20 The Consequences of Mexico's Mixed-Member Electoral System, 1988–1997

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Mexico has experimented with mixed-member systems for many years. It is probably the second oldest mixed-member system after Germany, and undoubtedly it has modified its mixed system more than any other country. The purpose behind the electoral reforms has always been the same: to open up the system enough to satisfy political demands, but not so much that the hegemonic party loses control (Molinar Horcasitas 1991a). Although to a large extent the latter could be controlled by electoral fraud, the former objective still had to be addressed. Over the last thirty-five years Mexico has seen a gradual but consistent expansion of proportional representation. By 1997 the electoral laws, together with electoral preferences and the general democratization of the country, had led to the end of majority control by the official party in the Chamber of Deputies. Now Mexico has a strong two- or three- party system.

There have been seven fundamentally different electoral systems in Mexico this century. This makes for a wonderful zoo of mixed-member electoral systems for scholars to gawk at.[271] However, the constant turnover of electoral rules makes for a poor laboratory, as there has been a different electoral system for each of the last five elections, making it impossible to distinguish the effects of electoral rules from those of voter preference. Furthermore, most of the reforms are highly endogenous with the party system, as the political actors tend to have a very good idea of how they expect to do in the next election, and so attempt to design an electoral system that will improve their chances. This is not uncommon in electoral reforms in any country, but whereas in other places the original factors are cancelled out in subsequent elections, and the electoral rules usually lead to specific equilibria, in Mexico, the rules have changed for every election, so the endogenous factors have remained extremely important.

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[271] All 32 states have had two or three different mixed-member electoral systems over the last 20 years. The total number of different mixed-member systems in Mexican history must be more than 80.

The Party Deputy System (1964–76)[272]

Before 1964, elections for the Chamber of Deputies used strictly single-seat district plurality rules. The Chamber of Deputies was renewed in its entirety every three years. The official party (Institutional Revolutionary Party, PRI, since 1946) won between 90% and 97% of the seats with between 75% and 90% of the vote. Much of its success was probably due to electoral fraud, but fraud does not have to exist in all elections for the lessons to be learned by the voters and the opposition parties.

By 1964 it was necessary to open up the system so that the opposition parties would continue to compete, even though they expected to lose. The "party deputy" system was introduced, which granted seats to small parties on the basis of their national vote. The SSD plurality system was maintained, but minority parties would get additional seats, which made the system more proportional. This reform originally granted five seats to parties that won at least 2.5% of the vote, and an additional seat for every additional 0.5%, up to a total of twenty seats. Single-seat district (SSD) victories were deducted before the party deputies were assigned. Parties winning twenty SSDs or more were ineligible for this increased representation. These minority deputies were designated from among the losing candidates of the party that had won the most votes. For the 1973 election the threshold was reduced to 1.5%, and the maximum was increased to twenty-five seats.

This was a restricted mixed-member majoritarian system, because the allocation of list seats was restricted to parties that won fewer than a certain number of SSDs. This allowed the majority party to win all or nearly all SSDs and still give seats to the small parties. It had the strange effect of over-representing certain districts. Since the list seats were distributed to the best losing candidates in the SSDs, it was possible for a large district, or one with high turnout, to elect more than two candidates. In fact, in the first election under these rules (1964), four candidates were elected from the twentieth district of the Federal District: the winning PRI candidate as well as candidates from three losing parties (Lujambio and Marván Laborde 1997: 74–5). The rules were not followed exactly with the smallest opposition parties. These parties frequently received more seats than they deserved by their vote, and very often the lists of losing candidates were tampered with so that some losing candidates with more votes were passed over in favor of "preferred" candidates lower on the list (Lujambio 1987, Lujambio and Marván Laborde 1997). Therefore, the competition among copartisans to see who could be the "best losers" in their own SSD races was substantially cancelled by the capricious decisions of the electoral authorities.

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[272] The years in all cases refer to the elections under which the electoral rules were used, not the year that the law was approved.

The Minority Representation System (1979–85)

The party deputy system was abandoned in 1977 for a new electoral law that guaranteed one-fourth of the seats in the Chamber of Deputies to the opposition. At the same time, party registration rules were relaxed, so that the median number of parties competing in elections increased from four to eight.

The new electoral law increased the number of SSDs from 237 to 300 and created at first three, and then four, multi-seat districts (MSDs) with a total of 100 deputies. These list seats were distributed to parties that won at least 1.5% of the vote, but fewer than 60 of the 300 SSDs (making this a restricted MMM system). The regional lists were closed, so there was no intraparty competition. This was the only electoral system in Mexico without vote linkage: voters were given two votes, a nominal vote and a list vote. It was rumored that PRI voters were instructed at times to vote for the PRI candidate in the SSD election and for one of the several PRI satellite parties in the list tier.[273] Table 20.1 demonstrates that there is some credence to these rumors. The PRI's share of the nominal vote is nearly five points higher than its list vote. The main independent opposition parties—the PAN, the PSUM (former communist party), and the PMT (another independent party on the left)—did not vary between their nominal and list votes. The parties that were usually identified as PRI allies all received more votes, and only the PRT reached the threshold, because of ticket-splitting.

There were curious distribution rules for the minority parties, described below in the 1988 and 1991 laws, which gave special consideration to the smallest qualifying parties. The PRI continued to win nearly all of the SSDs (296 in 1979, 299 in 1982, and 289 in 1985).

Table 20.1. Nominal Votes and List Votes in Mexico's 1985 Federal Election

Party	Nominal V_i (%)	List V_i (%)	List V_i − nominal V_i	List seats
PRI	64.85	60.07	−4.78	0
PAN	15.50	15.48	−0.02	32
PSUM	3.22	3.29	0.07	12
PDM	2.73	2.77	0.04	12
PST	2.46	3.24	0.78	12
PPS	1.95	2.41	0.46	11
PARM	1.65	2.27	0.62	9
PMT	1.55	1.59	0.04	6
PRT	1.26	1.58	0.32	6

Source: Comisión Electoral Federal (1985).

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[273] Author interviews with PAN leaders and candidates in Guadalajara and Morelia, July 1985.

This law was successful in increasing the number of parties contending in federal elections, but electoral legitimacy was not yet guaranteed. In 1986, after several notably fraudulent state elections, the government ceded more space to the opposition parties. The list tier was increased to 200 seats, and the majority party was now given access to the list deputies. Thus the first true mixed-member majoritarian system was born in Mexico. It was followed by three other electoral laws that "perfected" the original system. Today the electoral rules are nearly mixed-member proportional, at least in effect if not on paper.

This chapter will examine in detail these four electoral laws as well as possible reforms in the next election round in 2000. It will then describe the effects that the different laws have on electoral competition, on proportionality, and on the shape of the party system. It will also discuss the marginal effects that the electoral systems have on legislator behavior.

The 1988 Law

Since 1988, the Mexican Chamber of Deputies has been made up of 300 single-seat districts and 200 closed-list seats, which are divided into five multi-seat districts of $M = 40$. The party that wins the greatest number of SSDs, regardless of its vote, is granted extra list seats to attain 251 seats, which is a bare majority in the Chamber of Deputies. We will call this party P_1. When there is a tie between two or more parties with the same number of SSD victories, the party that has the most votes gets the majority of seats in the Chamber.

If P_1 gets more than 50% of the "effective national vote", it is guaranteed its proportional share of the Chamber ($V_1 \times$ 500, rounded to the nearest whole number). The effective national vote is the total of votes for all parties that have reached at least 1.5% of the total vote. This concept is used in all electoral rules, though the terminology differs in each law.[274] If P_1 wins 251 or more SSDs, and this is greater than its proportional share, it does not lose these seats, nor does it win more list seats. No party can win more than 350 seats. (Thus, the proportional faucet for the winning party shuts off at 70%.)

The list seats for the winning party are distributed among the five MSDs, which are more or less contiguous regional groupings of states. No state is divided into two or more MSDs, and there is no guarantee that the MSDs have equal population or the same number of SSDs. The quota of P_1 is its total vote divided into the number of list seats that it wins (using the Hare

quota). Each MSD is divided by the quota, and the Least Remainder (LR) rule is used *across* the MSDs until all of the seats for P_1 have been assigned. In all of the laws under consideration, the deputies are chosen in list order, and voters cannot alter the lists.

Under the 1988, 1991, and 1994 electoral rules, up to thirty candidates in each party could run simultaneously in a SSD and on the list tier. However, the votes that such candidates could win in the nominal tier would not affect their position in the list. These double candidacies were typically reserved for party leaders, so that their election to the chamber was guaranteed either through a safe district or through the even safer list.

The separate ballots for the nominal and list tiers, used between 1979 and 1985, were abandoned in favor of a single ballot to be used in both tiers.

After the winning party is assigned its list seats, the other parties that had reached the 1.5% threshold gets their share. In each MSD the vote for each of the parties, excluding P_1, is totaled, and the new quota is the total vote divided by *twice* the number of seats in the MSD remaining after P_1 takes its share (vote divided by $2M$). The vote of each party is divided by the quota, and each party gets one seat for every quota up to a maximum of two per MSD. This rule is called *primera proporcionalidad,* or first proportionality.[275]After the two rounds of half-quotas are applied, if there are any seats remaining, these are distributed to the parties using LR–Hare among parties *within* the MSDs.[276]The total number of votes in this last assignment excludes those used to assign the first one or two seats, though the cost to the parties for these seats is also halved.

This law is strongly majoritarian. The race to win the most SSDs overshadows any proportional aspects. For the first time in Mexican electoral law, the 1988 rules included a "governability clause", a rule that guarantees a parliamentary majority for the party that wins the most SSDs, regardless of its share of votes. The winning party should be strongly over-represented except when it wins between 60% and 70% of the vote. The law is somewhat proportional in the assignment of seats to the losing parties, but even then the small parties are over-represented relative to the larger minority parties. The system of *primera proporcionalidad* effectively decreases the natural threshold for

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[275] More than half of the states in Mexico today have similar minimum representation rules. Usually each party that has reached the minimum threshold receives one list deputy. (Sometimes only parties that did not win SSDs get a list deputy in the first round.) Then LR–Hare is applied for the remaining list deputies, with or without compensation for SSD seats won. Since the median size of the MSD in the state electoral systems pool is 12, this minimum representation rule consistently over-represents the smallest parties. Nohlen (1994: 247) has got the federal first proportionality formula wrong, dividing the effective vote by $M + 2$: the actual formula for the first two seats in each MSD is $2M$.

[276] Mexican electoral laws, including the state rules, only use Hare quotas—or, in the case of *primera proporcionalidad,* half Hare quotas—with largest remainders. Other LR quotas or largest average procedures are not employed, except in Guanajuato.

winning seats in any MSD, which otherwise could frequently be higher than the legal threshold of 1.5%.[277]

The assignment of the list seats is not entirely proportional. Simulations demonstrate that frequently a minority party that wins fewer votes than another will end up with several more seats. This is due to two factors: the unpredictability of LR, and the effects on the pool of list seats available after the first assignment to the winning party. A large variance among the number of seats won in each MSD by P_1 is likely, due to both the variation in electoral strength of the party and the differences in turnout among the MSDs. The worst scenario is a relatively large minority party that concentrates most of its strength in the same MSD where the winning party is especially strong, and in which that MSD has the highest turnout. The electoral strength and high turnout will give the winning party a disproportionate share of seats in that MSD; then each of the small parties will take a couple of seats, leaving very little for the larger minority party. Furthermore, the LR seats will probably go to any number of small parties.

It is curious to note that LR is applied differently for P_1 than it is for the other parties. The LR rule is used across MSDs in assigning a fixed number of seats to P_1. Thus, a remainder won by P_1 in an MSD only decreases the number of seats available to the other parties in that MSD; P_1 competes with no other party over the remainders. On the other hand, the LR rule is used among parties within each MSD in assigning remainders to the opposition parties. This means that a remainder won by one party is unavailable for another. Each MSD is fixed at $M = 40$, regardless of the number of votes won in the district by all parties. The use of two very different LR rules will later cause confusion in the 1997 law.

The 1991 Law

The law imposed in 1991 follows the same basic framework as the 1988 law, except that the winning party gets bonus seats above a majority, so long as it has won at least 35% of the vote. This fortified governability clause assures not only a majority to the winning party, but a large enough majority to make the party more immune from defections or absenteeism.

The "winning" party (P_1) is defined as the party that has won the most SSDs. If this party has won at least 35% of the effective vote, it is guaranteed at least 251 seats. Furthermore, for every whole percentage point above 35%,

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[277] Without *primera proporcionalidad,* Lijphart's (1994: 27) average effective threshold would be 1.8% if all 40 list seats were available, 2.4% if 30 seats were available, 3.6% if 20 seats were available, and 7.0% if P_1 left only 10 seats in an MSD. With the *primera proporcionalidad* rule, these thresholds are halved.

P_1 is guaranteed two additional seats beyond 251. For example, if P_1 wins 35.5% of the vote, it will get 251 seats; at 36.5% of the vote it will get 253 seats; at 37.5%, it will get 255 seats; and so on. This escalating assignment of bonus seats runs between 35% and 60% of the vote. Between 60% and 70% of the vote, P_1 will get its proportional share. No party can win more than 350 seats.

If the winning party does not receive 35% of the vote, then all seats are assigned proportionally, using a LR–Hare, with a quota based on $M = 500$. Seats won in SSDs are deducted from the totals, and the remaining 200 seats are assigned in the MSDs.[278]Therefore, this system is perfect MPP if no party wins at least 35% of the vote, but it shifts dramatically to MMM if the winning party breaks this threshold. If the MMP rule is used, the total vote of each party is divided by the number of PR seats to be assigned to it, and the resulting quota is used to assign seats to parties in each MSD. LR is used to assign remainders to parties among the MSDs. Thus, the LR rule discriminates among MSDs, not among parties. The number of deputies assigned by each MSD might vary according to which MSDs end up with more remainders or, more likely, because of variance in population or turnout. The law does not fix the number of seats per MSD at 40 in this case.

When the MMM system is in effect, the assignment of seats to P_1 is identical to the rule used in 1988 (and the same rule used should the MMP rules apply). The assignment of seats to the minority parties is identical to the 1988 rules, including the two half-quotas of *primera proporcionalidad*. The legal threshold for winning list seats is 1.5%.

Assuming that the winning party won at least 35% of the vote, the rules are identical to the 1988 law, except for the bonus seats. These bonus seats will have a dramatic effect on the distribution of power after the assignment of seats, but the basic dynamics of the electoral rules have not changed. The bonus seat rule will almost always decrease the number of list seats available to the minority parties, thus increasing the natural threshold, which makes the *primera proporcionalidad* rule even more useful for the smallest parties. Parties should compete to be the largest party, which gets not only a majority, but a fortified majority. It remains a strongly majoritarian system. In fact, when the winning party gets at least 35% of the vote, it is the most majoritarian system of the four electoral laws in this study. Curiously, however, if no party wins 35% of the vote, the system is converted into what is by far the most proportional system ever in effect in Mexico.

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[278] The law did not consider the possibility that a party could win more SSDs than the total number that it should be assigned by the rule: see Andrade Sánchez (1991: 251–60).

The 1994 Law

This law abandons the explicit governability clause but replaces it with a rule that under most circumstances should manufacture a majority to the largest party without an explicit clause assuring a majority. On the other hand, if the election is very close, or if the largest party has a low share of the votes, it is unlikely that any party will win a majority.

This law introduces the two-pool system in which the SSDs and MSDs assign seats in parallel, but with some restrictions on over-representation. The country remains divided into 300 SSDs and 5 MSDs of $M = 40$. The MSDs are assigned proportionally among all of the parties that have won at least 1.5% of the vote. The total vote of all parties is divided by 200, and each party wins seats equal to the number of Hare quotas, with remainders assigned by LR. The rule that distributed the first two seats by a quota based on $2M$ has been abandoned.

No party can win more than 300 seats if it has won less than 60% of the vote. For vote totals between 60% and 63%, the party will get a proportional share of seats ($V_i \times 500$). An absolute ceiling is established at 315 seats, which is a reduction from the 350-seat limit of the 1988 and 1991 laws. The difference is significant, because constitutional amendments require a vote of two-thirds of each chamber, and with a limit at 63%, no party alone can ever reform the Constitution.

The number of seats assigned to each party is prior to and independent of the assignment of deputies to these seats among the MSDs. Thus, M is really 200, not 40. The seats are assigned in the same fashion as the 1991 law when MMP is in effect. (The vote of each party is divided by the number of deputies to be assigned, and the quota is assigned in each MSD, with the largest-remainder procedure defining which MSD gets the additional seats.) The total number of deputies assigned in each MSD can vary.

If a party wins more than 300 seats by adding its MSDs to its SSDs, but wins less than 60% of the vote, it is assigned MSDs until its total reaches 300. We will call this party P_r (restricted party). The other parties get their share of seats by a quota which is equal to the total vote of all qualifying parties except the party restricted by the 300-seat rule, divided by 200 minus the number of seats assigned to P_r.

This rule is less proportional than the 1988 or 1991 rules if the largest party wins between about 40% and 60% of the vote and there is some distance between it and the second-place party. It is more proportional, however, if the race is very close, or if no party wins about 40% of the vote. In close elections it is unlikely that a majority will appear unless the winner has close to 50% or more of the vote.

This rule always over-represents the largest party, and often will over-represent

other large parties if they win almost as many SSDs as the winner. It will almost always yield fewer seats to the small parties. A party that has just barely passed the legal threshold will get about half as many seats as it would have got under the previous rules.

The number of seats that a party wins depends greatly on the number of its SSD victories. Once a party wins about 160–165 SSDs, it is very unlikely that it will not have a majority in the Chamber.

The 300-seat rule makes this a very inelastic electoral formula. Given at least a four- or five-percentage-point advantage over the next party, the winning party will win exactly 300 seats with a vote total ranging anywhere from about 40% up to 60% of the vote. Moving from 45% to 50% of the vote will not change the seat total for the winning party. On the other hand, when a party is not at the limit, the swing ratio is often very high, strongly dependent on the number of SSDs that it picks up.

The 1997 Law

This is a reformulation of the 1994 law with three key differences. First, the legal threshold to win PR seats has been increased from 1.5% to 2%. Second, the absolute ceiling on the number of seats that a party could win has been reduced from 315 to 300. The practical effect is that the winning party is likely to have to negotiate with a substantial minority party (one that has won more than 34 seats, and thus probably more than 15% of the vote) in order to approve constitutional reforms. Third, and by far most important, the margin of over-representation for the largest party has been reduced to 8% (40 seats). This means that no party can get a majority in the Chamber of Deputies unless it wins at least 42.2% of the effective vote (($0.422 + 0.08) \times 500 = 251$). However, that party must also win at least 167 of the 300 SSDs, because 42.2% of the vote will yield only 84.4 seats from the MSD pool.[279] If two parties have more than 42% of the vote, and they split the SSDs fairly evenly, then it is unlikely that any party will have a majority of the Chamber.

Otherwise, the 1997 rules are very similar to those used in 1994. If a party is restricted by either the 300-seat or the 8% rule, it is assigned seats according to the method used by P_r above. If a party wins more SSDs than it is allowed by the 8% rule, it is allowed to keep those seats and receives no additional list seats.

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[279] Some *priístas* mistakenly thought on election day that the "8% rule" was a bonus system, used in fact in some states, which would guarantee the winning party exactly 40 seats above its proportional share.

The minority parties are assigned seats in the same manner as in 1994, where the votes of all unrestricted parties are totaled and divided by 200 minus the number of seats assigned to the restricted party.

The regional allocation of deputies requires that each of the MSDs have exactly 40 seats, although the total number of seats given to each party depends on its national vote, not its regional vote. In each MSD, the total vote is divided by 40, and candidates win seats according to the number of quotas won by their party, plus LR. There will be inconsistencies if population, turnout, or LR effects give more or fewer seats to a party in the assignment of deputies than it is supposed to receive by the original Hare quota based on $M = 200$.[280]The latter rule is constitutional and should be supreme, but this would mean that the number of seats assigned per MSD should be flexible, averaging 40. But the law is inflexible in this regard, so the problem remains.[281]

On the other hand, parties that happen to be restricted by the 300-seat or the 8% rule are allocated seats among the MSDs according to the old rules. Unrestricted parties are assigned list deputies within an MSD according to the new rules. (The votes and seats of the restricted party are first deducted from the numerator and denominator of the Hare quota in each MSD.) This inconsistency makes the allocation problem even worse.

A better way of assigning deputies would be to follow the constitutional mandate on assigning seats to parties, based on $M = 200$, or $M = (200 - P_r$ seats). Then each party could be assigned seats according to the rule used in 1994. Its vote would be divided by the number of seats that it will eventually receive, and this quota would be used across MSDs. The total number of deputies in each MSD would vary, but in a relatively fair manner: those with larger electoral rolls, or greater turnout, would be likely to get more seats.

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[280]   See the discussion in Balinski and Ramírez González (1996, 1999). Their solution, the bi-proportional method of simple rounding, which requires matrices "and an hour or so to do the additions and multiplications" (1996: 335), is impractical for an electoral system in which the results should be obvious to all and simple to calculate.

[281]   The General Council of the Federal Electoral Institute (IFE) in 1997 faced such a situation. It used the law to assign quotas to parties *within* each MSD, based on each MSD's own Hare quota; but it interpreted LR to mean that the remainders for each party, if it had fewer deputies assigned by quotas than constitutionally mandated, would be assigned *across* MSDs. Thus, each party competed with itself over which deputies would get the remainders, and did not compete with other parties for remainders within an MSD. This would create problems if two or more parties received their final seats in an MSD that had already reached its limit, so the IFE decided to resolve the question party-by-party in decreasing order based on share of the vote. (This agreement was proposed the morning of the election day, with an explicit "veil of ignorance," so that no party would know which deputies would be affected by the arbitrary rule.) This system would work if no party won more quotas than it constitutionally deserved, which would be possible if a party concentrated its vote in an MSD that had relatively low population or turnout, or where a restricted party had already taken too many seats.

The maximum over-representation clause tests the limits on standard definitions of MMM and MMP. Consider that MMP is equal to MMM with a maximum over-representation of 0%. If there is no limit on over-representation we have parallel MMM. A limit of 8%—or any percentage limit, for that matter—splits the difference to some degree. So the current Mexican formula could be considered as an MMM system with maximum over-representation, or as an imperfect and expansive MMP system.

Beyond the obvious effect of limiting the likelihood of a majority in the Chamber of Deputies, this rule does soften other odd effects of the 1994 law. For example, the law is much more elastic for the winner than the 1994 rules, unless a party has reached the 300-seat limit with 52% of the vote.[282] A 1% increase in the vote should yield about five seats. It is less dependent on winning SSDs than the 1994 rule. If it wins more than five seats in a 1% increase in its vote, it will have to give up other list seats that it otherwise would have won.

The 1997 law also increases the number of candidates per party that can appear in both the nominal and the list tiers from 30 to 60. The practical effect of this change is that more party leaders can be assured a place in the Chamber.

Senate Formulas (1994–2000)

Before 1994, each state elected two senators in separate nominal tiers by plurality rule every six years. Between 1940 and 1988, the senate elections in a state were held simultaneously with the presidential election. In 1988 the terms were split, so that half of the senators would be elected in the midterm elections.

Between 1929 and 1988 all senators were members of the PRI. In the latter year, four opposition senators were elected for the first time (two each from the Federal District and Michoacán). Nonetheless, the Senate remained overwhelmingly *priísta*.

The electoral reforms for the 1994 election introduce for the first time minority senators. The size of the Senate has been doubled to 128 seats, and 96 members were to be elected for the 1994–2000 term. (The other 32 senators had been elected by plurality rule for the 1991–7 term.) Each state elects three senators from plurality lists in which the parties run slates of two candidates. The winning party wins two seats in the Senate, while the second-place party sends the first member of the list. Under this system, a party can win up to

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[282] Therefore, the inelastic zone is reduced to the range between 52% and 60% of the vote.

three-fourths of the seats, more than the proportion required for constitutional amendments.[283]

For 1997, the Senate formula was adjusted again. The remaining 32 senators were to be elected from a single national PR district (LR–Hare, with $M = 32$). In 1997 only these 32 senators were elected (for three-year terms), while the other 96 were to continue to serve until 2000. For the 2000 election, all 128 senators will be elected by the following formula: two for the party winning a plurality in each state, one for the second-place party in each state, and 32 by LR–Hare independently in a single, parallel national district. There are no limits on over-representation, so this is a perfectly parallel system. According to this formula, no party can win two-thirds of the seats without winning two-thirds of the vote.[284]

This system is much more proportional than the old plurality formula. However, there have been many complaints from constitutional scholars that this formula breaks the federal bonds that are supposed to define the Senate, since a quarter of the membership does not represent any state.

Consequences of the Mixed-Member Electoral Laws

Effects on Competition

The four laws differ in how they affect competition among the parties. I measure competition effects as the marginal gains in seats for a party as it transfers votes from another party to itself.

The 1988 rule is inelastic for the winning party that has less than 50% of the vote—no matter what, it will receive 251 seats. This should force the leading party to pursue votes until a plurality is guaranteed, but afterwards marginal gains are null up to 50.4% of the total vote, and afterwards the gains are minimal. On the other hand, a large minority party does better by stealing votes

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[283] This constitutional reform actually called for lists of three candidates, with three seats going to first place and one seat for second, but, because of the 32 leftover senators from the 1991–7 term, a transitional clause called for a 2–1 split. The PRI could not win three-fourths of the seats in 1994 because a *panista* had won in Baja California for the 1991–7 term. In 1994 the PRI did win pluralities in all 32 states, ending up with 95 of the 128 senators.

[284] If a party won a plurality in all states, for 64 seats, it would still need 22 of the 32 seats from the PR pool to get two-thirds of the seats. The formula for winning an absolute majority in the Senate is also relatively simple. Let R_i be the share of seats won by LR–Hare, and F_i the number of states where the party placed first and T_i the number of states where it finished third. The majority of the Senate is 65. Therefore, $65 = R_i + 2F_i + (32 - F_i - T_i)$, which simplifies to $R_i + F_i - T_i = 33$. Therefore, if a party wins about 40% of the vote, and gets 13 list seats (R_i), then it must also place first in at least 20 of the 32 states, assuming no third-place finishes.

from other minority parties so long as it remains distant from the largest party. This is because the marginal gains in taking SSDs from the largest party are canceled because the latter will wind up with 251 seats regardless. What the largest party loses in SSDs will be compensated in MSDs; this leaves fewer list seats available for the minority party. On the other hand, if the minority party picks up votes and SSDs from another minority party, these seats are not reduced from the MSD pool.

These perverse effects are particularly strong for very small parties. If a party does not have its full compliment of ten half-quotas, then any gains in its vote should quickly pick up these seats in each of the five MSDs. But gaining the eleventh seat is much more difficult. Furthermore, small parties should never try to win votes from the largest party. Votes gained by the small party from the large party are unlikely to translate into SSD wins for the small party. On the other hand, they could well lead to SSD losses for the largest party to one of the larger minority parties. This violates the principle of monotonicity, in which vote gains should lead generally to seat gains, but certainly not to seat losses. The largest party will be compensated for each SSD loss from the MSD pool, which leaves fewer seats available for the small party. This could actually lead to a loss of seats with a marginal gain in the vote. On the other hand, if it takes votes from a large minority party, the largest party may end up winning some of the SSDs lost by the minority party, thus increasing the pool of seats available in the MSDs for the small party. Therefore, the marginal gains of a small party are by far superior if it avoids attacking the largest party and concentrates on the second- or third- place parties.

The same perverse competition effects apply to the 1991 law, but to a lesser degree. For example, if the largest party is reduced from over 43% of the vote to under 43%, its total seat share decreases from 267 to 265, leaving—ceteris paribus—two more seats in the MSD pool. When the "winning" party loses SSDs these are fully compensated, given the same vote level, but a loss in votes will lead to a loss in seats.

These competition effects also appear in the 1994 law when the largest party is expected to win 300 seats. For example, if P_1 has 49% of the vote and 240 SSDs, it will be given 60 list seats. If it loses 1% of the vote to P_3 (the third-place party), it may lose 15 SSDs to P_2 (the second-place party). P_1 will have 48% of the vote, 225 SSDs, and 75 list seats. Assume that P_3 had 25% of the minority vote. Before, it received 35 list seats (0.25×140). With a 1% gain in the total vote, and no additional SSDs, it will end up with about 26.4% of the minority vote, but only 33 list seats (0.264×125). P_3 will suffer a net loss of two seats. On the other hand, had it attacked P_2, then P_1 might have won more SSDs; however, since P_1 is at the ceiling, it must give back some list seats, thus increasing the pool for P_3. The losses of SSDs of the P_2 are not compensated. Therefore, P_3 will gain at least 1.4 list seats (0.01×140). It is

clearly in the interest of P_3 to try to take votes away from P_2 instead of from P_1. The same is true, though to a lesser degree, for P_2.

The 1997 law reduces this effect considerably. If a party that is restricted by the 8% rule loses one percentage point to any other party, it may or may not lose SSDs, but it will certainly lose five total seats, which will increase the MSD pool. (This is not the case for parties with over 52% of the vote, because they will be affected by the 300-seat rule, which still has the perverse competition effects.) Only if the largest party lost many more than five SSDs is it likely that the minority parties would suffer by attacking it. On the other hand, stealing votes from other minority parties is a sure way to increase seat shares.

Duvergerian Effects

Duverger's law, which states that plurality systems with single-member districts should eventually create two-party systems, has never applied in Mexico. Between 1917 and 1964, when there were no corrections to the majoritarian consequences of SSD plurality rule, there was virtually no move toward a two-party system. This was due to the widespread electoral fraud, which guaranteed that no party could arise from the opposition to challenge the official party in any meaningful way.

Between 1917 (when the current Constitution went into effect) and 1929 (when the official party was founded), the party system in Mexico was highly fractionalized. Informal coalitions formed and reformed constantly in Congress (Garrido 1982). The parties that mattered were the hundreds of local machines, usually operating at the municipal or state level. Even the few parties with national organizations, such as the Partido Laborista Mexicano or the Partido Nacional Agrarista, faced separate local machines as opposition in congressional races, so there were no pressures at the time to form a national two-party system.

Probably the best moment to begin to build a national two-party system would have been during the presidency of Álvaro Obregón (1920–4), who faced a majority coalition in opposition in the Chamber of Deputies in the first half of his term, and a plurality opposition in the second half. Only a small proportion of Obregón's bills passed the Chamber of Deputies (Molinar Horcasitas and Weldon forthcoming). He had to resort to emergency decree powers to legislate, and Congress even tried to withdraw this power (Weldon 2000). It is possible that a two-party system could have developed from the pro- and anti-administration forces during this period, but the de la Huerta rebellion in 1923–4 forced many of Obregón's congressional opponents into open military rebellion, and the experiment of divided government in Mexico was finished.

The Partido Nacional Revolucionario (PNR) was formed by outgoing president Plutarco Elías Calles in 1929 as a coalition of all incumbents at all

levels of government (Lajous 1979; Alvarado Mendoza 1990). This temporarily left some *callistas* (supporters of Calles, now the national party boss) as the local opposition to the PNR, and it took a few years for the "revolutionary" politicians to sort themselves out. The PNR maintained a monopoly over all seats in Congress. No national opposition to the PNR formed because virtually all local office holders were members of the PNR. Therefore, there were no resources available from which local parties could be built, much less a national organization.

Lázaro Cárdenas reformed the PNR into the Partido de la Revolución Mexicana, incorporating the military, peasant, and worker sectors into a corporatist party. The Partido Revolucionario Institucional (PRI) is the latest version of the official party, founded in 1946. Thus, challenges from the left were either co-opted into the official party, or outlawed (as in the case of the Mexican Communist Party). The Partido Acción Nacional (PAN) was founded in 1939 on the center–right, with Catholic and liberal elements. It remained relatively inactive in elections for the next two decades, and was not a force to challenge the PRI until the 1970s. Other very small parties were permitted to participate in elections, such as the Partido Popular Socialista (PPS) and the Partido Auténtico de la Revolución Mexicana (PARM), which never won more than a few percentage points of the vote.

Between 1946 and 1964, the PRI won nearly all seats in the Chamber of Deputies, with only a handful of victories going to the PAN and other small opposition parties. Electoral fraud and an uneven playing field for finances and organization, among other reasons, prevented a two-party system from developing under the plurality rules.

In fact, the plurality formula was an important factor in maintaining the hegemonic party system. If the PRI was usually expected to win the presidency and nearly all seats in Congress, then there were few incentives for opposition parties to challenge this hegemony, and little reason for voters to be attracted to the opposition. Perhaps Duverger's law should be amended to state that the SSD plurality rule promotes two-party systems, *except* that it can also help prolong the survival of a hegemonic party system, such as in the US South (Key 1977). Riker (1976, 1982b) suggests such a reformulation with his example of the Congress Party in India. He states that plurality rules lead to two-party systems except where third parties are local and where one party is the Condorcet winner everywhere (Riker 1982b: 760–1).[285]In fact, the Indian exception appears more like the Canadian exception to Duverger, where the largest party wins because it faces different opposition parties in distinct regions. In Mexico, similarly, the incipient opposition parties tended to be geographically divided.

[285] See also Rae's exception (1971: 95) and the discussion in Cox (1997: 166–7).

The minority deputy system, covering the elections between 1964 and 1976, did not grant enough seats to the opposition to make an opposition vote really worthwhile. This system gave incentives to the opposition parties to present more candidates (Molinar Horcasitas 1991a), but did not lead to more competitive elections. In fact, Molinar (1991a: 79) demonstrates that in 1973 the districts with greater electoral competition had on average more voters on the rolls, so districting worked against the interests of the nascent opposition.

The introduction of MMM rules for the 1979 election certainly increased the number of parties participating in the election, as well as the effective number of parties (by votes and by seats). Nonetheless, the PRI's hegemony was not challenged until 1988. The *primera proporcionalidad* rule, used between 1979 and 1991, led to the relative over-representation of the smallest parties at the expense of the larger opposition parties. The effective number of parties increased during the first few years, but this was due to the proliferation of small parties, since the PRI maintained strong majorities.

The electoral systems in place for the elections between 1988 and 1997 should be considered mixed-member majoritarian but with convincing tendencies toward proportional representation. The 1988 and 1991 elections maintained the *primera proporcionalidad* rule, which favored the smallest parties, and both systems also employed the governability clause, which guaranteed at least half of the seats to the party winning the most SSDs. The 1994 and 1997 rules brought in parallel systems, but with limits on over-representation that created seat linkage and bounded the independence of the two pools.

The Duvergerian pressures in these four electoral laws work against each other. The 1988 and 1991 laws allow for reasonably proportional representation among the opposition parties, but the number of seats won by the winning party (the party that wins the most seats) is fixed. The winning party is guaranteed a majority (or more) of the Chamber, which should add pressure for an eventual two-party system. It makes sense for opposition parties to fuse in order to win a plurality of the SSDs and thus get a majority of the seats.

The only true MMP system would emerge if no party won at least 35% of the vote under the 1991 rule. However, no one expected the PRI to win less than 35% of the vote in 1991, so there was no reason to build up third-place or lower opposition parties in the expectation that they would get a fair share of the votes.

We should expect the 1988 and 1991 electoral laws to have predominantly majoritarian features. However, these majoritarian pressures were decreased in the 1988 election, which permitted parties to cross-endorse candidates. Four parties, which historically had never won more than 6.3% of the vote individually in any election, jointly ran candidates for the Chamber of Deputies and the Senate and endorsed as their presidential candidate

Cuauhtémoc Cárdenas, who placed a strong second in the balloting. This allowed for a general proliferation of small- to medium-sized parties in the 1988–91 legislature. The electoral laws after 1988 have made it almost impossible for parties to cross-endorse candidates.[286]In the long term, this prohibition should generally reduce the number of parties competing, and probably the effective number of parties winning votes and seats.

The 1994 and 1997 electoral laws have fewer majoritarian aspects. Winning the most votes or SSDs no longer guarantees winning a majority of seats in the Chamber. The larger parties are over-represented by the number of SSDs that they win, and three-fifths of all seats are SSDs. However, in very close races, or when the largest party has less than about 40% of the vote, the results are relatively proportional for the larger parties. Small parties are always punished by the 1994 and 1997 rules, while larger minority parties are under-represented when they are more than a few points behind the leader. Since it is not very difficult to manufacture majorities under the 1994 rules, there are incentives for minority parties to consider fusing together. Since it is more difficult to win a majority under the 1997 rules, in which a party needs at least 42.2% of the vote plus at least 167 SSDs, there can be several robust mediumsized minority parties. These parties will get enough votes to deny a majority to the largest party, and share among them the 40-seat disproportionality.[287]

To conclude, we assume that the governability clause should increase Duvergerian pressures toward a two-party system. The 1988 and 1991 laws include this mechanism to manufacture majorities. The 1994 system tends to manufacture majorities, but the 1997 rules permit over-representation only by 40 seats. We assume that greater district magnitude should also tend toward greater proportionality, ceteris paribus, and thus toward greater likelihood of survival for smaller parties. The 1988 and 1991 rules had five MSDs of $M = 40$, while the 1994 and 1997 rules had one national district of $M = 200$. However, the 1988 and 1991 rules over-represent the smallest parties by the half-quota *primera proporcionalidad* rule, which cancels out the bias against them from the lower district magnitude. A higher legal threshold should decrease the effective number of parties. The 1997 rules raised the hurdle from 1.5% to 2%. This will decrease the number of small parties winning seats, but there should be little effect on the overall shape of the party system.

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[286] For example, if parties want to run the same candidate for the presidency under current rules, they must run coalition candidates for all nominal and list tier candidates for the Chamber of Deputies and the Senate. They also must collectively limit their free media access to the levels of the largest party in the coalition. And they must limit their representation in the electoral process to one observer for the whole coalition.

[287] An early draft of the committee report would have split the 40 seats disproportionality equally among all minority parties, so that all would be equally under-represented in the Chamber. This rule would have especially favored the third-place party, which is the one usually most punished by the current rules.

There are also interesting competition effects as described above. In general, the 1988, 1991, and 1994 rules are biased against the second-place party, which will decrease the likelihood that a two-party system will emerge. The leading party under all rules is best off if it concentrates its campaign against its nearest challenger. This will increase the number of SSDs that it wins. This is important under the 1988 and 1991 rules because the party that wins the most SSDs is the one that gets the majority. It is also important under the 1994 rules, because this is where most of the marginal seat gains will come from. The other minority parties are also better off if they lay off the leading party and attack the party in second place under the 1988 and 1994 rules. When the largest party is restricted at some limit (such as 251 or 300), the small parties will increase the pool of list seats available to them if the large party wins more SSDs. This can happen most effectively if the small parties run negative campaigns against whoever is in second place.

On the other hand, if minority parties attack the leader instead of one another, the largest party will lose SSDs, but will be compensated from the MSD pool, leaving fewer seats available to the minority parties. Even if the minority party wins an SSD outright from the leader, if the leader is at the limit this does not translate into a whole seat gain for the minority party, because there will be a proportionate loss for that party in the MSD pool, depending on the strength of the minority party with respect to the other small parties. The marginal gains for larger minority parties are in fact smaller (since they would have received a higher proportion of the seats lost from the MSD pool). On the other hand, it is more likely that the SSD lost by the largest party will end up in the hands of the larger minority parties. The smallest parties under these rules will likely *lose* some seats if they attack the largest party too much.

These competition effects occur under the 1988 law when P_1 has fewer than 251 SSDs. Any loss of an SSD will be compensated from the MSD pool. Under the 1994 rules, this occurs when P_r is stuck at the 300-seat ceiling, which should be relatively common. With the 1991 and 1997 rules, the ceiling for P_1 or P_r is variable according to its total vote, so transferring votes away from that party increases the MSD pool, while taking SSDs away from those parties decreases the MSD pool. A one-point loss for P_1 when $0.35 < V_1 < 0.60$ translates into a two-seat increase in the MSD pool (1991 rules). A one-point loss for P_r when the 8% rule is applied leads to a five-seat increase in the MSD pool (1997 rules).[288] A one-point loss for the leading party in the 1988 and 1994 rules does not increase the MSD pool at all. Therefore, I classify the 1988 and 1994 rules as having high competition effects, the 1991 rule as medium, and the 1997 law as low.

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[288] If P_r is restricted by the "300-seat rule," then the effects are identical to the 1994 rules, but this will only happen if P_r has won more than 52% of the vote.

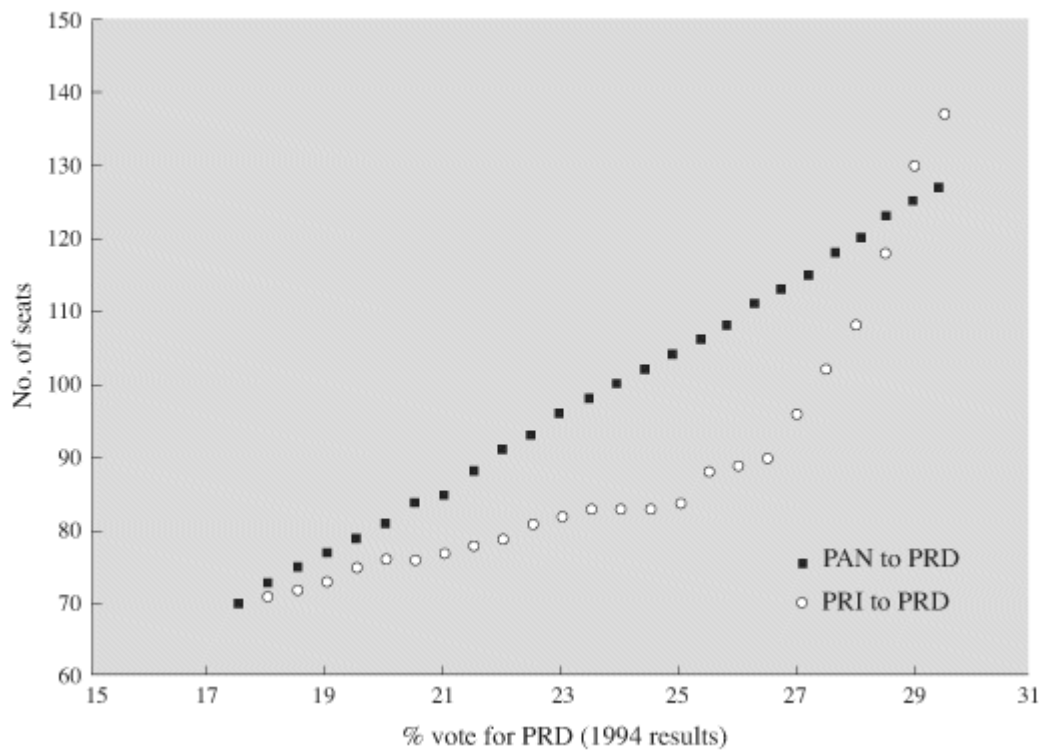Figure 20.1 Marginal Seat Gains for Medium-sized Parties, 1994 Law

Figure 20.1 demonstrates how P_3, in this case the PRD in 1994, would increase its share of seats by taking votes either from P_1 (PRI) or from P_2 (PAN) under the 1994 law. It is remarkable to see that its marginal gains are much lower if it attacks the PRI. In fact, there is a zone near 24% of the vote where it actually loses seats. This is because the PRI loses more SSDs to the PAN than the PRD gains in shares of MSDs relative to the PAN. The PRI remains at 300 seats regardless. Had the PRD taken votes from the PAN, it would have had a steady gain in seats. The intersection of the two curves requires a shift of nearly 12% of the vote in favor of the PRD, up to 29% of the total vote. It is clear that under most circumstances it was more profitable for the PRD to take votes from the PAN than from the PRI.

In Figure 20.2 we follow the competition effects for a very small party, in this case the PT, which had about 2.5% of the vote in the 1997 election. We assume that it takes votes from P_1, which received about 39% of the vote. Under the 1988 law, the marginal gains are flat. It gains seats until it has its two deputies per MSD, then it goes nowhere. In fact, at about a 13-point shift from the PRI to the PT, the latter begins to lose seats. This is because the PRI will remain the "winning" party, and will be fully compensated for any loss in seats so that it could maintain its 251 seat majority. Under the 1994 and 1997 laws, the PT gains steadily as it gets a larger share of the list pool, with $M = 200$. Under the 1991 law, the PT follows the path of the 1988 law until the PRI

Figure 20.2 Marginal Seat Gains in Mexico for Small Party Transferring Votes from Largest Party
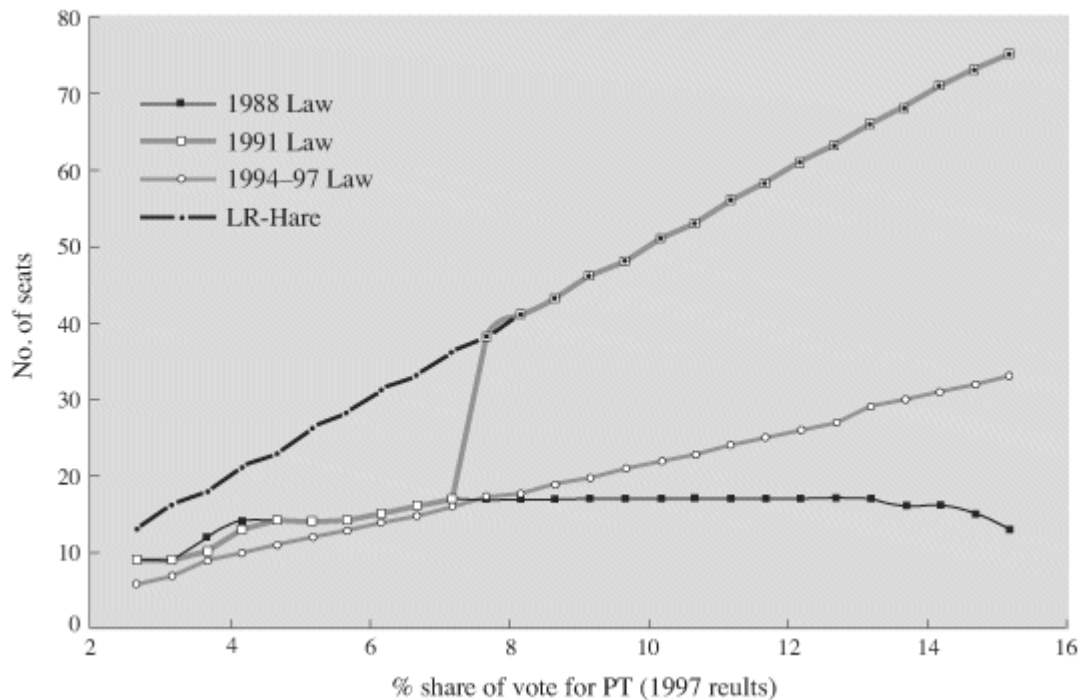
falls below 35%. Then the gains of the PT shoot up, and it follows a more inclined path upwards, increasing its shares of a list pool with $M = 500$.

Table 20.2 summarizes the Duvergerian and proportionality aspects of the four electoral laws. "High competition effects" means that all parties will seek to lower the vote of the party in second place. This should decrease Duvergerian pressures toward a two-party system.

Evidence of Duvergerian Effects

Unfortunately for researchers (fortunately for the minority parties), there have been five electoral laws in the past five elections.[289] Each law had exactly one observation, and each law includes several variables that might influence Duvergerian effects, so it is impossible to determine exactly what effects each electoral law has had on the shape of the party system. At the same time, the PRI in general has been losing electoral support, but this process was somewhat uneven among the states. Also, elections have been cleaner than in the

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[289] Lijphart (1994: 52–3) cites Nohlen (1984*b*: 218) in claiming that fundamental changes in electoral laws are very rare. Electoral laws are stable, though Lijphart then examines the frequent changes in the formula used in his countries. In Mexico, change itself must be characterized as a fundamental aspect of the system, and certainly no other country has so confounded the researchers of its electoral system by amending it after every experiment.

Table 20.2.Duvergerian and Competitiveness Effects of Electoral Laws: Mexico, 1988–97

	Majority assuring?	Require-ment for majority	Cross endorse-ments permitted?	No. of party candidates that can be doubly included[a]	M	Legal threshold (%)	Special quota for small parties	Competi-tion effects
1988	Yes	Most SSDs	Yes	30	40	1.5%	Yes	High
1991	Yes	Most SSDs, plus vote > 35%	No	30	40	1.5%	Yes	Medium
1994	No	Vote 40%–45%, SSDs 160–79	No	30	200	1.5%	No	High
1997	No	Vote 42.2%, SSDs 167	No	60	200	2%	No	Low

[a]   Doubly including candidates means nominating them in the nominal and list tiers simultaneously.

Table 20.3. Proportionality of Mexican Electoral Laws, 1949–97

	Parties competing	N_v	N_s	N_v/N_s	D (%)	System
1949	3	1.13	1.07	1.06	2.9	Plurality
1952	5	1.72	1.14	1.51	20.0	”
1955	4	1.23	1.12	1.10	5.8	”
1958	5	1.27	1.12	1.13	6.6	”
1961	5	1.21	1.07	1.13	6.3	”
1964	4	1.32	1.37	0.96	4.6	Restricted MMM
1967	4	1.40	1.43	0.98	3.4	”
1970	4	1.40	1.41	0.99	4.8	”
1973	4	1.59	1.42	1.12	6.4	”
1976	4	1.36	1.46	0.93	3.7	”
1979	7	1.76	1.77	0.99	1.6	Restricted MMM
1982	9	1.94	1.73	1.12	7.7	”
1985	9	2.02	1.86	1.09	6.5	”
1988	8	3.22	3.06	1.05	3.1[a]	MMM
1991	10	2.39	2.21	1.08	3.9	MMM/MMP
1994	9	2.87	2.29	1.25	9.7	MMM
1997	8	3.42	2.86	1.20	8.6	Limited MMM

[a]   Aggregates all four parties of the FDN.

Sources: Lujambio (1995); Molinar Horcasitas (1991a); Gómez Tagle (1997).

past, so each subsequent election should also be reflecting a decrease in PRI support, which is merely the consequence of counting the votes better. Therefore, it is impossible to separate Duvergerian pressures from the electoral system from changes in general voter preferences from reductions in "measurement error".

The evidence that we do have is incomplete, but we can get some idea from the traditional measures of party systems. Table 20.3 demonstrates that the effective number of parties (N_v) gradually increased over the years, and increased when there was a major change in the electoral system. The restricted MMM party deputy system increased N_v slightly, and the restricted MMM system of 1979–85 increased N_v significantly more. The effective number of parties as measured by seats in the Chamber of Deputies (N_s) follows very closely. There are two measures of how well votes translate into seats. One is the ratio of N_v to N_s. A higher ratio means that the effective number of parties is reduced by the electoral system. We find that between 1949 and 1991 there is very little reduction in the effective number of parties. What is even more remarkable is that sometimes the electoral system seems to increase the effective number of parties. (The N_v/N_s ratio is less than 1.) Of course, N_v was less than 2 until 1985, and N_s was under 2 until 1988, so these "proportional" systems were not pluralistic.

Another measure of proportionality is the Loosemore–Hanby (1971) index (D). This measures the percentage of disproportionality that is due to the over-represented parties. This index remained relatively low for most years until 1994.[290]

After full mixed-member rules were implemented in 1988, the year with the fewest effective number of parties was 1991, but this was due mostly to the very high share of the vote won by the PRI in that election (over 62%). The reasons for the high N_s in the other years vary, however. In 1988 there were many small parties (from Cárdenas's coalition) that won an abnormally high number of votes. All of these parties won representation (over-representation by the 1988 rules), so the effective number of parties by seats won barely decreases. The 1994 election resulted in a 52–27–17 split of the vote. It was easy to believe that the country was heading toward a two-party system. The effective number of parties in 1997 increased because the PRI won under 40% of the vote, and the two main opposition parties split most of the rest at 25%–26% each. It appeared that the country was heading toward a genuine three-party system, plus two small parties.

The N_v / N_s ratio and D are low for 1988 and 1991, not because these electoral laws are proportional—they are not—but because the PRI just happened to get votes at specific levels in which the disproportional rules did not apply. For example, in 1988 it received 50% of the national vote and 52% of the effective vote. Its share of seats was proportional, based on the effective vote (260 seats), so the outcome looks proportional. Had the PRI won less than 50% of the vote, the over-representation would be more obvious. Also, had the PRI won more than 260 SSDs, the result would have appeared less proportional. In 1991 the PRI won over 60% of the vote, so the escalating bonus seats were not used, and it received its proportional share. Had the governability clauses been used in either election, the results would have been much more skewed.

In 1994, the over-representation of the PRI is much more obvious: the N_v / N_s ratio moves up to 1.25, and D increases to 9.7%. Had the PRI not hit the 300-seat ceiling, its over-representation would have been even greater. In 1997 we see a small decrease both in the ratio and in D, described perfectly by the 8% limit on over-representation.

The shape of the party system is better portrayed in the N_v of the three largest parties. (For the purposes of 1988, the parties of the *cardenista* coalition have been considered as a single party in this measure.) The 1991 results look like a hegemonic party system, while the results from 1988 and 1994 show some Duvergerian convergence due to the presidential elections, where the opposition split itself about 60–40 each time.

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[290] The 20% D for 1952 was due to concentrated electoral efforts against a particularly strong opposition party that year. It received almost 16% of the vote but only 1.2% of the seats.

Table 20.4. Three-Party Effective Number of Parties: Mexico, 1988–97

	N_v	N_s	N_v / N_s
1988	2.55	2.57	0.99
1991	1.84	1.81	1.02
1994	2.48	2.20	1.02
1997	2.88	2.69	1.07
2000	3.00	2.55	1.18

Sources: Lujambio (1995); Molinar Horcasitas (1991a); Gómez Tagle (1997).

However, the 1997 electoral rules are much more effectively proportional, which does not put pressure on the opposition parties to coordinate their efforts, especially given a midterm election. Furthermore, both opposition parties feel themselves within the reach of the PRI, which has lost a great deal of its electoral support. Also, most states have developed two-party systems of either PRI–PAN or PRI–PRD. (Only a few states have three-party systems, most notably the states of México, Michoacán, and Colima, and in none is the PRI now a hegemonic party.)[291]Therefore, local majoritarian pressures end up increasing the national effective number of parties, as in Canada. The 2000 elections increased the spread between the two main opposition parties as many voters decided to coordinate their votes (see below). However, both parties ran their own candidates, believing that they could defeat the PRI independantly, so the Duvergerian shakeout could take another six years.

There has been a convergence toward a two-party system in the states. Table 20.5 demonstrates that there has been a consistent move away from a hegemonic or dominant system in each state toward a two- or sometimes three-party system. For legislative races, the states have variations and combinations of each of the four most recent national laws.[292]

It is unlikely that the national party system will converge toward a two-party system, despite the majoritarian factors found in the presidential election and the congressional electoral formulas, unless state politics coordinates on the same two parties. The PAN and PRD have strong regional bases today, so we should expect Mexico to look more like Canada or India than Germany for the foreseeable future.

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[291] Some states, such as Veracruz and Sonora, have regional two-party systems within their borders, so the state-wide vote looks very much like the national vote, with one party receiving near half of the vote, and the other two splitting the opposition evenly.

[292] All states have governors elected by the plurality rule for six-year terms. Legislative elections are held every six years. (Some states have simultaneous elections, while others do not.)

Table 20.5. Party Systems in the Mexican States: Proportion of the Vote in Federal Deputy Elections, 1991–7

State	1991 Election				1994 Election				1997 Election			
	MSD	PRI	PAN	PRD	MSD	PRI	PAN	PRD	MSD	PRI	PAN	PRD
		(%)	(%)	(%)		(%)	(%)	(%)		(%)	(%)	(%)
Aguasca-lientes	2	**67**	20	3	2	**51**	38	9	2	**42**	36	13
Baja Cal-ifornia	4	**46**	45	3	4	**52**	38	8	1	36	43	14
Baja Cal-ifornia Sur	4	**66**	25	1	4	**59**	34	5	1	**50**	19	12
Campe-che	3	**79**	4	4	3	**58**	18	22	3	**47**	8	36
Coahuila	2	**63**	21	8	2	**54**	31	12	2	**49**	30	14
Colima	4	**66**	14	10	4	**58**	27	13	1	37	**39**	20
Chiapas	3	**76**	6	6	3	**51**	12	35	3	**51**	13	30
Chihua-hua	2	**58**	32	2	2	**61**	29	6	2	**42**	41	10
Distrito Federal	1	**46**	20	12	1	**43**	29	23	4	24	18	**45**
Durango	2	**62**	16	6	2	**52**	26	9	2	**38**	24	11
Guana-juato	2	**53**	33	5	2	**57**	33	9	1	34	**43**	13
Guerrero	5	**63**	3	25	5	**52**	11	36	5	**46**	6	42
Hidalgo	2	**72**	8	9	2	**65**	17	16	4	**50**	16	27
Jalisco	4	**63**	24	3	4	**46**	44	8	1	36	**45**	12
México	5	**53**	17	10	5	**49**	28	20	5	**35**	20	34
Michoa-cán	4	**54**	9	31	4	**46**	16	36	5	36	18	**40**
Morelos	5	**66**	8	12	5	**55**	22	20	4	36	16	**40**
Nayarit	4	**71**	4	13	4	**61**	17	17	1	**51**	23	21
Nuevo León	3	**68**	26	1	3	**50**	43	2	2	40	**49**	3
Oaxaca	5	**74**	5	9	5	**56**	13	29	3	**50**	13	31
Puebla	1	**70**	15	5	1	**56**	27	15	4	**49**	26	18
Queré-taro	2	**70**	21	2	2	**60**	33	5	2	37	**45**	9
Quintana Roo	3	**76**	12	6	3	**57**	29	13	3	**47**	23	23
San Luis Potosí	2	**64**	30	1	2	**63**	26	9	2	**44**	38	11
Sinaloa	4	**67**	23	5	4	**56**	30	14	1	**43**	30	23
Sonora	4	**69**	24	3	4	**49**	34	14	1	**38**	31	27
Tabasco	3	**73**	2	19	3	**59**	6	34	3	**52**	5	41
Tamauli-pas	3	**63**	15	4	3	**55**	26	17	2	**48**	19	27
Tlaxcala	1	**74**	8	6	1	**58**	24	16	4	**43**	20	24
Veracruz	3	**75**	5	6	3	**57**	16	25	3	**44**	22	27
Yucatán	3	**62**	36	0	3	**55**	42	3	3	**51**	38	7
Zacate-cas	2	**76**	9	7	2	**63**	23	10	2	**50**	26	14

a   Figures in bold are for party winning plurality. MSD is the multi-seat district to which the state belonged in that election.

The main question is whether Mexico reaches an equilibrium (assuming no more electoral reform) at a two-and-a-half party system or a three-party system. The most likely result will be a combination of the two. Presidential elections are held at the same time as every other legislative election, and under most circumstances we should expect Duvergerian convergence during presidential years. The midterm elections, however, under an MMM system with thresholds on over-representation, should expand the number of parties.

It can be assumed that the two main parties of the future will be the PRI and the PAN, and that the PRD is more likely to remain at half-party status. The 1997 elections were anomalous in that Cárdenas of the PRD was running what amounted to a national campaign for mayor of Mexico City. This brought more votes to the PRD than it would normally expect in a midterm election. Therefore, the 1997 elections appeared to create a three-party system, but this was probably only temporary.

In the elections of 2000, Cárdenas repeated as a candidate for president, but a two and a half party system emerged. In 2003, however, Cárdenas will not be candidate for any federal office (unless he decides to run for Congress); we might expect the PRD to fall to the single-digit levels of support that it received in 1991, the only other time that Cárdenas was not a candidate. The election of 2003, therefore, should provide the first real evidence of where the party system in Mexico is headed. If the PRD continues to build strong regional support in the south, as the PAN has in the north, we may end up with an Indian Congress Party model, where the PRI is squeezed regionally and both opposition parties remain robust. If not, then Duvergerian pressures will probably win out over time, and there will be something close to a two-party system in Mexico.

Effects on Legislative Behavior

The possible effects of a mixed electoral system on the behavior of the deputies themselves is overwhelmed by two other institutional factors which give Mexico probably the highest party discipline in Latin America: the prohibition on the immediate re-election of deputies, and the centralization of party nominations (see Weldon 1997a).

Mexico has moved over time from a plurality system to a MMM system. This should lead to a greater dependence of deputies on their parties because the MSD list tier should put greater emphasis on party discipline. Candidates on PR lists do not even need to run for office. The SSD candidates, on the other hand, should try to distinguish themselves more in campaign and in office. Up to now, the SSD candidates and the MSD lists are both selected in a controlled and centralized manner by party leadership, though there is

probably greater influence of the national party leadership in the MSDs, and state party leaders perhaps have greater influence in choosing candidates for the SSDs. However, it is usually accepted that the national party leaders can veto candidacies at any level, and any difference between the incentives provided by each tier is partly cancelled by the double inclusion of candidates.[293]Thus, the candidate nomination procedures are equally closed for both ballot types, so we should expect minimal differences in legislative behavior from this factor.

However, all three major parties are planning open or closed primaries for their presidential candidates for the 2000 election.[294]It is very likely that there will be primaries of some sort for deputies from one or two of the parties in the 2000 election, and from two or three of the main parties for the 2003 election. There is no doubt that greater decentralization of candidate selection will lead to greater autonomy of the legislators from their party leadership.

Whatever differences in the origin of deputies that might exist are further overwhelmed by the rule that prohibits the immediate re-election of deputies (Nacif 1995; Weldon 1994, 1997a). Mexican legislators know that they will not be rewarded or punished by the electorate no matter what they do in office, so they ignore their constituents once they get into office. With no local cues to attract them, they follow the cues provided by party leadership. Their parties can get them nominated to other electoral candidacies in the future. The president can reward loyal deputies with administrative posts; if he is also the head of the party, he can reward deputies with electoral nominations as well. Therefore, we should expect very high party discipline among all members.

There is little direct evidence of party discipline, because roll calls are not published, and electronic votes were not recorded before September 1998. Preliminary results from an incomplete set of votes shows that the party cohesion of PRI deputies is above 99%, while that of PAN and PRD deputies is between 90% and 95%.[295]Alejandro Moreno (1998) has found that MSD deputies are more likely to state that they will vote party line than SSD deputies. However, the survey by far overestimated the likelihood of actually voting against the party (since we know that party discipline is close to 100%).[296]There was no significant variation by party on this response (which

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[293] In 1997 20% of candidates could be doubly included.

[294] The PRI in May 1999 decided to hold an open primary in November 1999, where any voter would be allowed to vote. The PAN decided that same month to hold a closed primary in September 1999, where anyone who had registered membership with the party by March 1999 would be allowed to vote. The PRD held a semi-closed primary in the fall of 2000 in which registered members could vote, as could any voter who registered with the party at the polling votes.

[295] Calculations by author from a partial set of electronic vote reports (Sept. 1998–Oct. 1999).

[296] Moreno finds that one-third of deputies claim that they sometimes vote against their parliamentary group, a highly exaggerated figure.

runs against the conventional wisdom that the PRD is somewhat less disciplined). Moreno found that those elected in SSDs claim to be more independent, and also that the left wings of each party claim greater likelihood of voting against the party line.

Mexican deputies have not demonstrated strong clientelistic behavior since the mid-1930s. Before the re-election prohibition was enacted in 1933, deputies often submitted supplemental budget appropriations for projects in their states. Between 1917 and 1929, on average nearly thirty pork bills were introduced in the Chamber of Deputies every year. The mean number of budget requests of this type fell to 6.5 per year during the first eight years of unified government after the PNR was formed. However, in the first two fiscal years that went into effect after the no-re-election reform, only one and two pork bills were introduced. The deputies knew that their constituents could not reward them, so they immediately began to ignore them (Weldon forthcoming).

There have been several proposals in the current Congress to bring back reelection for federal deputies. Currently three proposals are under consideration: one by the PAN, another by the PRI, and a third by all four opposition parties jointly (PAN, PRD, PT, and PVEM). All three would permit a total of four consecutive terms for SSD deputies, for a total of twelve years. The three bills would also permit a single re-election of senators elected by plurality or second-place lists, also for a total of twelve years. The PAN's bill would permit re-election of MSD deputies and the PR senators for a total of twelve consecutive years as well. The PRI bill, on the other hand, prohibits re-election of MSD deputies and senators under the same formula, arguing that these representatives should "go down" to the districts for competitive races before they return to the Chamber. This would obviously hurt the minority parties, because many of their deputies, and most of their leadership, is elected through the MSD lists. All of the PVEM and all but one of the PT deputies are elected through the MSD system, so they would have zero reelection under the system proposed by the PRI, and all of their deputies would be rookies. The joint opposition bill limits MSD deputies to one reelection (for a total of six years), reflecting some of the resentment that the opposition deputies have toward their leadership, which is predominantly elected in the MSDs.[297]Although all of the parties have now declared in favor of some sort of re-election, reform is still unlikely, because public support remains weak, and it is not a strong preference of any of the parties.[298]

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[297] MSD senators are not restricted in this bill beyond that of the plurality senators.

[298] An informal survey by the PAN, reported in *Reforma* (Mexico City, October 6, 1999), shows that, among deputies of all five parties, 85% favor the re-election of members of Congress. Nonetheless, it is unlikely that the bills can be placed on the agenda in the last year of this legislature.

Whether or not re-election is reintroduced, the most important factor in increasing legislator autonomy will be decentralizing the candidate selection process. The latter reform is also much more likely to occur. Once it does, we should expect dramatic differences in legislator behavior between the legislators elected in nominal tier and those elected from the list tier.

Prospects for Further Electoral Reform in the Future

When President Zedillo presented the final version of the electoral reform bill in the summer of 1996, he claimed that it was Mexico's "definitive electoral reform". This was a dubious claim, since the reform itself appeared somewhat half-baked, with obvious halfway compromises (the 8% rule for the Chamber of Deputies, the strange first- and second-place plurality rule plus PR for the Senate). By 1999 the opposition begged to differ, and offered an extensive electoral reform bill in the form of amendments to the electoral law. They elected to change the electoral code instead of the Constitution, because they knew that they would not have the support of the PRI, which would be necessary to achieve the two-thirds majority in both Chambers.

One of the reforms would have eliminated the over-representation in the Chamber of Deputies, creating a true MMP system. The proposal would have used a Hare quota based on 500 instead of 200 seats, and the SSD seats would have been deducted from the total number of seats allocated to each party. The opposition argued that a constitutional amendment was not required, because Article 54 of the Constitution states that the electoral law defines the formula to be used. On the other hand, the same article also mentions that the list seats would be distributed "independently and additionally" to the plurality seats won by each qualifying party, with the restrictions of 8% over-representation and the ceiling of 300 seats. There is no doubt that the intent of Congress in 1996 was that the Hare quota should be based on 200 rather than 500 seats. The 8% exception would make no sense otherwise. In any event, the PRI majority in the Senate is defeated the reforms twice during the summer of 1999, effectively ending any opportunity for electoral reform before the 2000 election.

Further reform may come from the courts. A federal Supreme Court decision in September 1998 invalidated the governability clause in the state electoral law of Quintana Roo.[299]The justices used Sartori's (1994) definition of proportional representation to exclude the section of the law that gave bonus seats to the winning party in a manner similar to the 1988 and 1991 federal

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[299] The governability clause in Quintana Roo would have been relatively mild. The party that wins at least half of the fifteen districts and at least 40% of the vote gets list seats until its total reaches 13 out of a total of 25 seats.

electoral formulas. The federal Constitution mandates that all states use a mixed-member system of some sort. The state law claimed that the electoral system was mixed plurality and PR, though the electoral rules assigned the list seats in a mechanism that was not proportional. However, the federal Constitution has over the years defined the electoral system for the Chamber of Deputies as being mixed plurality and PR, including those with governability clauses, or the 8% rule and the 300-seat limit of the more recent laws. The Constitution currently states that the Federal District electoral system should be based on plurality and proportional representation. But the Constitution then creates a governability clause with a moving escalator for the Federal District. It was curious to see the Court cite an academic as the authority on the meaning of proportional representation, considering that the Constitution itself has defined it. It is unlikely that this ruling will be applied to the federal electoral rules, because the 8% clause is in the Constitution.

Will there be electoral reform in the near future? Perhaps. Everyone prefers something to the status quo. But it is unlikely that they can find a two-thirds majority in Congress to overturn the status quo in favor of something better. The PRI would prefer to eliminate the list tier altogether in the Senate and reduce it by half or entirely in the Chamber of Deputies. Some members of the opposition parties would also prefer to remove some of the list deputies because they tend to dominate the leadership positions in their parliamentary groups. But opposition leadership will veto moves towards less PR.

The 2000 elections were a watershed in Mexico's democratization, with the PRI defeated. An opposition candidate, Vincente Fox, nominated by a centre-right coalition led by the PAN, won with 43.5% of the vote to 36.9% for Francisco Labastida of the PRI and 17.0% for Cuauhtémoc Cárdenas of a PRD-led centre-left alliance. Unusual for Mexico, there was some ticket-splitting, as some voters apparently voted for the PRD-led alliance for Congress and Fox for president. Fox's alliance won 39.2% of the valid votes for deputies—about the same share that the PRI had obtained in 1997. However, unlike 1997, the clause limiting overrepresentation to eight percentage points was not invoked because the PAN-led alliance won only about 47% of the SSDs. Thus seats were allocated strictly in parallel, and the centre-right won 222 seats (44.4%). Deviation from proportionality (D) increased to 9.4% (from 8.6%). In the senate, the PRI's voting plurality in 16 states netted it the largest share of seats, but not a majority. In Mexico's first federal election in which the PRI did not win a plurality of votes, the Chamber electoral system functioned like a normal MMM system: providing an advantage to the largest party, but retaining sufficient representation to other parties that no political force emerged with an overall majority.