

# Participation, Protest, and Public Confidence: The Direct Election of Judges to the Bolivian National Courts

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## **Abstract**

Bolivia became the first country in the modern world to elect national judges via direct, universal elections in October 2011. Reformers heralded the adoption of judicial elections as a “democratization of justice” by which public confidence in the judiciary might be expanded, yet unprecedented levels of ballot spoilage called the legitimacy of this process in to question. We first adjudicate between competing hypotheses regarding the origins of ballot spoilage, pairing municipal level election returns with individual survey data to suggest that Bolivian voters invalidated their ballots as a form of political protest. We then turn to the consequences of this contentious election, considering public confidence in the judiciary before and after the inaugural electoral contest.

**Keywords:** Judicial elections; Invalid voting; Protest voting; Public confidence

Extant research on deliberate vote invalidation<sup>1</sup> typically advances two competing claims regarding the origins of spoiled ballots. On the one hand, informational scarcity may lead voters to nullify their ballots: lacking sufficient information about specific candidates, voters may fail to state a candidate preference. At the same time, other research highlights the possibility that deliberate ballot invalidation is made primarily in protest, as a signal of dissatisfaction with the government or current regime. We consider rates of vote invalidation in the contemporary world's first instance of direct election of judicial officials to courts with national jurisdiction in the modern era. On October 16, 2011, Bolivian citizens elected jurists to the Plurinational Constitutional Tribunal (*Tribunal Plurinacional Constitucional*), the Bolivian Supreme Court (*Corte Nacional de Justicia*), the Plurinational Agroambient Court (*Tribunal Ambiental*) and the national judicial administrative body, the Bolivian Council of Justice (*Consejo de Magistratura*). The direct election of judges via universal electoral process marked a new era in the nation's 'democratization of justice' by which public confidence in the national courts might be expanded and the institutional legitimacy of courts more firmly entrenched.

Certain features of the Bolivian judicial elections make this an especially compelling case by which we might understand the origins and consequences of ballot spoilage more generally. Though voting was compulsory, the informational environment in which the election occurred was extremely limited: all political campaigning, party affiliation and media coverage were prohibited in an attempt to depoliticize the electoral process and ensure voters could weigh candidates' merits without undue political influence. At the same time, opposition members campaigned to boycott the elections, and a plurality of voters cast null or blank ballots. The government would later fault the lack of information for the high levels of null and blank voting, claiming that voters spoiled their ballots due to lack of knowledge about the officials who sought judicial office. However, the unprecedented levels of deliberate vote invalidation marred the judicial elections, calling the legitimacy of the electoral process and the courts into question.

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<sup>1</sup>We use the term "vote invalidation" to describe voters' deliberate attempt to void their ballots by casting a null or blank ballot. It is important to note, however, that the casting of null and blank ballots is considered a legitimate and acceptable form of electoral participation under Bolivian electoral law, where voting is compulsory.

Though this unprecedented level of null and blank voting has been the subject of much political commentary and partisan speculation, it has yet to be explored in such a way that these competing claims might be simultaneously assessed. We draw on municipal-level elections returns and public opinion data following the judicial elections to adjudicate these competing claims. We find no evidence to suggest that voters invalidated their votes for lack of information, but that high levels of vote invalidation occurred in opposition enclaves, an apparent vote of protest against the Morales administration.

More important are the consequences of the protest vote for the national judiciary. Given scholarly claims that public confidence in courts and judges hinges on the maintenance of an impression of legal neutrality and independence (Gibson & Caldeira 2009), this inaugural contest runs the risk of politicizing the judicial system in the eyes of the Bolivian public. We consider the impact of the highly divisive electoral environment on public confidence in national high courts, using data from nationally and regionally representative surveys collected before and after the judicial elections. Though it is too soon to evaluate the long term consequences of the direct judicial elections on public confidence in the courts, we suggest that the elections had the effect of polarizing public sentiment towards judicial institutions. Public confidence has increased amongst government supporters, though it has decreased across the country overall, especially among those respondents who reportedly nullified their ballot. This finding is all the more important in light of the drastic measures employed to ensure a depoliticized electoral contest.

In what follows, we situate the adoption and implementation of direct judicial elections in the broader landscape of Bolivian politics. We then assess the informational and political origins of deliberate vote invalidations, pairing municipal level vote returns of null and blank ballots with municipal level data taken from the Bolivian census and previous electoral contests. In our third section, we evaluate the consequences of the judicial elections for public confidence in the judiciary, using a nationally representative sample of public opinion that was collected several months following the inaugural electoral contest. Our final section discusses our findings in the context of the larger literature on public confidence, judicial elections and institutional legitimacy.

# 1 The Bolivian Judicial Elections of 2011

Located in the heart of South America, Bolivia is home to just over 10 million people, the majority of whom are of indigenous decent, and many of whom are rural poor. The Andes mountains divide the country between the arid *altiplano* highlands that skirt the nation's capital and the tropical and resource rich floodplains of the Amazon basin that extends north and east. Ethnicity, natural resources and political cleavages coincide with geographic demarcations, a fact which has threatened the stability of the nation as a whole more than once in recent years. Bolivians of indigenous decent reside in the Andean highlands to the west, while European decedents and mestizo Bolivians typically make home in the northern and eastern departments.<sup>2</sup>

Politically, Bolivia is presidential separation of powers system, with independently elected legislature and president and formally independent high courts. For many years, presidents who failed to earn a plurality in the popular elections were selected indirectly by the legislature, a parliamentary-like process of coalition building that ensured presidents a stable base of legislative support while allowing all major parties an opportunity to participate in the policy making process (Gamarra 1997). For many years, national politics was characterized as elite-based and “partio-cratic,” though this “pacted” system of political rule meant Bolivia was for many years a relatively stable, albeit highly unequal, representative democracy.

By the close of the 20th century, this system of “pacted,” party centric democracy showed signs of rapid decay (Centellas 2009). Citing a long history of exclusion from mainstream politics, indigenous and peasant leaders organized on the basis of common indigenous heritage and shared disaffect for traditional parties, while Bolivians across the political spectrum called for an increased role in local and departmental government administration. Reforms to decentralize put Bolivian democracy back in the hands of the Bolivian people,<sup>3</sup> while opening the doors to emergent political forces that would further threaten traditional parties' weakening relevance in the national political

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<sup>2</sup>Known as the *media luna*, or “half-moon”, the departments of Beni, Pando, Santa Cruz and Tarija form a crescent shaped encapsulation of the remaining five Andean departments.

<sup>3</sup>With the promulgation of the Decentralization and Popular Participation laws the number of elected offices expanded by more tenfold, the vast majority of which would soon be occupied by grassroots leaders and local authorities of indigenous heritage (Klein 2011; Centellas 2009)

system.

From this party system breakdown has emerged the Movement to Socialism party (*Movimiento al Socialismo*,) or MAS, a heterogeneous confederation of social movements that is now a proven and prominent national political force, owing in no small part to the leadership of President Evo Morales (Dunkerley 2009; Alpert et al 2010; Centellas 2009). A mestizo from humble origins, Morales rose to power as a leader of the coca growers union, making a name for himself with his confrontational political style and penchant for winning landslide electoral victories. Under Morales' direction, the MAS party has constructed itself as a supra-structure to a conglomeration of peasant, indigenous and social organizations, which has since united with upper middle class intellectuals to capitalize on widespread disaffection for the traditional party system. This emergent majority rejects the partiocracy of the traditional party system, celebrates Bolivia's 'plurinational' ethnic heritage and has committed to revolutionizing Bolivian democracy via frequent and universal democratic elections. Far from a temporary political enigma, Morales and the MAS stand ready to shape the landscape of Bolivian politics for a foreseeable future.<sup>4</sup>

A central objective of the MAS political project has been the redrafting of the national constitution to "refound" the Bolivian state in the vision of this emergent plurinational majority.<sup>5</sup> From August 2006 until December 2007, a MAS dominated Constitutional Assembly produced a governing document to inaugurate a new era of Bolivian politics. The 2009 Bolivian Constitution aims to reconstruct the rule of law in the vision of "plurinational communalism," explicitly abandoning

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<sup>4</sup>The MAS has consolidated their presence on the national political scene through repeated and sweeping victories at the ballot boxes (Singer 2007; Alpert et al 2010). The 2005 presidential elections brought Morales to power by plurality, with the MAS legislative contingent also securing a (55%) controlling share of the lower chamber of the National Congress (Singer 2007). His popular mandate was bolstered by an attempted recall in 2008, and in December of 2009, with 95% turnout, 63.9% of voters re-elected President Morales to his second term in office with his MAS co-partisans winning two-thirds of the seats of the bicameral Plurinational Legislative Assembly (Alpert et al. 2010). Current political discourse suggests Morales intends to seek reelection in 2014, in spite of a constitutional prohibition from doing so.

<sup>5</sup>Though the indigenous leaders had long advocated for constitutional reforms, violent clashes between peasants and the national police in October 2003 (which would be known as "Black October") would make evident the need for fundamental changes. Popularly charged with the death of more than 60 indigenous protesters, President Sanchez de Lozada fled the country in self-imposed exile. His successor Carlos Mesa also proved incapable of quelling popular protests and stepped down after only 19 months, handing the country over to President of the Supreme Court, Eduardo Veltzé. Interim President Veltzé's first order of business was calling the elections that would bring Evo Morales and the MAS to national power.

and rejecting “the colonial, republican and neo-liberal state.” Symbolically, this is an explicit recognition of the indigenous heritage and diversity of the Bolivian people, as well as their long history of political exclusion under previous democratic regimes. A version of the constitutional text was approved by a two-thirds vote of those present in early December, 2007, though circumstances surrounding its adoption cast a long shadow on the legitimacy of the draft constitution.<sup>6</sup> With the public ratification process stalled,<sup>7</sup> the opposition leveraged procedural inconsistencies to demand changes to the text, threatening to mobilize public opposition to the draft if modifications were not conceded.<sup>8</sup> Finally, after more than a year delay, 65% of Bolivians voted to approve the new constitution in January 2009.

Against this backdrop of political flux and institutional turbulence stood a long maligned judiciary. Under the 1991 constitution, national judges were selected via congressional procedure that required a two-thirds majority affirmation vote in a joint session of the National Congress. In practice, this super-majoritarian requirement was achieved by doling judicial posts among national political parties according to a system of political patronage, commonly referred to as the “*cuoteo*” (or patronage based quota). The *cuoteo* was so common that many elites regarded this norm as “dogma” (Gisbert 2008), and according to one insider, it was a pragmatic solution that “mostly worked” because it ensured all national political factions influence in the national judicial system, typically in proportion with their representation in the national legislature. Nevertheless, political

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<sup>6</sup>Opposition parties absented themselves from the session, first claiming the MAS had violated procedural rules regarding the notice and comment period, but later claimed they were physically restrained from entering the building. Regardless, the fact that the draft text was approved by two-thirds vote of those present, rather than two-thirds vote of assembly members as was required by law, legitimized opponents’ criticisms of the process.

<sup>7</sup>The constitutional referendum was originally scheduled by Congress for May 4, 2008. This plan was later suspended by the electoral court and rescheduled for December by Morales via executive decree, though the opposition argued for additional delay due to a constitutional prohibition on the number of referenda that could be held during a given calendar year (*Electoral Court* 2008; *Morales sets date* 2008). Allegedly, the opposition controlled Senate scheduled a different electoral contest for August of 2008, effectively postponing the constitutional referendum until early 2009 (*Congress sets* 2008; *Bolivia’s Congress* 2008).

<sup>8</sup>Little is known about the negotiations of the constitutional text, and members of the National Congress suggested that most modifications were decided in advance of the legislative sessions in which the finalized text was discussed and approved (Villamor 2008). The opposition demanded 14 modifications, and it was later publicized that they succeeded in amending 105 articles. Key concessions included the barring of presidential reelection beyond a second term, scaling back governmental control of the media, and expanded political powers for departmental and municipal governments. Among the revisions were several changes to the text governing the direct election of judicial officials. Please see Driscoll & Nelson (2013) for a detailed discussion on the modification to the procedures governing judicial selection.

elites appeared to regard the the national courts as a legitimate forum of settling disputes (de la Parra 2010; Veltzé 2010; Cárdenas 2010; Gisbert 2010), a confidence that was also reflected in the increased role of the Constitutional Tribunal in adjudicating political conflicts (Castagnola and Pérez-Liñán 2010).

At the same time, national judicial institutions remained a largely foreign political institution to the vast majority of Bolivians, and were generally regarded with skepticism and mistrust for their lack of knowledge of most justice system institutions (de la Parra 2010; Veltzé 2010). A 2008 survey conducted by the Latin American Public Opinion Project (LAPOP) reveals that nearly 30% of Bolivians expressed a general distrust for the Supreme Court, with roughly 40% of Bolivians expressing distrust for the justice system more generally.<sup>9</sup> The Morales government would point to this public skepticism to justify direct intervention in the national courts, and political scandal surrounding unilateral judicial appointments<sup>10</sup> prompted constitutional reformers to target the national judiciary for reform. Advocates of direct elections claimed that judges would be selected on the virtue of their merits, as opposed to their political connections, and by “democratizing” the judiciary public confidence in the justice system might be restored (Democratizando la Justicia, 2011). With those goals in mind, the 2009 constitution included a provision for national, nonpartisan judicial elections for each of the four national judicial institutions.<sup>11</sup>

A noted challenge facing the constitutional reformers was ensuring that voters would be sufficiently informed regarding candidates’ merits while avoiding overt politicization of the electoral

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<sup>9</sup>The LAPOP surveys are nationally representative samples of public opinion data from Latin America. For the purposes of the analysis here, we consider the question “To what extent do you trust the justice system (or the Supreme Court)?”, which prompted respondents to rank their confidence according to an ordinal scale from 1 (not at all) to 7 (a lot).

<sup>10</sup>With the dissolution of the traditional party system the process of judicial nominations became increasingly contentious and polarized, frequently resulting in inordinate courts. From early in his first administration, Morales targeted the courts as the object of necessary structural changes, declaring the judicial system fundamentally corrupt and the “final bastion of colonialism” (*Se inauguró* 2007; *Evo acusó* 2007). He promptly issued a decree that resulted in a 32% reduction in judicial salaries (Decreto Supremo No. 28750), leading to the resignation of many judges. A high profile show of political antagonism over the courts reached an pinnacle occurred over the summer of 2007, as the MAS majority in the lower chamber of Congress attempted to impeach four judges of the Constitutional Tribunal over a ruling that would limit President Morales’ powers to unilaterally nominate jurists to the Supreme Court. The opposition-controlled Senate successfully blocked the impeachments, though all four judges eventually resigned shortly thereafter. For an excellent overview, see Castagnola and Pérez-Liñán (2010).

<sup>11</sup>For a discussion of the changes to the constitutional text in advance of the ratification referendum in 2009, see Driscoll and Nelson (2013).

process. The constitution stipulated that judicial candidates would be prohibited from declaring any party affiliation, and parties were restricted from campaigning on behalf of or against any individual candidate. Only official state documentation provided by the national electoral court (named the Órgano Electoral Plurinacional, henceforth OEP) would be made available to the public, and all the production or distribution of any non-state information materials was explicitly forbidden. This prohibition limited nearly all non-governmentally sponsored journalistic reports, radio or television broadcasts as well as any internet or social media websites in advance of the elections.

These restrictions situated the OEP as the centralized clearing house of all information pertaining to the election process and the dissemination of all candidates' qualifications. To enable voters to weigh judicial candidates' professional and personal merits, the OEP provided standardized voter information guides presenting the professional experience and biographical information of each candidate (Órgano Electoral Plurinacional 2011). Candidates' academic, professional and intellectual achievements were publicized in identical format, along with their name, department of origin, birthdate and candidates' indigenous identification where applicable (Órgano Electoral Plurinacional 2011). Finally, a number and picture were provided, identical to those listed on the ballot. Candidates were presented to the public in the voter information guide in the same order in which they would appear on the ballot (Órgano Electoral Plurinacional 2011). Examples of both the candidate profiles and the ballots are available in the web appendix [REDACTED].

After several delays, the OEP scheduled the elections for October 16, 2011.<sup>12</sup> Constitutional regulations required candidates to first be vetted by the Plurinational Legislative Assembly, a process which officially commenced on May 16, 2011. Though judicial nominations had previously

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<sup>12</sup>The judicial elections were originally scheduled for December of 2010, though the process was delayed over a year while the legislature elaborated critical aspects of judicial and electoral organic laws to allow the OEP to administer the elections. This delay was notably problematic because many opposition leaders, including several former presidents, faced impeachment or charges of treason in "responsibility trials," cases that fall under the jurisdiction of the the penal chamber of the Supreme Court. With few exceptions, the Supreme Court was filled with interim jurists who had been unilaterally appointed by Morales to fill vacancies on the Court (de la Parra 2010; Veltzé 2010; Cárdenas 2010; Gisbert 2010; Carey 2009; Óscar Miguel Ortiz Antelo 2009). After several delays, public discontent, political clamoring by the opposition and pressure from the United Nations spurred the government to finally schedule the elections, a process which commenced in May 2011.



been fraught with contentious disagreement, the super-majoritarian control the MAS enjoyed in the legislature greatly facilitated the candidate selection process. Even still, MAS insiders lamented a lack of quality applicants, suggesting that many qualified jurists declined to submit their candidacies (*El registro ampliado* 2011; *Profesionales no postularán* 2011). Observers criticized the candidate vetting process for prioritizing ethnic identification over professional qualifications and experience (*Un postgrado* 2011), and though the government made attempts to ensure a transparent and meritocratic evaluation of candidates, the Organization of American States characterized the pre-selection process as highly politicized. The press identified a number of candidates as MAS affiliates for their experience as party organizers, legislative aides or legal advisors (*Diputado del MAS* 2011) and the opposition alleged that the majority of MAS legislators knew little about the candidates but simply voted for judicial nominees as instructed by party leaders, a fact that was later confirmed by MAS party insiders (*Masistas admiten* 2011; *Diputado del MAS* 2011).

The state-run information campaign took place in the 45 days leading up to the election, during which the OEP coordinated the distribution of the voter information guides via national media outlets, aided by the national youth corps who distributed voter information packets door to door in rural provinces. Apart from this state run campaign, all campaigning by or on behalf of candidates were prohibited on the penalty of fines, imprisonment or additional penal actions (Órgano Electoral Plurinacional 2011). Many observers suggested that this state-run media campaign fell decidedly short. In the days preceding the elections, judicial candidates protested that voters remained uninformed regarding both candidate merits and the electoral process (*Candidatos se quejan* 2011). Though the OEP claimed the diffusion of campaign materials was widespread, other reports suggested the official campaign materials had not been distributed to more than 30% of rural areas, citing few media outlets and insufficient funds to communicate with voters in remote areas (*TSE admite* 2011; *OEA recomienda* 2011). One public opinion poll reported that 76% of respondents said they were uninformed regarding the candidates and voting process, results that are all the more striking given the urban concentration of survey respondents (Miranda 2011). On election day, the widespread impression from all sides was that voters remained woefully unin-

formed, a fact which President Morales conceded at the close of the polls (“*Lamentablemente*” 2011)

Largely ostracized from the candidate selection process, the political opposition put in motion a campaign to boycott the judicial elections altogether. Sidestepping the prohibition that outlawed campaigns for or against individual candidates, the opposition instead lobbied voters to spoil their ballots by casting blank or nullified ballots.<sup>13</sup> The opposition campaign encouraged null votes over mere abstentions as the only way to ensure blank votes could not later be filled in (“*Votarás en blanco?*”; “*no, votaré nulo*” 2011; *Qué harán con mi voto?* 2011). Pamphlets were circulated on social media sites and the blogosphere, with a common file hosted on public Dropbox folders or publicly available Google documents. These pamphlets encouraged voters to “reject governmental attempts to co-opt the judiciary by annulling your vote,” and gave instructions on how to properly ensure the vote was counted as null, as opposed to blank or an abstention. An example of these instructions is available on our online appendix, available at [REDACTED].

Though many factions of the opposition campaigned in boycott, others questioned the coherency of the null vote campaign, suggesting the apparent unified front belied a fragmented opposition (*Leaders of Democracy* 2011). Though the opposition organized a conference in advance of the elections, leaders of various opposition sectors refrained from speaking publicly, and the only widespread conclusion was that the government should be opposed, without a clear plan to do so or a coherent national alternative. One Bolivian academic noted that the campaign to invalidate the judicial votes reveals these loose ties: rather than agreeing on a single and coherent message, each faction or party ultimately advanced their own approach to vote invalidation (including “We reject,” “Null,” “NO”, or writing in a message pertaining to a hot-button political issue of the day (Lorenzo 2011).

MAS party leaders appeared divided on the appropriate response to the null vote campaign.

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<sup>13</sup>The president of the OEP initially threatened penal action against one of the main opposition parties, Movimiento sin Miedo (Movement without Fear), though he was later publicly corrected by high ranking MAS affiliates. The president of the Chamber of Deputies, Héctor Arce, along with vice-President Álvaro García Linera, advertised that null and blank ballots were legitimate forms of democratic participation, and thus campaigning for the “NO” was within the opposition’s right protected by the constitution (“*No es delito*” 2011).

President Morales cast vote invalidators as “enemies of democracy, of the Constitution and against indigenous people and women, because more than 50% of the candidates are indigenous and female” (*El Presidente pide* 2011). He encouraged massive voter turnout, saying he hoped to repeat the massive show of electoral support his party enjoyed in recent years, appealing to key sectors of known MAS supporters including indigenous voters (*Evo acelera* 2011; *Morales pide* 2011). At the same time, the President of the Chamber of Deputies Héctor Arce and vice-President García Linera shied away from politicizing the election as popular referendum on the government, stressing instead the constitutional necessity of elections to choose new high court judges (*131 Votos* 2011). At one point in late July, Morales conceded that the direct elections may have been a risky political calculation, and perhaps an incorrect one at that: “This is the first time in Bolivia, that I know, that the people will elect authorities of the high courts. . . this is a bold move, in fact it may have been a miscalculation.” He admitted that elections would probably would not have been on the MAS agenda had they known they would win two-thirds of the Assembly seats (*Evo sugiere* 2011).

What would become evident is that the politically charged environment characterized by uncertainty and limited information would have an appreciable effect on voters’ participation in the judicial elections. Figure 1 presents a comparison of valid, null and blank votes across several electoral contests of the recent past. The average valid, null and blank votes for the judicial elections are listed in the far left column, along with each of the individual court contests listed as well. As a contrast, we have included the same figures for the valid, null and blank votes for the two national electoral contests preceding the judicial elections, which were held in December and January of 2009 and are typical rates of abstention and null voting in Bolivian electoral races. The contrasts are stark. In the two nationwide electoral contests prior to the judicial elections, the percentage of null votes typically hovered close to 2.5% with blank ballots accounting for 1.7% and 3.3% of the vote total, respectively. Overall, nearly 60% of the ballots cast in the judicial elections were null and blank ballots. Null and blank votes have not exceeded 13% in any election since 1980, and had not exceeded 7.5% invalid votes in the 20 years leading up to the 2011 elections.

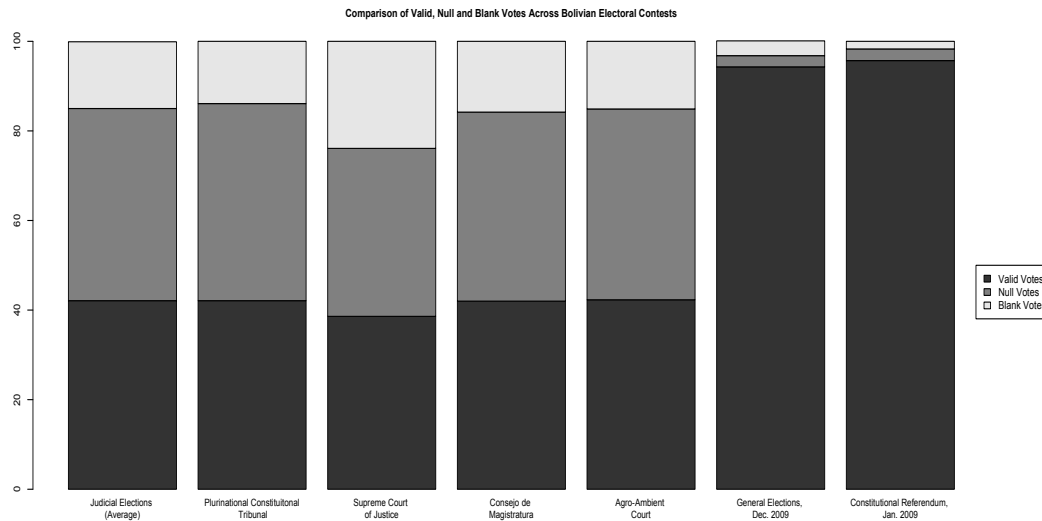


Figure 1: Comparison of Valid, Null and Blank Votes across Bolivian Electoral Contests, Judicial Elections compared to two previous national elections

As the results of the election were publicized, the MAS faulted the OEP and the lack of information for the widespread null voting. Chamber President Arce noted “The election was well organized, that is undeniable, but in the diffusion of information left much to be desired,” attributing the high levels of vote invalidation on lack of adequate information (*Para el oficialismo* 2011). President Morales emphasized the novelty of the election for Bolivian democracy and legitimacy of the courts, but acknowledged “this didn’t turn out how I hoped, how anyone would hope, that much we recognize” (Vacaflor 2011). Confessing his own difficulty at deciding amongst candidates, Morales cited his inexperience with the process and lack of knowledge of the candidates. Finally, he challenged the opposition to acknowledge they also had no claim to victory, pointing to the 45 percent of the population who cast valid votes: “They tried to politicize this process as a referendum on my administration, and in that they were unsuccessful.” Predictably, the opposition painted this as a resounding win, criticizing the process as illegitimate and called into question the legitimacy of the Morales administration.

## 2 Hypotheses

How do we explain the unprecedented levels of vote invalidation? The on going discussion points to a number of plausible hypotheses. On the one hand, it is indisputable that information was extremely limited in the inaugural judicial contest because candidates were prohibited from actively campaigning and the information that was provided to the public was standardized by the government. Extant scholarly research shows that ballot invalidation is more common in lower salience races, where voters may lack knowledge of candidates (Hall 2007; Wattenberg, McAllister and Salvanto 2000; Streb, Frederick and LaFrance 2009; Streb and Frederick 2009; McAllister and Makkai 1993; Power and Garand 2007; Power and Roberts 1995). Moreover, government leaders publicly faulted a lack of information as a possible explanation for the high number of invalidated votes, claiming that voters simply chose to null their ballots (or cast blank ballots) for lack of knowledge of particular candidates. As such, we expect that vote invalidation ought to correlate highly with circumstances that obfuscate the informational environment or undermine voters' ability to make an informed political choice. In particular, we expect that three factors—voters' access to information, their ability to understand that information, and the institutional features of the contest—affect the level of vote invalidation in a municipality.

First, voters' propensity to invalidate votes should be affected by the access to information. Here, voters' geographic location and socio-economic strata influence voters' informational environments. Because it is easier and less costly to disseminate information in urban environments, they tend to be hotbeds of political campaigning. In the Bolivian case, the OEP acknowledged that the voter information guides were not as universally distributed as they had intended, citing infrastructural obstacles that impeded the dissemination of voter information guides in some rural areas (*TSE admite* 2011). In addition, citizens' likelihood of exposure to this state-run informational campaign (some of which was also publicized via television and radio broadcasts) should be impacted by the relative accessibility of key information technologies, such as access to a radio, television or the internet. Voters who lacked access to these technologies would be at a comparative disadvantage to becoming informed, and thus may display higher rates of vote invalidation.

Even if voters have access to information, that information is only useful if they are able to understand it. Innumerable studies of political participation report (Wolfinger and Rosenstone 1980; Rosenstone and Hansen 1993; Powell, Jr. 1986) that more educated voters are more likely to vote on election day. Cross-nationally, literacy is correlated with lower rates of vote invalidations, because literate voters are assumed to be more capable of evaluating candidate quality and comparably less likely to inadvertently spoil their ballots (Power & Garand 2007). Likewise, this reasoning echoes the research of that finds that voters in the United States tend to vote less frequently for down ticket ballots (even when they have already cast votes for the more salient races on the ballot), due to a lack of information about candidates' positions and qualifications (Hall 2007; Wattenberg, McAllister and Salvanto 2000; Streb, Frederick and LaFrance 2009; Streb and Frederick 2009). In their study of state supreme court elections in the U.S. States from 1990-2004, Bonneau and Hall (2009) show that voters who are already at the polls on election day are more likely to cast votes for judges when they are educated and when the candidate has spent lots of money campaigning; in other research, Hall and Bonneau (2013) demonstrate that ballot roll-off is lower in races that featured attack advertising, in close races, and in states with a history of competitive judicial elections (see also Dubois 1980; Hall and Aspin 1987; Hall 2007; Hall and Bonneau 2008).

Finally, academic scholarship on vote invalidation in compulsory voting systems suggests that null and blank voting is more common in environments where institutional design increases the informational demands of voters. Building on the work of McAllister & Makkai (1993), Power & Garand (2007) report that vote invalidation is more common in systems in which many candidates are listed on the ballot, creating a comparatively noisy electoral environment. Likewise, Bonneau and Hall (2009) demonstrate that ballot roll-off is lower for judicial elections in which the candidates' partisan affiliations are listed on the ballot, thereby decreasing voters' informational needs (see also Hall and Bonneau 2008; Streb and Frederick 2009). For example, vote invalidations are more prevalent in countries that combine high district magnitude and open-list proportional representation, which incentivizes candidate entry such that they compete against co-

partisans for voters' attention. Even though campaigns were prohibited in Bolivia, differences in the electoral rules to elect jurists to the Constitutional Tribunal and the Supreme Court created drastically different informational requirements. In the Constitutional Tribunal race, voters were presented with a list of 28 candidates from which they selected their most preferred individual. Seats were allocated to the seven contestants who garnered the highest nationwide vote share, with the following seven candidates being selected as *suplentes*, or alternate judges (Driscoll & Nelson 2012). By contrast, voters selected jurists to the National Court of Justice based on department specific ballots that listed 3 candidates of each gender (except in the department of Pando, where only 2 candidates of each gender were listed). Voters cast two votes, selecting one man and one woman, and those candidates earning a plurality vote at the departmental level would be elected to serve on the Court of Justice. We posit that the sheer number of candidates and the national orientation in the Constitutional Tribunal race would create higher informational demands on voters. As such, if vote invalidation is driven by voters' variable informational obstacles, we ought to observe higher rates of vote invalidation in the Constitutional Tribunal race as compared to the Supreme Court contest.

With the aforementioned informational considerations in mind, we hypothesize the following:

H1: Vote invalidations will be more prevalent in areas with high rates of illiteracy.

H2: Vote invalidations will be less common in urban environments.

H3: Vote invalidations will be more common in areas where access to communication technologies, such as radio or television, is relatively scarce.

H4: Vote invalidations will be more common in the Bolivian Constitutional Tribunal contest as compared to the Bolivian Supreme Court.

Beyond informational explanations, political explanations for vote invalidation are also present.<sup>14</sup> In particular, voters were encouraged to cast a null vote by members of the political opposition,

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<sup>14</sup>Research (e.g. Abramson and Aldrich 1982) has suggested that partisanship can reduce the costs of voting (and

though it is unclear what effect this mobilization effort had in practice. While some opposition parties encouraged voters to invalidate their ballots, political commentators observed that the opposition remained fragmented, somewhat incoherent, and was unable to coordinate behind a single coherent campaign banner to boycott the elections. Irrespective of the efforts of the opposition's campaign, academic scholarship suggests that blank and spoiled voting is commonly a sign of protests, especially in systems where voting is compulsory (McAllister and Makkai 1993; Power and Garand 2007; Power and Roberts 1995). These authors also explore the possibility that voters' invalidate their ballot to express their dissatisfaction with the government regime. For their part, Power & Garand (1995) report that vote invalidations increase with levels of civil violence, and with voters' retrospective evaluation of government performance. Conversely, we would expect that known government supporters—those who are ostensibly more supportive of the current government—would be less likely to invalidate their ballots by casting a null or blank ballot. With this reasoning in mind, we hypothesize the following:

H5: Vote invalidations will be inversely related to the strength of MAS candidates who competed in the previous elections.

H6: Vote invalidations will be more common in opposition strong holds of the *Media Luna* departments.

Notably, we include here a key covariate that could be informative for either causal story we just described. Specifically, characteristics of *Indigenous* voters could work to bolster or undermine municipal rates of vote invalidation in the following two ways. On the one hand, individuals who self-identify as indigenous may also be those for whom Spanish is a second language. Indeed, the percent of the population who speak only Spanish and the percentage of the population that self-identifies as indigenous is correlated at  $-.87$ . As such, we may expect higher levels of vote invalidation due to linguistic differences, which may have made the voter information guides more

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thereby increase political participation) by providing informational shortcuts to voters. We note that the 2011 Bolivian elections were nonpartisan elections in which candidates' party affiliations did not appear on the ballot and thereby could not reduce the costs of voting in this way.



difficult to comprehend. On the other hand, the indigenous voters are a known source of electoral support for the MAS party, and President Morales made explicit appeals to indigenous communities in advance of the judicial contest. For that reason, we might expect that voters that reside in communities with high concentration of auto-identifying indigenous people would be more likely to cast a valid vote, as a show of support for the MAS party. For the purposes of the analyses here, we are agnostic regarding the causal story, but acknowledge that in practice this coefficient could go either way. As such, we advance the following two hypotheses. Consistent with the claim that informational scarcity generated higher levels of vote invalidations, we hypothesize the following:

H7: Vote invalidations will be more common in indigenous communities, where non-Spanish speaking populations are concentrated.

On the other hand, our other hypothesis pertaining to indigenous communities is consistent with the theory that null and blank voting was made primarily in protest.

H8: Vote invalidations will be less common in indigenous communities, who tend to support the MAS party.

### **3 Outcome and Explanatory Variables**

The ideal data to assess these hypotheses would be individual-level data on voters' partisanship, demographic information, voters' random assignment into categories to receive information or a boycott campaign message, and voters' subsequent behavior on election day. Unfortunately, individual-level vote data is not available, and much of the campaign efforts to nullify the votes operated clandestinely to avoid sanction from the OEP. Short of the experimental ideal, we evaluate our hypotheses using two sources of publicly available data. First, we examine aggregate voter participation with with known parameters of voters' social and political demography taken from the Bolivian census. We then turn to individual-level public opinion data that was collected five months following the October judicial elections to provide some additional external validity to our analysis of aggregated electoral data (LAPOP 2012).

Our first outcome of interest is the percentage of null and blank votes cast by Bolivians as a percentage of total votes cast in the race for the Constitutional Tribunal and the Supreme Court. The data were collected from OEP's website shortly following the judicial elections, and is disaggregated to the level of the municipality. To create our outcome variable, we combine the total number of null and blank votes and divide that number by the number of votes cast in the municipality, generating an interval ranging from 11.74 to 85.32, with a theoretical minimum of 0 and a maximum of 100.<sup>15</sup> This data is roughly continuous with a median of 43.73 and a mean of 47.59 for the Constitutional Tribunal contest, with a mean and median of about 50% for the Supreme Court race.

Figure 2 presents a geospatial distribution of the percentage of invalidated votes across the country, with darker shades corresponding to higher rates of vote invalidation. Some noted patterns emerge. First, the darkened regions of the *Media Luna* departments show that voters in the departments of Beni, Pando, Santa Cruz and Tarija—regions which are typically enclaves of the opposition—invalidated their ballots at a higher rate than those in the Andean highland regions. This may lend some credibility to the protest vote hypotheses, but we cannot interpret this as wholesale given the rural and remote locations of many municipalities in these areas. Further, though the *Media Luna* departments are typically opposition enclaves, the MAS has still had an extremely strong electoral showing in municipal and national electoral contests. As such, a closer look at the sub-departmental variation at vote invalidation rates is critical for disentangling multiple and potentially countervailing effects.

Though the raw data is suggestive, we must take a multivariate approach to control for possible confounding factors and competing explanations. To compile our explanatory variables, we turn to municipal level data taken from two primary sources. We pair municipal level election returns with municipal level measures of ethnic and linguistic concentration, illiteracy rates, and house hold survey information on rural location and household technologies. First, we compiled

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<sup>15</sup>Though the rate of abstentions in the judicial elections were also unusually high, we do not include uncast ballots in our empirical analysis here. As with the rates of blank and null voting, rates of abstention were also much higher than over previous electoral contests.

### Spoiled Vote Share, Judicial Elections 2011

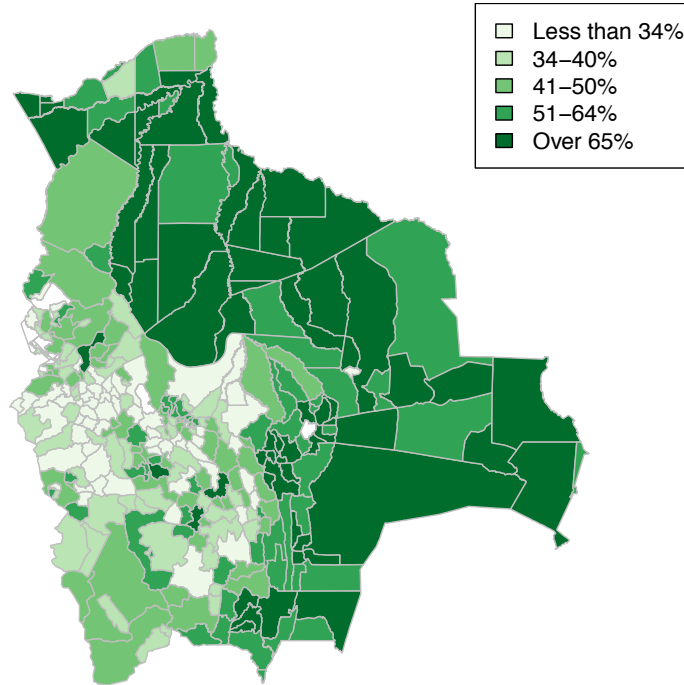


Figure 2: Distribution of Spoiled Vote Share

municipal demographic data from the Bolivian census of 2001.<sup>16</sup> Second, we collected municipal level election returns from the mayoral elections held in 2010 and municipal election returns from the 2009 Constitutional Referendum, both of which data were taken from the Electoral Atlas of Bolivian Elections, 1979-2010, available on the website of the OEP (Órgano Electoral Plurinacional 2010).

As discussed above, our hypotheses can be organized into two alternative explanations of

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<sup>16</sup>The 2012 Bolivian Census was recently completed and results are still forthcoming. The 2001 Census is the most recent nationwide demographic data available. We were able to match the census data to the electoral returns data in 329 of the total 338 total municipalities for which the judicial electoral data is available. The remaining municipalities could not be matched due to electoral redistricting that took place in 2010. For these districts we substituted the average demographic data of the province and our results are robust to their exclusion. For electoral returns from previous races, there were three municipalities for which no information was available for the % spoiled ballots in the 2010 mayoral contest. Finally, we are missing electoral returns for two municipalities in the Supreme Court race.

vote invalidation. The first pertains to informational scarcity, positing that voters who were relatively privileged in their informational environment would be more likely to participate by casting their ballot for a particular candidate. To evaluate these hypotheses, we collected data to proxy for voters' literacy and the institutional environment in which they cast their ballots. We use municipal *Illiteracy Rates* as a predictor of individual voter literacy, such that where *Illiteracy Rates* are relatively high, voters may be less able to evaluate the voter profile that the OEP circulated in advance of the election. This variable has a theoretical range from 0 to 100, with a minimum of 3.20, a maximum of 79.8 and mean, median and modal values around 20%. Next, we measure the extent to which municipalities were relatively *Urban*, based on the percentage of homes with access to running water. The high concentration of homes in cities mean urban environments provide basic resources at a much lower cost, and higher population density of urban environments would also diminish the cost of becoming informed. In addition, we include this measure to assess the potential nonrandom distribution of campaign information to rural areas (*TSE admite* 2011). Our measure of homes with running water, ranges from 0.34% to 96.35% with a median of 48.28%, and is highly correlated with alternative measures of the urban/rural divide such as access to electricity. Next, we include the percentage of homes with *Radio Access*.<sup>17</sup> In our data, *Radio Access* ranges from 25.56% to just over 90%, with mean and median values approximating 65%. Finally, to assess the impact of electoral institutions on rates of vote invalidation, we compare the rates of null and blank voting for both the Bolivian Constitutional Tribunal race and the race to elect judges to the Bolivian Tribunal of Justice. Differences in electoral rules across these two contests would lead us to expect that voters would be more prone to spoil their ballots in the Constitutional Tribunal race, due to the high informational requirements that a high number of candidacies might impose.

To evaluate our hypotheses that vote invalidation was primarily made in protest, we compiled

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<sup>17</sup>Notably, there are lots of different ways we could measure these concepts of interest, including percentage of homes with cellphones, televisions, electricity or computers. In practice, all of these variables are highly correlated which prohibits the inclusion of many at one time due to concerns of multicollinearity. We opt for the variable *Radio Access* for conceptual and practical reasons: it is highly correlated with alternative measures, it has the highest level of non-missingness in our data, and it is the option which would bear the least amount of monetary costliness.

several measures. Our key independent variable of interest is the effect of the partisan character of the municipality, which we measure as the percentage of the municipality that voted for the MAS candidate in the most recent (2010) mayoral elections (Órgano Electoral Plurinacional 2010). This variable ranged from 1.4% to 100%, with the modal values approximating 50%, and we take this variable as the primary measure of a *Government Stronghold*. Also, as Bolivian politics scholars have noted, deeply-held political cleavages, caused in part by the indigenous composition of these geographic areas, divide the eastern and western halves of the country (Alpert, Centellas and Singer 2010; Centellas 2009; Dunkerley 2009). These tensions have the potential to confound our results pertaining to voters' affinity (or antipathy) for the MAS party. To assess the extent to which these cleavages influenced the rate of vote invalidation, we include a dichotomous variable, coded '1' if the district is in the eastern half of the country (known to Bolivians as the 'half moon' or *Media Luna*). 101 of the 340 municipalities in Bolivia lie in the *Media Luna* departments.

To account for the impact of indigenous identification on the rates of vote invalidation, we include a measure for the *% Auto-ID Indigenous* of the municipality also taken from the 2001 Bolivian census. Please recall that we are open to the possibility that this variable could support either of the arguments describe above. On the one hand, indigenous voters may be more prone to vote invalidation due to possible linguistic obstacles that may interfere with the voters' comprehension of the OEP information materials. On the other hand, indigenous voters are a known source of electoral support for the MAS party, and one to which the President appealed directly in advance of the elections. This variable is continuous on the interval from 0 to 100, with a minimum of 1.538, a maximum of 100, a mean of 71.180 and a median of 88.180. Finally, to address the possibility that districts may differ in their baseline level of spoiling ballots, we also include the percentage of ballots that were spoiled in the 2010 mayoral elections. This variable ranges from 1.85% to 53.23% with a median of 12.66%. Please note that we include summary statistics of these explanatory variables as well as their correlation matrix in the data Appendix.

Because our outcome variable, the proportion of spoiled ballots, is continuous on the unit interval, we multiplied the proportion of spoiled votes by 100 and estimate a linear regression.

Whereas our outcome variable does not support values out of the (0,100) range, we acknowledge the limitations of using a linear regression. However, we justify the usage of the ordinary least squares model based on the fact that no predicted values from the model come close to leaving the (0,100) interval, and we receive substantively similar results when we use a logistic transformation to ‘unbound’ the data from the proportional (0,1) interval. For the purposes of transparency, we include the results based on a log-odds transformation of our outcome variable in the Appendix. Also, our results are also robust to estimation via Poisson rate GLM models as well as multilevel models which include random effects for the province. As such, we opt for ordinary least squares for its straightforward interpretation and substantively intuitive results. Additional parameterizations are available upon request.

## 4 Results

	Constitutional Tribunal	Supreme Court	Mayoral 2010	Constitutional Referendum
<b>Informational Scarcity Hypotheses</b>				
Municipal Illiteracy	−0.19* (0.05)	−0.24* (0.05)	0.06* (0.03)	0.05* (0.01)
Urban (% homes with running water)	0.06* (0.03)	0.16* (0.03)	−0.01 (0.01)	0.00 (0.01)
Radio Access	−0.00 (0.05)	−0.08 (0.05)	0.03 (0.02)	0.04* (0.01)
<b>Protest Vote Hypotheses</b>				
Government Stronghold	−0.13* (0.03)	−0.23* (0.03)	0.05* (0.01)	
Media Luna	15.38* (2.11)	11.19* (2.06)	−3.31* (0.98)	−1.12* (0.38)
% Auto-ID Indigenous	−9.98* (2.95)	−5.89* (2.89)	4.56* (1.37)	−2.01* (0.55)
<b>Controls</b>				
% Spoiled vote share, 2010 Mayoral	0.15 (0.12)	0.48* (0.12)		
Employment Rate	−0.53* (0.09)	−0.49* (0.09)	0.06 (0.04)	−0.04* (0.02)
Intercept	76.49* (6.50)	78.07* (6.40)	2.84 (3.11)	4.43* (1.21)
<i>N</i>	335	333	335	322
<i>R</i> <sup>2</sup>	0.66	0.63	0.42	0.24
adj. <i>R</i> <sup>2</sup>	0.65	0.62	0.40	0.23
Resid. sd	9.74	9.58	4.67	1.82

Standard errors in parentheses

\* indicates significance at  $p < 0.1$

Table 1: Results of linear regression. The outcome variable is the percentage of *spoiled ballots* for each electoral contest, and the unit of analysis is the municipality.

Table 1 presents the results of our multivariate regressions to assess the municipal rate of vote invalidation for the Constitutional Tribunal and the Supreme Court. As a baseline of comparison, we also present models of the vote invalidation rates for two previous electoral contests, the mayoral elections of 2010 and the nationwide constitutional referendum of 2009. Looking first at model fit, we see that our first two models fit the data fairly well and are able to explain about

two-thirds of the variance in the outcome variable, though this measure of fit is notably lower for the models of vote invalidation under comparably ‘normal’ circumstances of the other electoral contests.

On the whole, these estimates provide little support for the theory that vote invalidation in these elections were related to informational scarcity. Though we expected illiteracy to be positively correlated with vote invalidation, we find that municipalities with higher concentrations of illiterate voters reported much lower rates of vote invalidation and this effect is statistically significant from zero. Substantively speaking, an inter-quartile increase in the percentage of literate residents in a municipality is associated with about a 19% decrease in the percentage of invalidated votes cast in the judicial elections. Similarly, though we expected that vote spoiling would be more common in rural districts due to a lack of penetration of the state run informational campaign, we find the opposite to be true. Our results suggest that vote invalidation was actually more *common* in urban environments, despite what we would expect to be a relatively high quality informational environment. Though we cannot ascertain as much with the data we have here, it is also possible that the opposition campaign was more effective in urban environments, where clandestine campaigning would have been relatively common. Finally, though we anticipated that the plethora of candidates (N=28) in the Constitutional Tribunal race would make for a more complicated decision making environment, contrary to our expectations, vote invalidations were actually more common in the departmental races to select candidates to the Supreme Court, as noted in the intercepts for the two models. However, the difference between model intercepts is not statistically significant. Finally, we find no evidence that access to media via radio resulted in more or less vote invalidations.

By contrast, we have substantial evidence to support the protest vote hypotheses. The coefficients for the *Government Stronghold*, *Media Luna* and *% Auto-ID Indigenous* variables are in the hypothesized direction and are statistically different from zero in both electoral contests. Moreover, the large coefficients for *Media Luna* and *% Auto-ID Indigenous* conveys a huge substantive effect for both of these two variables. Here, we count *% Auto-ID Indigenous* as additional evidence of a



protest vote, in light of indigenous voters' historical support for President Morales and the MAS. Where either MAS supporters or indigenous populations are known to be concentrated, reported levels of vote invalidation declined, suggesting that voters who favored the government were more prone to valid participation in the judicial elections. To illustrate the substantive magnitude of these effects, Figure 3 plots the predicted percentage of spoiled ballots by *Government Stronghold* and *Media Luna* in the left-hand panel and the predicted percentage of spoiled ballots by *Percent Indigenous* and *Media Luna* in the right-hand panel. As discussed above, both coefficients are negative indicating an inverse relationship between these characteristics and the percentage of spoiled ballots. Impressively, across the range of values that these two variables take in the model, Figure 3 illustrates the relatively large size of each of these two effects. Also importantly, the gap in spoiled ballots between those municipalities in the *Media Luna* and the Andean departments is particularly large; there is approximately a 15% gap in spoiled ballots between *Media Luna* departments and those in the rest of the country.

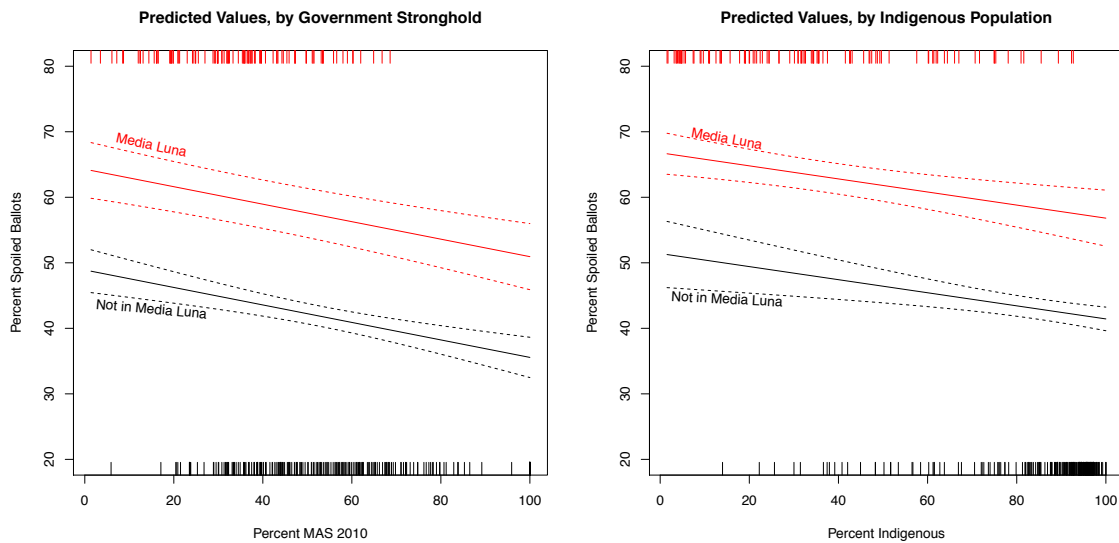


Figure 3: Predicted percentages of spoiled ballots by residence in Media Luna, support for the MAS party, and percent indigenous. These predictions come from the model of vote invalidation for the 2011 Constitutional Tribunal elections (the first column in Table 1).

Considering these results in comparative context provides additional support for the protest vote hypotheses. To this end, we compare the rates of vote invalidation to the municipal level

rates of vote invalidation in two previous electoral contests, the mayoral elections of 2010 and the nation wide referendum to approve the constitution held in January of 2009. The results from these regressions are summarized in the third and fourth columns of Table 1. Not only are the baseline rates of ballot spoilage substantially higher in the judicial elections (as evidenced in the Intercepts in each equation), but several explanatory variables that typically predict valid voting under normal circumstances were among the strongest predictors of vote invalidation in the judicial elections. Importantly, the municipal *Illiteracy Rate*, *Percent Indigenous*, and *Government Stronghold* are also statistically significant predictors of the rate of ballot spoilage, though the direction of their effect switches entirely under normal electoral circumstances. In the non-judicial elections, ballot spoilage was highest among MAS-leaning, illiterate, and indigenous municipalities outside of the *Media Luna* region—the very same municipalities that were associated with *low* ballot spoilage in the judicial elections. In other words, vote spoilage was highest among supporters of the majority party in the nonjudicial elections while, in the judicial elections, vote invalidation was highest in areas with lesser support for the majority party. The fact that the direction of this effect switched for the judicial elections provides substantial support for the theory that vote invalidation in the 2011 judicial elections was largely an act of political protest. The differences between the coefficients in the judicial elections and the earlier elections are statistically significant, which we assess via standard difference of means t-tests.

Finally, a noted limitation of our analysis is that we run the risk of an ecological fallacy by inferring individuals' behaviors and attitudes based on their membership to a particular group; in our case we lean on municipal level characteristics to impute voters' characteristics and behavior (King 1997; Tam Cho & Gaines 2002; Calvo & Escobar 2003; King, Rosen & Tanner 2004). As we mentioned before, the ideal data for testing our claimed causal story would be via experimental design, including a randomized treatment effect of variable information exposure. Short of this ideal, we corroborate our aggregate vote share analysis using individual-level data taken from a nationally representative public opinion survey conducted five months after the judicial elections. The Latin American Public Opinion Project (LAPOP) is administered by USAID, the Inter-American

Development Bank, the United Nations Development Program in conduction with Vanderbilt University, and are nationally and regionally representative public opinion surveys. The 2012 wave of the Bolivian survey was administered in March and April of 2012 in face to face interviews. The sampling error for 2012 wave of the Bolivian surveys is estimated to be 1.8%.

Included in the 2012 LAPOP surveys were a battery of questions regarding respondents' reported participation in the recent judicial elections, directly asking if they voted for a candidate or cast a null or blank ballot. We use this measure to create a dichotomous variable, *Spoiled Ballot*, which we regress on a variety of covariates that correspond to both our informational and protest vote hypotheses.<sup>18</sup> Because the dependent variable is dichotomous, we employ logistic regression. Our explanatory variables are also taken from the LAPOP household survey data, and include respondent education, access to news, whether the respondent is a native Spanish speaker, partisanship, support for the current administration, ethnic identity, and a *Media Luna* resident.<sup>19</sup> The results from this regression are presented in Table 2, and largely corroborate our results from the municipal level data: whereas informational scarcity appears to have had little impact on voters' intentional invalidation of their ballots, political attitudes appear determinant.

Regarding our Informational Scarcity hypotheses, only respondent *Education* approaches conventional levels of statistical significance, though the direction of the coefficient is contrary to what theory would lead us to expect. The reduced model of individual-level data suggest that, strikingly, the likelihood of vote invalidation *increases* with respondent education. In other words, more highly educated respondents were more likely to report invalidating their ballot, all other things held equal. Notably, this coefficient cannot be differentiated from zero when other control

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<sup>18</sup>Notably, self-reported measures of political participation are known to be complicated by measurement error, which many authors attribute to social desirability bias in survey research (Katosh and Traugott 1986; Silver, Anderson and Abramson 1986; Burden 2000; Granberg and Holmberg 1991). This bias may be especially problematic given the sensitive nature of our outcome of interests—though casting a spoiled ballot is technically a legal form of participation, respondents may have been reluctant to reveal this behavior for fear of public shaming. We acknowledge these difficulties, and use the individual survey data to complement our aggregate analyses to mitigate the shortcomings of each type of data. Aggregate data is revealed behavior not marred by social desirability bias, while individual level surveys is appropriately disaggregated so as to avoid ecological fallacies in inference.

<sup>19</sup>A broad literature identifies the correlates of public trust in judicial institutions, emphasizing the importance of public awareness, political attitudes and other opinions regarding politics, democracy and the rule of law. Drawing on this research, we also include a number of controls in the second model of Table 2. We provide a discussion of the explanatory variables and controls in the Appendix.

	Self Reported Spoiled Ballots	Self Reported Spoiled Ballots
<b>Informational Scarcity Hypotheses</b>		
Education	0.04* (0.01)	0.01 (0.02)
News Frequency	-0.03 (0.08)	0.02 (0.09)
Rural	-0.05 (0.13)	-0.00 (0.15)
Spanish	0.40* (0.15)	0.28* (0.17)
<b>Protest Vote Hypotheses</b>		
MAS Partisan	-1.52* (0.23)	-1.29* (0.25)
Morales Support	-0.62* (0.08)	-0.40* (0.10)
Auto-ID Indigenous	-0.17 (0.15)	-0.17 (0.16)
Media Luna	-0.06 (0.14)	-0.19 (0.16)
<b>Controls</b>		
Democratic Values		-0.16* (0.03)
Institutional Confidence		-0.06* (0.02)
Procedural Justice		0.08* (0.04)
Age		-0.014* (0.01)
Gender		0.20 (0.13)
Intercept	1.78* (0.43)	3.51* (0.65)
<i>N</i>	2095	1704
Prob > <i>F</i>	0.00	0.00

Standard errors in parentheses

\* indicates significance at  $p < 0.05$

Table 2: Results of logit model of self-reported ballot invalidation in the 2011 judicial elections.

variables are included.

Instead, a number of coefficients support the causal story implied by our protest vote hypotheses. MAS supporters and respondents who were supportive of President Morales were sys-

tematically less likely to have invalidated their ballot, just as the municipal level data suggested. Both of these variables are in the expected negative direction and are statistically differentiable from zero; both the substantive and statistical relationships are robust to the inclusion of a number of controls. Notably, partisanship and Presidential approval appear determinant: assuming a base-line odds of ballot spoilage to be approximately 33.42, the comparable odds for a self-identified MAS affiliate is only about 9.15. Similarly, for every incremental increase in a respondents' support score for President Morales, the odds of ballot invalidation decrease by about 9%. In sum, these estimates taken from individual-level data support the hypothesis that Bolivian voters invalidated their votes in protest, and provides an important external validity check to our aggregate analysis of the electoral returns.

## **5 The Impact of the Protest Vote: Public Confidence in Judicial Institutions**

Our finding that vote invalidation in the 2011 judicial elections was primarily an act of political protest, raises an additional question: if many Bolivians refused to vote in the elections, did their action signal any downstream effects on the legitimacy of the Bolivian judiciary? We now turn to the question as to the impact that the direct election of judges and the protest vote may have had on the public confidence in the judiciary and judicial institutions. Weak public confidence was an oft-cited motivation for reforming the high courts, with would be reformers touting judicial elections as the best way to restore the institutional legitimacy of the courts and “democratize” the justice system. In light of the contentious environment in which the elections took place, it is worth probing what effect—if any—the elections had on public confidence in the courts.

A prominent explanation of public confidence in judicial institutions is public awareness of high courts, which is generally shown to be positively associated with public goodwill. Absent knowledge of the court, public trust in judicial institutions appears to be primarily shaped by respondents' commitment to other normative viewpoints, including partisanship (Dolbeare and Hammond 1968), commitment to democracy or attitudes regarding the rule of law (Caldeira and Gibson 1995). A long research tradition in the United States demonstrates that, irrespective of

policy attitudes or specific evaluation of court performance, awareness of the high court is generally correlated with increased trust in the judiciary (Kessel 1966; Dolbeare and Hammond 1968; Tanenhaus and Murphy 1981; Gibson and Caldeira 1992*a,b*).<sup>20</sup> Most recently, Gibson & Caldeira (2009) combine national survey data on public awareness and attitudes towards the court and report that not only are Americans much more knowledgeable of the court than previously suspected, but that this knowledge is positively correlated with supportive attitudes towards the courts. Notably, the authors argue that it is legal pomp and circumstance that sets courts apart from other institutions in the public's eye: judges and courts are presented in an a way that highlights their uniquely apolitical, judicial role, and the public differentiates the work of courts and judges from that of other political institutions (Gibson, Caldeira and Baird 1998).<sup>21</sup>

Comparative correlational studies largely corroborate these findings: Gibson, Caldeira and Baird (1998) describe that European citizens' willingness to support institutional changes of courts is directly related to their level of political awareness and satisfaction with institutional performance, which the authors interpret as evidence that public esteem for high courts may impede encroachment by increasing the cost of threats to judicial independence.<sup>22</sup> This evidence of a notable "positivity bias" in public knowledge of courts lead one scholar to claim that "to know courts is to love them" (Gibson, Caldeira and Baird 1998). Given that the electoral process served to increase attention to the Bolivian judiciary, at least for some period of time, this research suggests that the implementation of judicial elections should be associated with an increase in public confidence (see, for e.g., Gibson 2012).

With the information environment in mind, scholars have taken the cultivation of public

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<sup>20</sup>While the two concepts are related, confidence in the judiciary (the concept we address) differs markedly from the legitimacy of judicial institutions (Gibson, Caldeira and Spence 2003; Smith 1981). In particular, Gibson, Caldeira, and Spence (2003) demonstrate that, while legitimacy encompasses long-term evaluations of the institution's diffuse support, public confidence encompasses both long-term and short-term evaluations. Since we are interested in shifts in support in the short-term brought about by the implementation of the elections, an evaluation of public confidence is appropriate. We leave the exploration of judicial elections' impact on high court legitimacy for future research.

<sup>21</sup>The authors suggest public exposure to key legitimizing symbols as the key causal mechanism, such as the wearing of judicial robes, the formal arena of the court room which the judge is tasked with managing, and the use of prestige-granting language, such as "Your honor" (see also Gibson et al. 2012).

<sup>22</sup>Notably, Salzman and Ramsey (2012) contend that the opposite may be true for Latin American publics, where judicial malfeasance is a more common criticism. The authors reason (and find evidence to support) that more educated publics expressing more distrust for courts.

esteem as a primary goal of judges, whose professional ambitions motivate them to grow the institutional prestige of their courts by maintaining public confidence (Caldeira 1986; Staton 2006; Clark 2010). Clark contends that Supreme Court justices interpret Congressional attacks on the Court as a signal of waning public confidence, and subsequently restrain their judicial decisions in defense of their institutional prestige (Clark 2010, 2009). Similarly, Staton considers Mexican Supreme Court justices' efforts at publicizing key decisions, suggesting they do so strategically in the hopes of bolstering public awareness and institutional support (Staton 2010, 2006). At the same time, by casting the question of public confidence as a personal concern of judges, this literature identifies conditions under which judges may prefer *less* public awareness. Importantly, Staton's work elucidates the possibility that judges may also benefit from relative obscurity, especially when public monitoring of interactions between courts and the government would corrode the impression of judicial impartiality (Staton 2010). Though awareness may expose the public to legitimizing symbols, Gibson & Caldeira (2009) acknowledge that the positive or negative evaluation is dependent on the source and orientation of the informational signal they receive (Gibson and Caldeira 2009*a,b*). Though courts and judges may benefit by some enhanced publicity, the relative obscurity of their decision making process can also advantage judges to some extent, shielding their true motivations behind the veil of judicial procedure and apparent objectivity (Staton and Vanberg 2008).

What might this research suggest about the impact of the inaugural judicial contest on public confidence in the Bolivian high courts? In light of the plethora of evidence that public awareness is correlated with public trust in court, we consider the judicial elections a quasi-experimental "shock" to Bolivian's public awareness of the courts which we expect to differentially impact public confidence in judicial institutions. Indeed, weak public confidence in the high courts was an oft-cited motivation to justify their reform, though elites also suggested that lack of public knowledge of the courts was to blame for the general skepticism and malaise (de la Parra 2010; Veltzé 2010). In this inaugural contest, the national high courts were thrust into the spotlight, which may have influenced public awareness, for better or for worse. On the one hand, government advocates

of the elections posited that the direct election of judges would bolster the public's confidence in the judiciary, owing to the legitimacy derived from the "electoral connection", and the atypical electoral environment—devoid of all campaigning, party labels and party competition—may have called citizens' attention to the uniqueness of judicial officers and institutions in the broader political landscape (Gibson and Caldeira 2009*b*). It is equally possible however, that given the extremely high rates of ballot invalidation and apparent public dissatisfaction with the process, this increased exposure to the courts had an adverse impact on public evaluation of the courts.

We consider the effect that the direct election of judges had on the relationship between public awareness and public confidence in the justice system and the Bolivian Supreme Court. Our data on public confidence in the national judicial system and the Supreme Court come from the AmericasBarometer data which we describe in more detail in our data Appendix. Here we focus on public confidence in the Supreme Court and the justice system in 2008 (one year preceding the adoption of the new constitution) and in 2012, approximately 6 months following the judicial electoral contest. The outcome variables of interest are the questions pertaining to citizen confidence in the justice system generally, as well as in the Supreme Court in particular. In both cases, respondents were asked to describe their confidence in the respective judicial institution, ranking their confidence from 1 to 7, with lower values corresponding to weak or non-existent confidence, and 7 indicating a very high level of confidence. In addition, the 2012 wave of the AmericasBarometer survey contained several questions pertaining to respondents' participation in the judicial elections that occurred only five months prior to the survey. Specifically, voters were asked if they participated in the judicial elections, and if they did, if they voted for a candidate or cast a null or blank ballot. As such, we include an indicator for *Spoiled Ballot* in the 2012 regression, to assess the possibility that voters who openly spoiled their ballots would subsequently be more distrustful of judicial institutions.

Figure 4 shows the distribution of both of these variables across the two years of interest here. In both cases, the median and modal values of public confidence declined from 2008 to 2012; these differences are statistically significant. Both in terms of public confidence in the justice system and



the Bolivian Supreme Court, public trust appears to have declined following the judicial elections. Though restoring public confidence in the judiciary was an original motivation for reforming the courts in the first place, the short term effects of moving to an elective system appear to have had the opposite effect.<sup>23</sup>

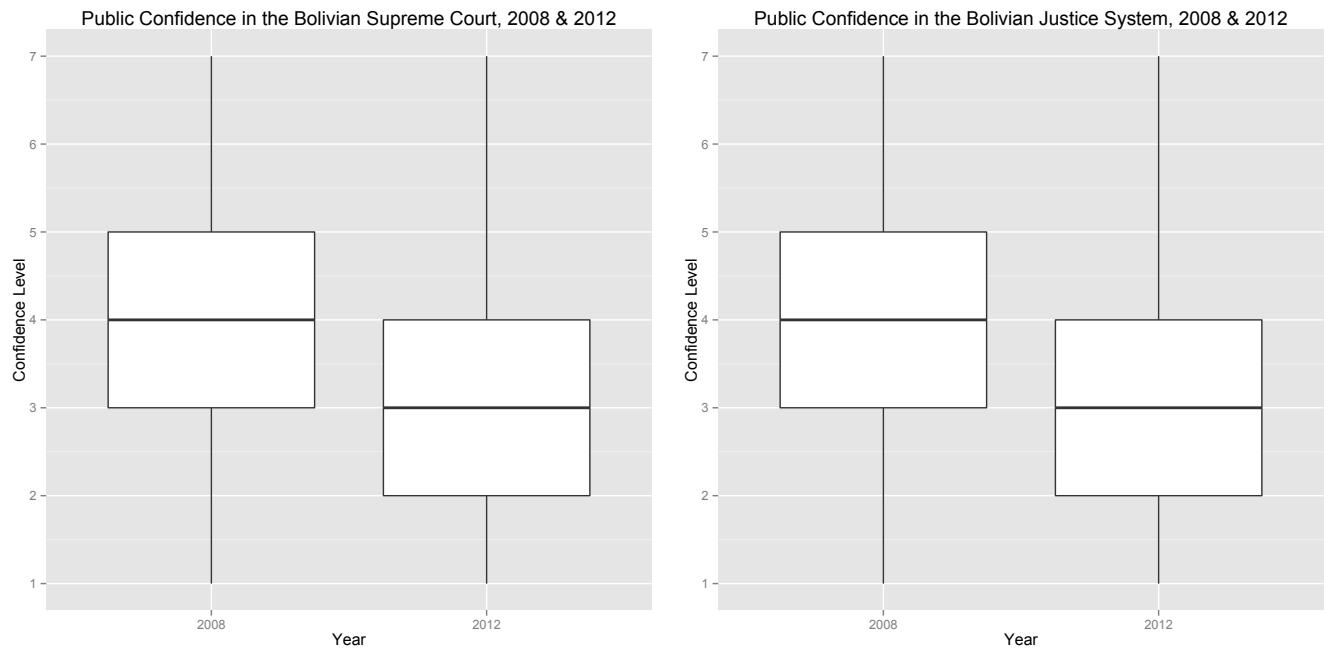


Figure 4: Public Confidence in the Supreme Court and Justice System, 2008 & 2012

Though these descriptive statistics are suggestive, further analysis is required to probe the nature of these opinions and evaluate the empirical correlates that explain their variation. We draw on additional data from the LAPOP data set, described in more detail in the data appendix. To evaluate the differential effect of public knowledge before and after the elections, we include a number of covariates to capture the education and sophistication of respondents, as well as their previous experience with the courts. Specifically, we include variables for respondents' ratings of

<sup>23</sup>In the U.S. case, it is often assumed that the direct election of judges will undermine public confidence in judicial institutions. Empirically speaking, evidence in this regard has been mixed. For example, Benesh (2006) offers evidence that directly elected judges in the U.S. are met with less confidence than those who arrive at the bench via legislative or executive appointment procedures, a finding that is echoed in the work of (Cann and Yates 2008). On the other hand, Gibson uses survey experiments to probe public confidence across variable campaign and electoral environments, finding that even highly contentious electoral environments have little impact on public confidence in judicial institutions. This provides preliminary evidence that the campaigns involved in the direct election of judges serve an important informational role for citizens, one that might actually serve to bolster public confidence in courts.

*Prior Experience* with the justice system, a dummy variable coded a ‘1’ if the respondent reported having been involved in common litigation in the past 12 months. In line with extant research, (e.g. Benesh 2008) we would expect that previous experience with courts would lead to more trusting attitudes towards the Supreme Court and justice system.<sup>24</sup> We also include a measure of formal *Education*, which is simply the self-reported years of schooling of each respondent. We include a composite measure to capture the frequency with which respondents’ reportedly read, heard or watched the news.

To assess the impact of political explanations, we include both a measure of *Morales Support*, a composite measure based on respondents’ evaluations of the current governmental administration. Based on our analyses of the protest vote, we expect that *Auto-ID Indigenous* and *Media Luna* would also have some predictive power if the public’s attitudes are primarily structured by political considerations. Finally, extant literature advances a host of possible explanations for which we must control, most prominently attitudes pertaining to support for democracy, perceived personal security and public confidence in political institutions more generally.

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<sup>24</sup>Notably, the question which asked respondents’ experience with the justice system in the past year was part of a battery of questions probing incidents of corruption. Respondents were asked if they had any experience with a particular governmental institution, and if the answer was yes, they were then asked if they had been solicited to pay or had in fact paid a bribe for said government service. To construct our variable, we coded *Prior Experience* as a ‘1’ for the respondents who answered in the affirmative to the first part of the question. We discuss possible limitations of this variable in our data Appendix.

	2008	2008	2012	2012
	Supreme Court	Justice System	Supreme Court	Justice System
<b>Court Awareness Hypotheses</b>				
Court Experience	0.06 (0.12)	0.02 (0.14)	-0.20* (0.11)	-0.09 (0.11)
Education	0.01 (0.01)	0.00 (0.01)	0.00 (0.01)	0.01 (0.01)
News Frequency	-0.03 (0.08)	0.05 (0.07)	0.06 (0.09)	-0.11 (0.08)
Political Interest	0.08 (0.05)	0.08 (0.05)	-0.02 (0.07)	0.04 (0.06)
<b>Political Affiliation Hypotheses</b>				
Morales Approval	-0.19* (0.06)	-0.12* (0.07)	0.18* (0.09)	0.07 (0.10)
Auto-ID Indigenous	0.26 (0.15)	-0.10 (0.16)	0.26 (0.13)	-0.11 (0.11)
Media Luna	0.37* (0.11)	0.55* (0.11)	0.25* (0.13)	0.29* (0.03)
Spoiled Judicial Ballot			-0.23* (0.12)	-0.22* (0.14)
<b>Controls</b>				
Procedural Justice	0.57* (0.05)	0.80* (0.05)	0.41* (0.05)	0.47* (0.06)
Perceived Security	0.10 (0.06)	0.11 (0.06)	0.08 (0.07)	0.04 (0.08)
Institutional Confidence	0.27* (0.02)	0.20* (0.02)	0.40* (0.03)	0.26* (0.03)
Democratic Values	0.05* (0.03)	0.04 (0.03)	-0.05 (0.03)	0.00 (0.03)
Rural	0.17 (0.11)	0.23* (0.12)	0.22* (0.10)	0.04 (0.13)
Cellphone	0.26* (0.11)	0.03 (0.12)	0.22 (0.15)	0.15 (0.13)
Age	0.00 (0.00)	0.00 (0.00)	-0.01* (0.00)	0.00 (0.00)
Gender	0.09 (0.09)	0.00 (0.08)	0.26* (0.11)	0.10 (0.13)
1 2	2.97* (0.52)	3.06* (0.49)	3.18* (0.63)	2.20* (0.70)
2 3	3.99* (0.53)	4.10* (0.52)	4.64* (0.64)	3.49* (0.62)
3 4	5.07* (0.54)	5.55* (0.51)	6.39* (0.65)	5.02* (0.63)
4 5	6.67* (0.55)	7.13* (0.52)	8.26* (0.67)	6.53* (0.65)
5 6	8.61* (0.57)	8.87* (0.55)	9.96* (0.70)	8.13* (0.68)
6 7	10.37* (0.59)	10.52* (0.56)	11.37* (0.75)	9.47* (0.72)

Standard errors in parentheses

\* indicates significance at  $p < 0.1$

Table 3: Results of ordinal logit regression. The outcome variable is respondents' expressed level of confidence in the Supreme Court and the justice system, in 2008 and 2012.

Whereas the outcome variables in all four of our regressions are ordinal rankings of public confidence in the Supreme Court and the justice system, we estimated four separate ordinal logit models for public esteem in 2008 and 2012. The results of our four models are reported in Table 3 and reveal several notable trends. First, in line with the research of Dolbeare & Hammond (1968) and Caldeira and Gibson (1995), we find little evidence to suggest that public awareness fosters increased affect for the Bolivian courts, but that political considerations structure public confidence in the judiciary both before and after the direct election of judges. Instead, our findings—most notably related to public confidence in the judiciary in 2012—reflect those of Salzman and Ramsey who report that increased awareness and experience with the courts of Latin America is correlated with reduced public trust in judicial institutions. We find no evidence that respondent *Education*, likely awareness from *News* coverage or *Political Interest*, or *Experience* with courts has any appreciable effects.

Instead, respondent attitudes correlate strongly with political leanings both before and after the judicial elections. The presidential approval rating, *Morales Approval* is a statistically significant predictor of public confidence in the Supreme Court before and after the election, as well as the public's confidence in the justice system following the 2011 elections. Moreover, the direction of the coefficients shift as we might expect, in light of the evidence of a protest vote. Whereas high levels of presidential approval before the implementation of the elections was associated with lower levels of judicial confidence, high levels of presidential approval are associated with *higher* confidence in the judiciary after the election.<sup>25</sup>

The negative coefficients in the 2008 regressions lend credence to the Morales' administration's claims that a majority of Bolivians distrusted the courts preceding the adoption of direct judicial elections, suggesting that the courts may have been distrusted by the same majority of people who brought him to office. The Supreme Court and justice system were perceived as untrustworthy by their political followers, as support for the Morales government was a statistically significant predictor of lack of confidence in the periods preceding the move to judicial elections.

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<sup>25</sup>The z-statistics for the difference in coefficients between the models are -2.58 for the Supreme Court models and -1.56 for the justice system models.

Moreover, as the government originally suggested, the direct election of judges did appear to restore public confidence in the judiciary, but only among their supporters. Indeed, respondents who expressed some enthusiasm for the MAS government were, on average, more confident in the Supreme Court following the elections. Insofar as the MAS and President Morales sought to represent the majority of Bolivians who brought them to office, the institutional reforms and the inaugural contest appear to have successfully realized their intended results.

On the other hand, this newly won confidence is not without cost. The negative and statistically significant coefficient for the *Spoiled Vote* variable suggests that, all else equal, those voters who admitted to casting a null or blank ballot expressed were systematically less likely to express confidence in the court. The causal story underlying this effect is difficult to parse, however. On the one hand, individuals who, all else equal, may be more likely to express lower confidence in the judiciary were likely also those individuals who spoiled their votes on election day. On the other hand, individuals who may have otherwise been supportive of the judiciary may have chosen to spoil their ballots in an effort to protest their dislike of judicial elections or the implementation of these institutions. If this is the case, then the elections themselves may have played a role in the decline of public confidence in the judiciary. Disentangling these countervailing explanations is impossible with the data we have available.

## **6 Discussion**

The 2011 Bolivian judicial elections mark a historic change in the judicial selection system used in Bolivia and provide a unique opportunity to test theories of voter behavior and public confidence because of the unique institutional (and informational) limits placed on the electoral process in the Bolivian case. In this paper, we have weighed two competing theories (one informational and one political) about voter participation in these contests. Our results—based on analyses of both aggregate and individual-level data—suggest unambiguously that participation in these elections was driven primarily by political, rather than informational, concerns. In particular, our empirical analyses provide clear evidence that nonparticipation in this election had a retrospective character:

individuals who were dissatisfied with the Morales administration were particularly likely to cast spoiled votes.

Looking more broadly at the consequences of this election on the Bolivian judiciary, our results indicate that, unlike in the United States, confidence in the Bolivian judiciary is driven by partisan concerns rather than by general awareness of the institution. In particular, presidential approval weighs heavily in Bolivians' evaluations of their confidence in their judiciary and their Supreme Court, though the direction of the relationship between presidential approval and public confidence changed before and after the judicial elections. Moreover, we have some evidence that citizen participation in these elections colored respondents' level of confidence in both the Bolivian Supreme Court and the Bolivian judiciary as a whole; individuals who spoiled their ballots on election day reported lower levels of confidence in the judiciary when surveyed the following year.

Of course, one must exercise caution when trying to draw conclusions about the effects of these institutions on the Bolivian judiciary after only one election, particularly when the period of time between the two surveys includes a number of important historical events, such as the ratification of a new constitution, in addition to the implementation of judicial elections.<sup>26</sup> Plainly stated, it is too soon to evaluate the long term consequences the direct election of judges will have on public support for the judiciary or the consequences for Bolivian democracy more generally. Still, our findings provide some evidence that the adoption of judicial elections did not serve as a panacea for low public esteem that advocates of judicial elections would have hoped. Our findings suggest that the implementation of these elections had a more nuanced, polarizing effect: confidence rose among supporters of the government but declined among those who hold the president in low esteem.

We close with some final thoughts on judicial independence and directions for future research. The adoption of judicial elections in the U.S. and Bolivia has been justified on the theory that judicial elections increase judicial independence by providing judges with a separate base of

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<sup>26</sup>Moreover, whereas our analysis is limited to citizen confidence in the courts, we can make no claims regarding the legitimacy of the judicial institutions under the new constitutional order; see *Supra*. 21, (Gibson, Caldeira & Spence 2003).

power through which they can stand up to the decisions of the executive and legislative branches of government (Driscoll and Nelson 2013; Shugerman 2010, 2012), and future research is undoubtedly necessary to determine whether or not the adoption of judicial elections has this effect on Bolivian judicial decision-making. Still, aside from its possible effects on judicial decision-making, the adoption of judicial elections may have stark consequences for public perceptions of judicial independence in the country. Indeed, the polarization between majority party supporters and the opposition with respect to public confidence in the judiciary provides some speculative evidence that, in contrast to the normative story told by Shugerman (2010, 2012) about the adoption of judicial elections in the United States, many Bolivians may believe that the adoption and implementation of judicial elections was simply an effort by the MAS party to decrease judicial independence. This would explain why confidence rose among MAS supporters but fell among those who oppose the MAS party. To this end, future research (and more elections) is necessary to determine what long-term effects the implementation of judicial elections has on both judicial independence (as exercised by judges) and in the public's perceptions of the independence of their national judiciary.

## A Appendix

### A.1 Log-odds transformation of vote-share outcome variable

As we acknowledge in the body of our paper, estimating an ordinary least squares model on outcome data (which are contained on a the unit interval for proportions or from 0 to 100 for percentages) is inappropriate and in violation of the Gauss-Markov assumptions pertaining to the homoskedastic distribution of errors. Nevertheless, we opt for the OLS model because our data are continuous on the unit interval and we generate no out of interval predictions, as well as for the ease of interpretation the OLS model generally provides. As an additional robustness check, we also include the regression of a log-odds transformed outcome variable, which has the effect of ‘unbounding’ the outcome beyond the unit interval. Specifically, we transformed our proportion of spoiled vote share by the following transformation:

$$\log(VS_{spoiled}/(1 - VS_{spoiled})) \quad (1)$$

This resulting variable is then continuous and unbounded, on which an ordinary least squares model might be appropriately estimated. We do so in Table 4. The results are substantively very similar to our models presented in the body of the paper.

### A.2 Descriptive Statistics

Here we describe the explanatory variables we employ in the models above. As detailed in the main body of the text, we collected district level data on socio-demographic information from the 2001 Bolivian census and previous electoral returns from the Electoral Atlas of Bolivia, 1979-2009. Table 4 provides a summary of the district level characteristics, and the correlation matrix of these predictors is reported in Table 5.

From the AmericasBarometer surveys, we collected a variety of demographic and and political information regarding individual’s lifestyle, education, attitudes and political predilections. This data has the advantage of being collected at the individual-level, such that we can evaluate individual level-attitudes with reported electoral behavior in the judicial elections and political affiliations. Whereas we are interested in the determinants (and consequence of) the protest vote, our analysis focuses on a number of covariates that tap into the political leanings of respondents. First, we include a measure of *Presidential approval*. Respondents were asked to rate the current (Morales) administration on a scale from one to five, with lower values being more positive. We have inverted this scale for the ease of interpretability. Also, the 2012 surveys asked respondents about their party affiliations, and so the variable *MAS supporter* is included in that year’s analysis.

Next, our discussion of the protest vote in the judicial elections centered on the protest voting behavior of Bolivian in key regions of the countries. Namely, voters residing in Beni, Pando, Santa Cruz and Tarjia—the *Media Luna* departments—were vastly more likely to spoil their ballots, and so may be more likely to express skepticism towards the Supreme Court and the judicial system following the judicial elections. Conversely, our previous analysis suggested that *Indigenous* voters were a voting block that appeared to spoil their ballots with less frequency, likely due to indigenous voters’ historical affiliation with the MAS political movement. By this token, we included dummy variables for both of these predictors based on respondents’ self-identification as indigenous (as



	Constitutional Tribunal	Supreme Court
<b>Informational Scarcity Hypotheses</b>		
Municipal Illiteracy	−0.01* (0.00)	−0.01* (0.00)
Urban (% homes with running water)	0.00* (0.00)	0.01* (0.00)
Radio Access	−0.00 (0.00)	−0.00 (0.00)
<b>Protest Vote Hypotheses</b>		
Government Stronghold	−0.01* (0.00)	−0.01* (0.00)
Media Luna	0.68* (0.10)	0.50* (0.09)
% Auto-ID Indigenous	−0.41* (0.13)	−0.21 (0.13)
<b>Controls</b>		
% Spoiled Voteshare, 2010 Mayoral	0.01 (0.01)	0.02* (0.01)
Employment Rate	−0.02* (0.00)	−0.02* (0.00)
(Intercept)	1.16* (0.30)	1.20* (0.28)
<i>N</i>	335	333
<i>R</i> <sup>2</sup>	0.63	0.62
adj. <i>R</i> <sup>2</sup>	0.62	0.61
Resid. sd	0.45	0.43

Standard errors in parentheses

\* indicates significance at  $p < 0.05$

Table 4: Results of linear model of proportion of spoiled votes, which has been transformed to fall on the (0,1) interval using a log-odds transformation

opposed to mestizo, white or black), and based on respondents' department.

We anticipate that individuals for whom politics is of some intrinsic interest would have more knowledge of the Supreme Court, and therefore express more confidence in the Supreme Court and other judicial institutions (Gibson & Caldeira 1992). To measure the public's awareness of of judicial institutions, we include the respondents' level of *Education*, which is simply a numeric value for the number of years of schooling for each survey respondent. This variable ranges from zero to 18, with a median of 11 and a mean of approximately 10 years. In addition, we use a measure of the respondent's level of *Political Interest*, based on the self reported interest in politics based on a four point rank scaled. This variable has a minimum of 1 and a maximum of 4, with a mean around 2. As described in the manuscript, we devised a measure of respondents' experience with the courts based on a preliminary answer to a slightly different question. Specifically, the battery of questions pertained to respondents' experience with governmental corruption, in which

	Min.	Mean	Median	Max.	St. Dev.
Illiteracy Rate	3.6	21.19	18	79.80	12.44
Pct. Urban	1.2	47.87	48.3	96.3	22.63
Radio Access	25.56	66.51	67.78	90.22	12.04
Govt. Stronghold	1.40	50.69	47.15	100.00	23.40
Pct. Indigenous	1.54	71.18	88.17	100.00	23.47
Pct. Spoiled Ballots, 2010	2.50	13.00	12.68	53.23	6.04
Employment Rate	3.1	38.7	37.50	58.60	6.75

Table 5: Table of Descriptive Statistics of District-level predictors

	Illit. Rate	Pct. Urban	Radio	Govt. SH	Pct. Indig.	% Spoiled, 2010	Emp. Rate
Illiteracy Rate	1						
Pct. Urban	-0.24	1					
Radio Access	-0.01	-0.02	1				
Pct. Indigenous	0.32	-0.13	-0.02	1			
Govt. Stronghold	0.36	-0.26	-0.04	0.40	1		
Pct. Spoiled Ballots, 2010	0.34	-0.14	-0.05	0.54	0.45	1	
Employment Rate	-0.20	-0.12	-0.01	0.18	0.17	-0.25	1

Table 6: Correlation Matrix of District-level predictors

they were first asked if they had any experience with said governmental institution in the past year, and, if the respondent reported ‘yes,’ they were then queried if they paid or were solicited to pay a bribe. We coded respondents as having *Court Experience* if they answered in the affirmative in the first part of the question. However, we also acknowledge that this may be a conservative estimate of actual experience, due to the sensitive nature of the battery of questions. For example, knowing that the surveyor was asking about participation in illegal activity may have lead some respondents to claim they had no experience with the courts, to avoid lying about paying a bribe. Finally, we create a measure of *News Frequency*, in which respondents describe the frequency with which they obtain news from any news source—never, rarely, weekly or daily. We anticipate awareness of current events would make respondents more aware of courts and the judicial elections.

Finally, extant literature on public support for the judiciary points us to a number of explanations for which we must control. To assess respondents’ attitudes towards perceived *Procedural Justice*, we compiled used a variable from the LAPOP surveys pertaining to respondents’ belief they can receive a fair trial. Extant research has shown that public confidence in judicial institutions rests heavily on the public perception of the quality of justice, both generally as well as in their specific experience with the courts. To this end, we include variables for respondents’ perceived personal security in their neighborhood, the extent to which they think the justice system ensures a fair trial, the extent to which they would anticipate the courts to bring an assailant to justice, and the extent to which they disagree that people ought to take matters of justice into their own hands if the courts fail to bring an assailant to justice (1-10). Our measure of baseline *Institutional Confidence* is a composite measure of three variables which gauge the extent to which respondents express trust in national political institutions. Using the same metric of our outcome variable, respondents were queried regarding their confidence in the President, the National Congress and National Parties. Their responses ranged from 1 to 7, with lower values corresponding to lower levels of distrust. To

create our composite measure of *Institutional Confidence*, we simply added these three variables together. The resulting measure of *Institutional Confidence* ranges from 3 to 21, and is normally distributed around the median value of 11. Our measure of respondents' attitudes towards democracy combines respondents' affect for democracy generally and Bolivian Democracy specifically. The questions queried Bolivian's satisfaction with democracy overall (1-4), respondents' ratings of the quality of Bolivian democracy (1-4) and the extent to which they agreed with the statement that "Democracy may have its problems, but it is still superior to alternative forms of government" (1-7). The composite index of *Democratic Values* ranges from 3 to 15, and is normally distributed around 10 with a slightly negative skew. Finally, our measure of *Procedural Justice* combines respondents attitudes towards their assessment of the fairness judicial institutions. In particular, respondents ranked the extent to which they anticipated courts would ensure a fair trial (1-7) and the extent to which they thought that criminals would be brought to justice if they took a case to a criminal trial. The combined minimum of this variable is 2, the maximum 13, with an observed median value of 6.

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