of public relations, which consisted of visiting key social groups in the process of public opinion formation.” Valdés framed a campaign throughout late 2011. “I prepared a PowerPoint [presentation] and went and talked to over 75 social groups at all levels to

explain to them the six key challenges as well as the three key promises that the IFE had to generate trust in the electoral process,” he said. His audiences ranged from wealthy Mexican business associations to the *voceadores* union, which represented those who distributed newspapers on street corners. Of the latter, Valdés said, “They call themselves the last step in the chain of the freedom of expression.” He added: “I think I was able to generate some confidence in the professional work of the IFE. Between the two extremes of the richest men in Mexico and perhaps one of the poorest groups in Mexico, I was able to visit a lot of groups. This exercise allowed me to show that the key to the IFE’s political success is impartiality.”

Valdés said he relied on winning the trust of those professional and civic associations to generate confidence in the 2012 electoral procedures. “When the night of [the 2012] election day came and I went on national TV to give the results of the election, all of these people already knew me, and they knew I was telling the truth,” he said. “This was key for the success of 2012.”

OVERCOMING OBSTACLES

As the IFE worked to implement the legislative electoral reforms during the 2009 and 2012 elections, Valdés and the General Council met strong resistance from television and radio broadcasters that opposed the new system of free advertising. “For the first time in our modern political history, we had to confront the media monopolies,” Figueroa said.

A tense relationship

The precampaigns for the 2009 legislative elections began on January 31, 2009, bringing with them the start of open conflict between the IFE and the nation’s largest broadcasters, which had threatened to defy the new political advertising system. The next day, millions of

Mexicans who tuned in to watch a live broadcast of the US Super Bowl—American football’s championship game—on the Televisa and TV Azteca channels were interrupted during both the game and the half-time show by six-minute blocks of political ads, bookended by brief apologies from the networks’ blaming the IFE for the disruption. “TV stations decided to pile all of the spots into six minutes precisely during the Super Bowl broadcast, in the last minutes of the game,” Córdova said. “They placed a short ad saying, ‘We apologize to viewers. This is the result of the electoral reform and of the IFE’s requirements. We apologize for the interruption of your favorite program, but here it is.’ And at the end: ‘We remind you this is the IFE’s fault and the reform; we apologize again and return to the broadcast.’”

For the next few days, similar incidents interrupted popular Mexican League football games. Viewers were outraged. “I do not need to be Sam Spade to realize that the goal is to irresponsibly anger the audience against the parties and the electoral authorities, to show the ‘irrationality’ of the legislation on the subject, and to create a problem where none exists,” former IFE president José Woldenberg said at the time—in reference to a famous fictional detective from 1930 novel *The Maltese Falcon*.

Those moments illustrated the tense relationship between the IFE and media broadcasters from 2007 through the end of the 2009 legislative elections. Fearing sabotage by media interests, the prime movers behind the legislation had kept their deliberations quiet, sensing that the companies would oppose any reform; and the IFE had not sought broadcaster input when formulating the political advertising system. During the implementation process, “there was practically no relation or minimal relations with the media,” which viewed the IFE with animosity and maintained a confrontational relationship, said Córdova. The political reaction

to the Super Bowl incident “showed the IFE’s abandonment,” he added, explaining that the minister of governance asked Valdés to negotiate with the heads of the two companies. “On one side sat the state, and on the other sat the subjects being regulated,” Córdova said. “[The minister] pretended the relationship was among equals, when it was not.”

In addition to the incidents’ generating public backlash against the IFE, the broadcasters’ refusal to air the campaign spots in the way the regulations specified also gave Valdés and the General Council a chance to prove their ability to enforce the new model. “From February to October 2008, there were all these negative reactions—more from TV stations than from radio stations—but because we were in this preparatory stage, there was no occasion to impose sanctions,” Valdés said, because until the start of the precampaign period in 2009, the system did not require broadcasters to take any action. In a split vote, Valdés and the general councillors brought millions of pesos in fines against Televisa and TV Azteca for the Super Bowl incident and other failures to broadcast spots at the appointed times.

According to Figueroa, broadcasters had earlier quietly pushed the IFE’s electoral councillors to move away from sanctioning the television and radio stations that did not comply with the new system. “The directors of TV stations told the IFE, ‘You have to agree with us because there’s no way you can run an election without us,’” he said. “They offered, in exchange for not sanctioning them, a favorable perception of the IFE in the media.”

Through the 2009 elections, broadcasters were “betting on the failure of the model,” Córdova said. Broadcasters challenged sanctions in court and waited to see whether the IFE would falter in its technical capabilities to manage the broadcasting of tens of millions of political party advertisements. “There were many who did not

want the IFE to succeed—in order to roll back the reform,” Jacobo said. “In particular, the two largest broadcasters in Mexico remained defiant of the new system.” By February 2010, TV Azteca had accumulated 194 million pesos (US\$15 million) in fines; Televisa had fines of 14 million pesos (US\$1.1 million).

The IFE itself initially struggled to determine the right fines for the failures to broadcast the spots and to develop criteria for sanctions when enforcing the model. In June 2009, shortly before election day, the IFE’s executive secretariat proposed a 62.8-million-peso (US\$4.7 million) fine against TV Azteca for failure to broadcast 734 spots due to the “substantive” nature of the spots and TV Azteca’s recidivism. The General Council subsequently voted 5–4 to reduce that fine to 21.9 million pesos (US\$1.6 million) after several councillors argued that 62.8 million pesos exceeded the maximum fine the IFE was permitted to impose.

That issue sparked strong debate among the electoral councillors themselves. “The real difference between the councillors was the role that authority should have in resolving these issues,” Figueroa said, referencing debates the standard of evidence when determining both the strength of prospective sanctions and what material would be considered product placement within programs themselves.

The IFE’s troubles in implementing sanctions for breaches of the media regulations went beyond issues with broadcasters. In March and early April 2009, the Partido Verde Ecologista de México (Ecologist Green Party of Mexico, PVEM) contracted Televisa and TV Azteca to air promotional campaigns with the stated aim of changing citizen positions on the death penalty and environmental protection. The materials, which included PVEM lawmakers but not candidates for office, aired during the intercampaign period between the precampaign party primaries and the start of the main electoral

campaign in April. The IFE's General Council voted to impose nearly 20 million pesos (US\$1.4 million) in fines against the PVEM on the grounds that the spots were thinly disguised electoral propaganda. The PVEM challenged the sanctions in the Electoral Tribunal, which found in favor of the party, ruling that the spots did not amount to electioneering, fell outside primaries and campaigns, and were therefore covered under the right of legislators to inform the public of their activities.

The structure of the legislative reforms created an additional challenge in the system of sanctions. Though the legislation prohibited public servants from appearing in television advertisements during elections, the General Council could not directly sanction the public servants, only the stations. "There was no consequence for their appearance," Figueroa said. "This was a huge weakness of the 2007–08 reform."

Media broadcasters also challenged in court the constitutionality of the legislation itself, arguing that a prohibition on the purchase of political advertising violated the principle of freedom of expression. Their bid to have the new political communication model struck down failed initially in 2008, when the Electoral Tribunal ruled that there was no violation to the freedom of expression of political parties, because parties could still access airtime and other forms of political advertising. The Supreme Court threw out the case on the grounds that it could not debate the merits of a constitutional amendment itself.¹⁶

But even though broadcasters continued to seek ways around the model in the 2009 legislative elections, on the whole they complied with the requirements. The IFE's monitoring reports found that 91.2% of the spots to be broadcast were aired in compliance with the model from the precampaign period through election day. "When they realized we had the capability of sanctioning

them, the TV stations started to broadcast the spots at the times and dates the spots were assigned to," Valdés said. "They decided it was better to obey the rules than to keep paying fines."

"The TV stations rebelled for financial reasons," said Daniel Moreno, who directed W Radio from 2007 to 2010. A prominent news and talk radio station in Mexico's largest radio network, W Radio was partially owned by Televisa and by Spanish media conglomerate Promotora de Informaciones, S.A. "The reform represented a loss of money," Moreno said, adding that the increased compliance was due to a variety of factors: "First, official pressure; second, the fines that were imposed upon them; and third, increased vigilance of their compliance. Their reasoning was essentially economic."

Opening a dialogue

Following the conclusion of the 2009 legislative elections and several 2010 state-level elections, Valdés, the General Council, and IFE's administrative leadership had the opportunity to take a step back and evaluate how to improve the political communication model. "We started working on communicating better with industry to better explain the model," Valdés said.

IFE also opened a dialogue with broadcasters, soliciting their feedback on the system to make compliance less technically or logistically onerous. The broadcasting schedule created by the oversight unit required radio and television stations to air the advertisements in very specific blocks of time, many of which coincided with otherwise profitable advertising slots. "In 2009, we had a very bad commercial year because of this strict vigilance," Moreno said. "[We] were not able to sell good slots of time. [Broadcasters] had to give [the political parties] the most-important time slots, and that had a very big impact."

In response to those negotiations, the IFE made adjustments to its regulations governing

advertising broadcasts. It agreed to grant exceptions to required airing of ads so stations could air without interruption certain important live broadcasts such as sporting events or concerts. The General Council also stipulated stricter rules stating, for example, that political parties could not pay to have characters in *telenovelas* wear political party T-shirts or explicitly mention political candidates. “Negotiations with the TV stations advanced significantly in that year [because] we reframed the TV and radio regulation that contains the operational mechanisms and rules with the authority that TV stations must abide by,” electoral councillor Baños Martínez said.

That dialogue with broadcasters over potential technical adjustments to the regulations fundamentally changed the nature of interactions between the IFE and radio and television media. “The opened channels of communication have allowed more flexibility in the mode,” Córdova said. “For example, when there is an episode of lack of compliance by radio or TV, the IFE and the stations have a fluid communication even by phone, which enables stations to communicate the mistake and correct it before starting a legal procedure. The IFE has not lost its authoritative role, but it has the willingness to dialogue, as do the broadcasters.”

The formal conversation with broadcasters marked a new relationship between the IFE and media companies, thereby reducing the hostility of their interactions. “Since 2010, TV stations have diminished the intensity of attacks against the reform and the IFE, assuming there was no way back,” Córdova said.

By the 2012 campaign period, 98% of spots were being broadcast correctly under the IFE’s political communication system. But even though the IFE was eventually able to bring broadcasters into compliance with the system in terms of properly airing the ads on state airtime, both media companies and politicians found ways to

circumvent the spirit, if not the letter, of the ban on purchase of political advertising, thereby undermining the original purpose of the reform. For example, the IFE-administered political communication system allegedly created a black market in which politicians and candidates could purchase favorable news coverage or product placement on nonnews programs such as soap operas, even though the IFE had explicitly prohibited the practice. “There is a well-founded suspicion that there is a black market with respect to how the news is broadcast and what comments are given on candidates,” said Alcocer, a key technical adviser to the legislators who wrote the reform package.

Moreno, the director of W Radio, said he met with the IFE’s General Council in 2009 to discuss those problems and how to address the black market. “The economic damage [from a loss in advertising revenue] was not equal for everyone,” he said. “We know who received money [in exchange for news coverage or interviews].” According to Moreno, W Radio did not sell news coverage to parties but received several requests from political parties to do so in the 2009 election. “Our position was that the 2007 reform opened the way for dirty money—much more so than in the past,” Moreno said, adding that he had pushed the councillors to monitor nonnews programs for interview placement because “as it stood, it was outright corruption.” According to Moreno, because it could not prove why a particular station had chosen to interview a particular candidate, the IFE decided not to adopt his suggestion.

In an attempt to deal with the problem, the IFE expanded an existing program that monitored Mexican radio and television news coverage of each party’s candidate during an election cycle. The IFE worked with the National Autonomous University of Mexico (UNAM) to monitor the 2009 and 2012 campaign periods. The two organizations found in 2012 that on a national

level, coverage was mostly even across the three largest parties. The IFE, did not, however, monitor opinion programming or other shows that fell outside formal newscasts.

The IFE was usually unable to investigate accusations of purchased placement of candidates or interviews because it did not have the right to inspect the records of private businesses. According to Moreno, in lieu of private campaign contributions, businesses sometimes paid media stations to promote a given party or candidate; or parties used shell companies to make the transfers.

In a notable incident, weeks before the 2012 presidential vote, British newspaper *The Guardian* published an investigation alleging PRI presidential candidate Enrique Peña Nieto had purchased extensive favorable news coverage from Televisa over several years in order to boost his presidential campaign.¹⁷ Perceptions of broadcaster bias toward Peña Nieto and the PRI sparked large student protests across the country, in which tens of thousands of Mexicans protested first against Peña Nieto and then against the broadcast networks themselves. Peña Nieto's marriage in November 2011 to a former Televisa soap opera star compounded the perception that he enjoyed privileged status at the network.

Peña Nieto denied the charges and ultimately won the presidency. A subsequent investigation by Mexico's *etcétera* magazine concluded that Televisa had given Peña Nieto privileged publicity *before* the start of the official campaign period—and therefore before the IFE's monitoring of media fairness.¹⁸ "Peña Nieto was governor of one state, like 30 others; nevertheless, he appeared every day [on the news]," Moreno said, referring to the period before official candidates had been determined. "By March 2012, when the campaign began, Peña Nieto was known by 95% of Mexicans. What I often say is that if the presidency was a 100-meter run, Enrique Peña Nieto started at 30 meters."

A European Union monitoring report

published after the 2012 election found that the IFE and UNAM's media monitoring "cannot provide a complete analysis of the existence and size of the informative bias of the electronic mass media" partly because it was hard to code the "friendliness" or "hostility" of news reports to political parties. Measuring bias was also difficult because of the limited scope of the monitoring—which did not include opinion programming—and because the monitoring system did not take into account the appearance, in the news, of existing party-affiliated individuals other than candidates.¹⁹

ASSESSING RESULTS

The primary goals of the tripartite 2007–08 electoral reform were to increase fairness in access to broadcast political advertising, to reduce the influence of broadcast media in electoral politics, to reduce the Mexican state's cost of electoral campaigns, and to prevent a reoccurrence of the recount crisis of 2006. In their administration of the IFE, Valdés and the General Council also had the broader goal of restoring credibility and public trust to the electoral management body following the accusations of fraud and mismanagement in 2006, with the added goal of the contesting candidates' acceptance of the procedures and results of the 2012 presidential election.

In the 2012 presidential election, following a partial recount of approximately 50% of polling stations (automatically triggered by close counts under the new legal guidelines), the IFE declared Peña Nieto the winner over López Obrador by 6.8% of the vote on July 8. While López Obrador and the PRD did not initiate street protests following their loss, López Obrador did ask the Electoral Tribunal to invalidate the election on the grounds of unequal treatment by the media and allegations of PRI vote buying. The tribunal declared in late August that there was "insufficient evidence of wrongdoing" and rejected López Obrador's suit.

Despite López Obrador's challenge to the fairness of the campaigns, political parties and negotiators of the electoral reforms placed greater trust in the outcome of the election. "I can't speak for everyone—because our party is plural, like the country—but confidence in 2012 definitely increased with respect to 2006," said Guadalupe Acosta Naranjo, former secretary-general and former interim national president of the PRD, who participated in the backroom negotiations for the reform legislation. "The IFE is not perfect, but it's on the right path of improvement." Diódoro Carrasco Altamirano—a former high-profile member of the PRI who became an external candidate of the PAN and represented the PAN as a legislator during the reform negotiations—emphasized that, unlike in 2006, challenges to the 2012 result remained within the official electoral management system rather than a political party's taking to the streets. "I believe the reform worked, the elections worked, the IFE with new councillors and new powers worked, and the Electoral Tribunal—also with new powers—resolved the elections very well. Despite demonstrations and protests by the PRD, we had no conflicts that went beyond legal channels." Others noted the use of the Electoral Tribunal rather than outside channels to contest the election and acceptance of the count itself as indications of greater trust in the electoral system.

Some scholars, however, questioned whether the 2006 protests were rooted in the credibility of Mexico's electoral institutions. A 2007 analysis in the *Journal of Democracy* concluded that partisan politics, the polarizing nature of the 2006 campaign, and the closeness of the election results played a larger role in sparking protests than the perception of electoral institutional credibility or fraud. Several interviewees also noted that the IFE's role in providing voter identification cards—the de facto form of national identification for Mexican citizens—was a significant source of its legitimacy.²⁰

IFE's leaders, Mexican scholars, and the framers of the electoral legislation attributed that rise in confidence to the IFE's implementation of the reforms, to automatic triggers for full recounts in close races rather than waiting for case-by-case authorization from the Electoral Tribunal, and to increased transparency in the vote-counting process. "With this improved recounting, the certainty of the result was much higher and did not enter the political debate," Valdés said of the 2012 election. That lack of debate went beyond improved procedures; unlike in 2006, the 2012 result did not fall within the margin of error, contributing to the increased certainty.

Through implementation of the reforms and other, concurrent policy steps, Valdés and the General Council were able to restore some public trust in the IFE, though public opinion data painted a mixed picture. According to data published by research firm Parametría, public approval of the electoral management body rose from 38% in January 2007 to 59% in May 2012, just before the presidential election.²¹ Concurrent measures of confidence, however, fluctuated significantly between the two presidential elections; and from 2009 to 2013, the IFE dropped from 57% of citizens' reporting some or a lot of confidence in the IFE to 47%.²²

Valdés also received international recognition for his leadership of the IFE during that period. The International Foundation for Electoral Systems awarded him the 2013 IFES Charles T. Manatt Democracy Award for implementation of reforms that "greatly enhanced the integrity and credibility of the electoral process."

The reform did increase fairness in access to formal broadcast advertising. "The legal norm that prohibits parties from buying airtime directly from the private media is in accordance with international best practices and has contributed to the enhancement of equality among contenders," the European Union monitoring team concluded in 2012.²³

The IFE's leadership was successful in bringing radio and television stations into compliance with the new system, with 98% of all spots broadcast properly in the 2012 election campaign. "TV stations fight, but they broadcast the spots, so, from that perspective, if that was one of the purposes of the reform, it has been accomplished," Baños Martínez said. Politicians and election observers, however, criticized the choice to use 30-second messages, as opposed to longer-form spots. European Union monitors concluded that those spots had "little informative substance."²⁴ "It is a terrible way to use this time," Córdova said. "For one, because in the last election, the IFE managed 46 million spots. This time could be concentrated to foster more debate, exposition of ideas and political programs, etc." Broadcasters also often aired the spots in concentrated blocks at the beginning and end of each hour, which decreased the attention the spots commanded and caused many viewers to stop watching.

The existence of a black market for favorable news coverage, however, meant the new system did not reduce the influence of media broadcasters in Mexican politics, nor did it bring about equal access to publicity by political parties. "TV networks quickly invented mechanisms to avoid losing their political influence and profits," Carrasco said. "The TV and the money did not stop being a fundamental factor in the campaigns. That was what did not fully reform."

In terms of reducing the cost of electoral campaigns to the Mexican state, the IFE gave the political parties less public campaign financing in 2009 and 2012 than it had given in 2003 and 2006 and less than the cost predictions it had itself made prior to the reform.

Many observers and critics, however, argued that ultimately, the new system did not reduce electoral costs. Implementation of the system to monitor compliance was costly, however, requiring approximately 350 million pesos (US\$27.9

million). And even though the expenditure can be amortized over several elections, Carrasco, one of the framers of the reform, argued the model had further hidden costs: "State time is used. This represents a cost for the state. This is one of the great failures of the reform. We did not manage to get cheaper elections." In mid 2013, the IFE was preparing a request for further funding to upgrade the technical system to better handle digital broadcasts.

The reforms put the IFE in a new position as arbiter of sanctions on both political parties and media broadcasters for violations of the new communication model and for determination of whether political advertisements constituted denigration and should be pulled from the air. Sanctions and dispute adjudication had previously been the domains of the Electoral Tribunal. The European Union's monitoring team noted that "the new arbitration function absorbed a lot of the IFE's energy and created at times frictions among the interlocutors of electoral regulation."

Former IFE president Woldenberg agreed that the IFE's position created new challenges. "They are turning the IFE more and more into a referee of contentions among parties, and this is generating unnecessary tensions," he said. "IFE was fundamentally designed to organize elections, not be a judge; and I think the problem the IFE is facing is that its duties as a judge are ever growing. This will continue to foster tensions between the IFE and the parties. It is in the genetic code of disagreements among political parties that in each of the disputes, one wins and one loses." Woldenberg added he believed conflicts between political parties should be the domain of the Electoral Tribunal.

Critics also argued that the IFE's use of 20- or 30-second spots to distribute airtime among political parties had led to less-concrete campaigning and more focus on branding or commercial-advertising techniques. Some observers also criticized both the replacement of

electoral councillors after 2006 and the political wrangling over new candidates, arguing that those things had decreased the IFE's independence from the parties.²⁵

The problems that underpinned López Obrador's challenge to the 2012 electoral results may be beyond the IFE to solve. "Nobody knows the real dimensions of political clientelism and vote buying, but nobody can deny it exists in this country, because this is a country with 53 million poor and with a precarious political culture," Córdoba said. "As long as we have this poverty and this lack of political culture, vote buying will continue. We can criminalize it, give the IFE more teeth, but we won't eradicate it, because the problem is structural, social, not electoral." Córdoba also said the IFE had reached its limit in regulating potential media bias. "The accusations of media bias won't be resolved until there is a plurality of media, as opposed to the present concentration," he said. "But this is not something that could have been resolved electorally. It runs through other state reform."

REFLECTIONS

Looking back on his term as president of the IFE, ended in October 2013, Leonardo Valdés Zurita said he had succeeded in meeting his greatest challenges. "The biggest challenges were the new model of political communication and the relationships with the media industry, TV, and radio. These relationships were very bad in the beginning, but now they are adequate, in part because we presented ourselves as a rigorous and professional institution—a very serious and strong institution that can even sanction them."

Lorenzo Córdoba Vianello, an electoral councillor and former technical adviser to reform negotiators, attributed the success to the ability of Valdés's administration and of the General Council to resist political pressure. "I believe the great virtues of the first period of the administration were to resist the blows [from

media criticism] and [to use] firm hands in implementation of the communication model," he said. As long as the Instituto Federal Electoral (Federal Electoral Institute, IFE) stood by its model, the media companies' acceptance of the new model was inevitable, former IFE president José Woldenberg said. "When TV and radio stations did not comply, they were sanctioned. They were sensible enough to not challenge the authority," he said. "It was hard, but in the end, they had to accept the model."

Political fights over the replacement of electoral councillors undermined the IFE's public image and implementation of the reforms. Staggering the selection meant that those disagreements could cause repeated delays and undermine capacity. "It's an error of the 2007 reform," electoral councillor Alfredo Figueroa Fernández said of the staggered appointments. Throughout the implementation process, the IFE at different times functioned without a full board of electoral councillors.

The 2007–08 changes represented just one chapter in a long history of legislative adjustments to Mexico's electoral system—one that would likely continue in response to both short term political crises and long term objectives. "I think we never have final reforms," Diódoro Carrasco Altamirano, who represented the PAN as a legislator during the reform negotiations, said. Edmundo Jacobo Molina, the IFE's executive secretary, noted: "It is a young democracy, which is always demanding new locks and guarantees. After almost every election, there has been an electoral reform with the goal of keeping in tune and adjusting the system in order to keep strengthening the trust in the electoral institutions." True to those predictions, in 2014, Mexico passed constitutional reforms transforming the IFE into the Instituto Nacional Electoral (National Electoral Institute), with expanded powers and responsibilities.

Others argued that the IFE's increased administration of functions outside traditional election management opened the door to new credibility problems. "Let's not forget that the IFE acts as a referee," Alfredo E. Ríos Camarena Rodríguez, who was Valdés's chief of staff and

later headed the Executive Division for Prerogatives and Political Parties, said. "In a game, there is a winner and a loser, so there is always criticism of the referee. Being the referee is a complicated position."

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