

Partisanship in Non-Partisan Electoral Agencies and Democratic Compliance: Evidence from Mexico's Federal Electoral Institute

In responding to concerns raised by anonymous reviewers at *Electoral Studies*, we have revised our original manuscript substantially. Following editorial suggestions, we have removed about one fifth of all footnotes and trimmed some others, as a result of which the text is shorter but has gained in readability. Thanks to detailed reviews of the previous version, we believe that the current draft has also gained in scholarly significance. Both reviewers agreed that the “party watchdog” theoretical framework within which we understand IFE was well articulated overall, but both pushed us to clarify and point out the limits of our arguments. We have endeavored to incorporate their criticisms and suggestions in the revised version. We take this opportunity to thank the reviewers, and to relate in detail the substantial changes in the manuscript that have been prompted by their comments.

Both reviewers suggested that the original draft overstated our main theoretical claim and exaggerated our ability to substantiate it. In particular, Reviewer #2 pointed out that we provided no evidence that “election arbiters that embrace partisan strife, rather than those that expunge party politics...are better able to organize free and fair elections” (this point was echoed in comments by Reviewer #3). Indeed, substantiating such a claim would require a different research design, one that we cannot execute competently within the limits of our paper. We have toned down our over-reaching statements wherever they appeared implicitly or explicitly in the paper, particularly in the abstract, introduction, and conclusion.

We do make an a priori claim that principals may find a partisan checks-and-balances arrangement preferable to the “ombudsman model”. We then show that the institutional setup of IFE incorporates, to a large extent, partisan checks-and-balances. Our main purpose, though, is to furnish evidence that partisan strife characterizes IFE. This evidence comes predominantly from the arrangement of ideal points that we have uncovered, which is consistent with what we call the party sponsorship hypothesis (we also refer to this, more circumspectly, as the party “influence” hypothesis).

Regarding this evidence, we acknowledge that the inferred ideal points of Councilors are not always connected, as noted by Reviewer #3. But this is no impediment to reject the party influence hypothesis in all three Councils. The reviewer’s observations pushed us to revisit nonparametric statistics manuals (Peter Sprent, *Applied Nonparametric Statistical Methods*, 1989, pp. 114-5 and Daniel 1990, now cited in the paper), leading us to realize that the ANOVA one-way test we performed in the previous version was not entirely appropriate given the nature of our data. Sprent (pp. 114-5) and Daniel (section 6.3) both agree that the ranks Kruskal-Wallis test is preferable for data like ours: Kruskal-Wallis is more robust than one-way ANOVA in the presence of non-normality, heteroscedasticity, and outliers. Reasonable doubts can be raised about the assumptions of homoscedasticity and no outliers implicit in the ANOVA test. ANOVA tests differences in means between groups; Kruskal-Wallis differences in medians between groups. For this reason, the latter is robust to the presence of outliers. The Kruskal-Wallis test we perform in the revised manuscript now

allows us to reject the null hypothesis that councilors sponsored by PAN, PRI, and PRD all come from the same population (Table 7). Along these lines, we have also added a straightforward exercise in basic probability (p. 26): We ask ourselves how likely it is that the ideological positions of Councilors sponsored by the same party would turn out to be adjacent to one another, given an assumption that ideological positions are independent of party labels. We find that this event is quite unlikely under the assumption of independence, with a probability that we estimate in about three in a thousand. Yet, we find that this event occurs in all three councils, leading us to doubt the assumption that ideological positions are not related to party sponsors.

As for the high proportion of consensual voting at IFE that Reviewer #3 notes, we do face a classic case of an equilibrium with non-observable consequences. This is because the electoral law that gave rise to IFE in 1996 (still in force) is very detailed and establishes many procedural constraints that the Council-General must obey, as we relate in Section 2. These constraints reflect the three-party consensus over electoral regulation that existed in 1996. IFE’s Council General operates in the limited discretionary range allowed by this law. The large amount of observed consensus mostly corresponds to votes in areas where there is no space for discretion (cf. McCubbins, Noll, and Weingast 1987). Therefore, the high proportion of consensual votes does not contradict the hypothesis of partisanship, it merely complicates the analysis.

Reviewer #3 raises some further issues about the statistical analysis in Section 3. First, we admit that our presentation of the relevant data in the previous draft was uneven, given that we moved from tacitly considering abstentions as dissenting votes in Section 2 to implicitly assuming they were missing at random in Section 3. We have added prose that smooths over this inconsistency (for example, referring to votes where at least one Councilor voted against the majority or abstained as “non-unanimous”, rather than “contested”; see also fn. 11). For the purpose of documenting consensus in the Council-General we deem it appropriate to count abstentions as votes that are not aligned with the majority, which is why abstentions appear as one category of non-unanimous votes in our aggregate description of the roll-call data. *But we have no grounds to argue that abstentions always represent explicit denouncements of the majority’s position.* Therefore, we are satisfied with the MAR assumption that underlies our analysis, and we now make it explicit that this is our building assumption. In other words, we assume that the pattern of missingness is random conditional on item and location parameters; this assumption cannot generally be verified, but it is a common one in the study of roll-calls (Clinton et al. 2004). Incidentally, one of the major strengths of the Bayesian approach to item response models is that it handles missing values not by dropping them from the analysis, but by treating them as parameters to be estimated. By imputing missing values in the Gibbs sampling procedure, we appropriately acknowledge the larger degree of uncertainty that we have about the ideal points of Councilors who abstain disproportionately. Such added uncertainty would not be considered by methods that drop missing values.

Reviewer #3 raises another important theoretical issue, namely, the sustainability of a party watchdog arrangement in view of the temptation to shut one (or more) of the original principals out of the electoral agency. Indeed, this observation was prompted by the decision

by PRI and PAN to exclude PRD nominees from the 2003 Council-General. We agree with the reviewer that our theory does not specify the conditions under which we might expect exclusions in what students of government formation may call the proto-coalition stage (Strom 1990). We did not set out to do so originally, but only (1) to suggest that successful electoral competition in a new democracy can be (and has been) organized in such a way that parties in the enacting coalition check one another in order to generate trust and (2) that such a body behaves in a manner consistent with a party watchdog setup. In any case, the PRI-PAN decision to shut out the PRD had more to do with this party's recalcitrant position during the negotiations to name the 2003 Council-General than with a preconceived plan by PRI and PAN to capture the Council. We have added a comment to this effect in the conclusion.

Regarding the parallels noted by Reviewer #2 between our paper and some themes raised in the literature on Judicial Politics in the US, we have included relevant references and some discussion in Section 2. First, we have added references to work on courts and their influence in systems of separation of powers. We do so in the context of our discussion about "non-statutory factors" that may limit the discretion of Councilors in Section 2.2.2 (p. 16). Second, we provide citations to scholarly work that considers the possibility of consensual opinions in lower courts as a strategy to preempt revision by a higher court (fn. 12). In the context of US judicial politics, this theme appears most prominently in the analysis of district courts decisions. Since these decisions can be overturned by the Supreme Court (an event that may cause professional embarrassment), some claim that district courts may have an incentive to seek consensus in order to diminish the probability that the higher court may vote to overturn (Cameron et al. 2000, Lax 2003, Songer et al. 1994). This mechanism is identical to the one we believe may explain the high degree of consensual voting in Mexico's IFE. However, where the literature on US judicial politics concludes that incentives for strategic consensus-building are low (the Supreme Court, after all, only reviews a very small percentage of all cases decided by lower courts), we believe that exploring this mechanism in the context of Mexican politics would yield considerable theoretical payoff given the relatively high proportion of decisions that are reviewed by TRIFE and given that so many actors can start the review process. This is indeed an opportunity for further research that we seek to explore in another paper.

Finally, the reviewers also showed concern about the universality of our claim, namely, that a party watchdog arrangement such as the one we see in Mexico may be able to engender support. Indeed, the original draft was parochial in its inability to point to realms outside of Mexico's electoral politics where this claim could be explored. To remedy this situation, we have rewritten the conclusion to reflect our conjecture that party-watchdog schemes may be superior forms of electoral organization and to point to other (non-electoral) realms where agencies that embody strife have been created to deal with lack of trust.