Stuffing the Ballot Box

FRAUD, ELECTORAL REFORM, AND DEMOCRATIZATION IN COSTA RICA

FABRICE E. LEHOUCQ
Centro de Investigación y Docencia Económicas, A.C.

IVÁN MOLINA
University of Costa Rica

CAMBRIDGE
UNIVERSITY PRESS

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York, NY 10011-4211, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa

http://www.cambridge.org

First published 2002

Printed in the United Kingdom at the University Press, Cambridge

Typeface Janson Text 10/13 pt. *System* QuarkXPress [BTS]

A catalog record for this book is available from the British Library.

Library of Congress Cataloging in Publication Data
Lehoucq, Fabrice Edouard, 1963–
Stuffing the ballot box : fraud, electoral reform, and democratization in Costa Rica / Fabrice E. Lehoucq, Iván Molina.
p. cm. – (Cambridge studies in comparative politics)
Includes bibliographical references and index.
ISBN 0-521-81045-0
1. Elections – Costa Rica – History – 20th century. 2. Democratization – Costa Rica – History. 3. Political ethics – Costa Rica – History. 4. Costa Rica – Politics and government – 1821–1948. I. Molina Jiménez, Iván. II. Title. III. Series.
JL1458 .L44 2002
324.97286′05–dc21 2001037364

ISBN 0 521 81045 0 hardback

Contents

Tables and Figures

Tables

Tables and Figures

Figures

1

Electoral Fraud during Indirect and Public Elections, 1901–12

Introduction

How did parties compete for power at the height of presidential omnipotence? How did they rig election results? Did sociological and institutional factors shape ballot-rigging strategies? These are the questions we explore in this chapter.

According to conventional wisdom, politics in prereform Costa Rica was no different than in the other so-called oligarchies of Latin America. To stay in power, incumbents will pack the electoral registry with the names of dead or nonexistent individuals to allow their followers to vote repeatedly. They could put polling stations in places inaccessible to their rivals; worse still, they could even stop hostile voters from casting their ballots. In conjunction with their opponents, they could restrict access to the franchise to keep subordinate groups from threatening their control of a largely corrupt political system. Indeed, one analyst has gone so far as to argue that politics in prereform Costa Rica was no different than in Guatemala. However they did so, several analysts claim, it was a relatively straightforward matter for incumbents to manufacture favorable electoral majorities. This is what made politics in prereform Costa Rica the predictable, elite-dominated affairs typical of oligarchic regimes.[1]

[1] Despite the fact that their books concentrate upon electoral activity, this is the view taken of elections by Orlando Salazar Mora, *El apogeo de la república liberal en Costa Rica, 1870–1914* (San José: EUCR, 1990) and by Jorge Mario Salazar Mora, *Crisis liberal y estado reformista: análisis político-electoral, 1914–1949* (San José: EUCR, 1995). Also, see Deborah J. Yashar, *Demanding Democracy: Reform and Reaction in Costa Rica and Guatemala, 1870s–1950s* (Stanford, CA: Stanford University Press, 1997), for the surprising argument that the political systems of both countries were remarkably similar oligarchies before the mid-twentieth century. For a different view of the Costa Rican oligarchic republic, see: Iván Molina, "Elecciones y democracia en Costa Rica (1885–1913)," *European Journal of Latin American and Caribbean Studies*, No. 70 (April 2001), pp. 41–57.

This chapter sheds light on the validity of conventional portraits by examining the impact of ballot-rigging on political competition when presidents were at their most powerful. It argues that election outcomes during the first decades of the twentieth century were not predetermined affairs. Despite a property restriction on the franchise, virtually all adult males (20 years old and older) had registered to vote. Over 50 percent of the electorate turned out to vote in presidential elections. When opposition parties found reason to complain about the behavior of government officials, they did not typically denounce blatant attempts to throw elections. Instead, they filed petitions charging officials with opening and closing polling stations out of schedule, incorrectly transcribing voters's choices, and other largely procedural violations of electoral law. What we will discover is that the difficulty – if not impossibility – of controlling the male electorate turned incumbents' attention to manipulating second-stage election results. Between popular and second-stage elections, presidents could much more easily shape the general will to their liking.

The main objective of this chapter, however, is to explain why parties commit and denounce acts of fraud. It evaluates two rival, though not mutually exclusive, accounts of electoral fraud. The first claims that parties and landlords violate electoral laws where voters are poorer, more illiterate, and in economically disadvantageous conditions. In such circumstances, voters are less able to defend their civil rights. The second hypothesis suggests that fraud varies with political competitiveness. Parties will use fraud to inflate their vote totals and to decrease those of their rivals to win hotly contested elections. By looking at provincial-level indices of fraud, this chapter argues that differences in electoral laws powerfully shaped the ballot-rigging strategies.

This chapter begins by looking at the role of the state in an agro-exporting economy to understand why the presidency was an object of deep, partisan concern. It then examines how the political structure of the state made retaining or holding the executive the principal objective of national political life. It then identifies central tendencies in electoral behavior. After analyzing allegations of electoral fraud, this chapter examines how the political system failed to deliver legitimate verdicts for hotly contested elections.

The Political Economy of Presidentialism

In a society without severe class and ethnic conflicts, the struggle over the state became the central issue separating allies from opponents. As

it does in many other presidential systems, political life in Costa Rica revolved around retaining or gaining control of the presidency. In control of the executive branch of government, a party could reward its followers with jobs and beneficial policies. It could also perpetuate itself in power by manipulating electoral laws for partisan advantage.

Public Finances and Electoral Competition

The Costa Rican state was not revenue rich. It collected less than 5 percent of annual Gross Domestic Product (GDP) between 1901 and 1948. Extracting resources from a largely rural society whose economy was based upon the export of coffee and bananas made the state dependent on indirect forms of taxation for most of its income. An average of 70 percent of state revenues stemmed from taxes on international commerce and the state liquor monopoly between 1890 and 1947.[2]

Despite these limitations, politicians succeeded in using state resources to cultivate support with the electorate. Table 1.1 indicates that expenditures on education, health, and public works increased from 24 percent between 1890 and 1914 to 55 percent between 1940 and 1947. During this same period, military, and police expenditures slowly declined. Table 1.1 indicates that these expenditures went from 26 percent of all public spending between 1890 and 1914 to 16 percent between 1940 and 1947. With only two exceptions, public expenditures never declined during general election years. This trend became evident after 1932, when National Republican Party (PRN) governments increased expenditures during their last year in office. Despite falls in revenue induced by foreign commercial downturns, fiscal deficits did not prevent incumbents from spending to

[2] Taxing imports was easy because points of entry were few and required little administrative capacity. The rich and large numbers of small and medium-sized rural and urban property owners – comprising perhaps as much as a third of all adult males – might have been able to pay such an income or property tax, but the electoral costs of creating one deterred most politicians from developing bureaucracies to monitor the behavior of their constituents. According to the 1950 population census, at least a third of all males twenty years or older said they held property. See Republic of Costa Rica, *Censo de población de Costa Rica (22 de mayo de 1950)*, 2nd edition (San José: Dirección General de Estadística y Censos, 1975), pp. 292, 296, and 300. So, public authorities settled for taxing trade and other economic transactions easy to monitor and control. This and following paragraphs draw from Iván Molina, "Ciclo electoral y políticas públicas en Costa Rica (1890–1948)," *Revista Mexicana de Sociologia*, Vol. 63, No. 3 (July–September 2001), pp. 67–98.

Table 1.1. *Composition of State Revenue, 1902–47 (in Percentages)*

Time Period	Taxes on Foreign Trade	Taxes on Goods and Services[a]	Income from FANAL[b]	Income from Railroad[c]	Others
1890–1901	47	12	31	1	9
1902–16	62	1	25	6	8
1917–9	38	1	30	11	21
1920–9	60	5	19	9	9
1930–9	57	8	14	11	11
1940–7	42	14	19	11	14

Notes:
[a] The decrease in the percentage share of taxes on goods and services during 1902–16 stems from the dismantling of the tobacco monopoly in 1908.
[b] National Liquor Factory.
[c] After 1902, this income came only from the Pacific Railroad.

Source: Ana Cecilia Román, *Las finanzas públicas de Costa Rica: metodología y fuentes (1870–1948)* (San José: Centro de Investigaciones Históricas de América Central, 1995), pp. 27–38, 57–64.

help their parties win elections. This trend becomes clear after 1920, when electoral competition became more regular and intense.[3]

Not only did parties manipulate the public purse for partisan advantage, but they also found state employment for their followers. To quote from a bill that Deputy Tomás Soley (later minister of public finance) submitted to Congress in 1920,

> . . . political contests have been converted into struggles for public posts, which are considered the victory booty and, as a result, as patronage to reward the interested adhesion of party followers, friends, and relatives of the triumphant candidate.[4]

Even in a vibrant agro-exporting economy such as Costa Rica's, state employment was significant. It allowed politicians and their parties to offer

[3] The relationship between electoral competition and social expenditures only became negative during the Frederico Tinoco dictatorship (1917–19).

[4] Cited in "Dictamen de la Comisión de Legislación (2 June 1924)," *La Gaceta*, No. 123 (6 June 1924), p. 630. Committee members referred to Soley's bill to demonstrate their sympathy for a bill proposing the creation of a civil service. Despite their purported support for the bill, Committee members did not endorse the bill because, they claimed, article 102 of the constitution empowered the president to name and replace all officials contracted by the executive. They did not, however, pursue or recommend a constitutional reform to deal with this vexing issue. Only in 1949 did a Constituent Assembly create a civil service.

Table 1.2. *Sectoral Composition of Public Employees, 1927*[a]

Occupation	Males	Percentage of the Male EAP	Females	Percentage of the Female EAP
Military, police, and soldiers	1,611	1.2		
Executive employees	3,139	2.3	1,284	7.6
Teachers and professors	511	0.4	1,452	8.6
Judicial employees	69	0.1		
Municipal employees	237	0.2	5	0.03
Post office employees	131	0.1	2	0.01
Telegraph employees	271	0.2	19	0.1
TOTAL	5,969	4.4	2,757	16.5

Note:

[a] The number of state employees is slightly underestimated because the 1927 Census does not identify those who worked on the Pacific Railroad, for the Government Printing Office, for the National Liquor Factory (FANAL), nor for autonomous agencies such as the National Bank of Costa Rica or the National Insurance Bank.

Source: Republic of Costa Rica, *Censo de población de Costa Rica 11 de mayo de 1927* (San José: Dirección General de Estadística y Censos, 1960), pp. 54–7.

employment to their followers. It created a ready-made constituency for both government and opposition to recruit as activists and, of course, as voters. As a share of the economically active population in urban areas, the state employed a maximum of 14 percent of the male labor force and a maximum of 26 percent of the female labor force by the mid-1920s. The strategic importance of state jobs increased for the publicists, professionals, and intellectuals who congregated in the capital and whose economic livelihood hinged upon employment as legal advisors, accountants, professors, and librarians, to name a few occupations to which they could aspire.[5] Annual growth in state employment, climbed from slightly more than 2 percent between 1890 and 1901 to over 4 percent between 1902 and 1916 – rates that exceeded the 1.9 annual population growth between 1901 and 1948.[6] Table 1.2 lists selected bureaucratic occupations from the 1927 population census.

[5] Iván Molina, *El que quiera divertirse: Libros y sociedad en Costa Rica, 1750–1914* (Heredia and San José: EUNA-EUCR, 1995), pp. 170–87.

[6] The 1902–16 growth rate is similar to the one in effect between 1950–70. Analysts typically define the postwar period as the heyday of import substitution industrialization and the politicization of state employment. See Molina, "Ciclo electoral y políticas públicas en Costa Rica."

State employment also allowed parties to finance their political campaigns. After the 1909 general elections, Republican Party (PR) President Ricardo Jiménez got Congress – where his party held a majority of seats – to approve a law that deducted a small percentage of each public servant's salary to pay for the PR's campaign expenses. Subsequent governments adopted this measure; it became the way that victorious parties paid debts contracted to pay for increasingly competitive electoral campaigns. Indeed, by the 1930s, parties not only solicited large contributions from wealthy donors, but they also contracted loans from private banks. Especially if a campaign's chances of winning were high, banks apparently willingly lent a campaign money because this quasipublic finance system guaranteed them repayment of the loan, and with interest.[7]

The consequences of politicizing state employment and public expenditures were profound. It shaped both the preferences of voters and politicians. Again, quoting from Deputy Soley's bill,

> We do not vote for the man who presents a better program of government nor for him whose qualities we deem superior. We vote for this or that candidate because he is our friend; because he will give us the job we seek; because he will place this or that relative; in a word: for our *mercenary personal interests* and not, as it should be, for the best interests of the fatherland (emphasis in the original).[8]

"Mercenary personal interests" therefore led to the unideological politics so characteristic of Costa Rican society. In a country without significant class and ethnic conflicts, control of the state led to the cleavages that separated political friends from foes. The struggle between incumbents and opposition was not simply the expression of the principal cleavages of society; the conflict between "ins" and "outs" *was* the basis of political identity.

Presidentialism and the Classical Theory of Electoral Governance

Nineteenth-century constitutions typically split election administration between the executive and legislative branches of government.[9] The 1871

[7] Alex Solís, "El financiamiento de los partidos políticos," *Revista Parlamentaria*, Vol. 2, No. 2 (December 1994), p. 71.

[8] "Dictamen de la Comisión de Legislación (2 June 1924)," p. 630.

[9] See Fabrice Lehoucq, "The Institutional Foundations of Democratic Cooperation in Costa Rica," *Journal of Latin American Studies*, Vol. 26, No. 1 (May 1996), pp. 329–55.

Costa Rican constitution was no different. It makes the executive responsible for organizing, holding, and tallying the vote. To keep executive officials honest, the constitution empowers the legislature to certify the vote count. The classical approach to election governance therefore relies upon checks and balances to encourage presidents and legislators to produce election results that major political forces find acceptable. It assumes that executives and legislators would jealously guard their respective institutional prerogatives.

As we shall see, entrusting representative bodies with the responsibility for allocating state offices infuses election governance with an enormous amount partisan conflict. We hypothesize that the classical approach generates reasonably acceptable election results under divided government. When different parties control the executive and legislature, the party-less world envisaged by eighteenth-century theorists is roughly approximated.

In a world of competitive parties, however, politicians would not be principally loyal to their branch of government. Instead, politicians would maximize the interests of their parties by forging networks binding leaders and followers in search of employment, benefits, and security. So, if executive and legislators belong to the same party, partisan interests will override their institutional interests. Under unified government, the classical theory of election governance, we hypothesize, will fail to deliver impartial, accurate, and legitimate election verdicts.

Even under divided government, partisanship encourages presidents to manipulate electoral laws for partisan advantage. In control of the executive, parties could appoint progovernment officials to key administrative posts. They could ensure that the tally of the vote produced victories for government parties. They could pack the electoral registry with dead or nonexistent individuals who would "vote" for them on election day. If they also succeeded in gaining control of Congress, they could certify results they found acceptable and ignore the handful of their legislative opponents. Having no guarantees that their rivals would behave any differently, ruling parties therefore preferred monopolizing to sharing power.[10]

[10] This section draws upon Fabrice Lehoucq, "Can Parties Police Themselves? Electoral Governance and Democratization," *International Political Science Review*, Vol. 23, No. 1 (January 2002), pp. 29–46.

The Political Landscape of the Early Twentieth Century

Parties spent a great deal of time and energy to gain the support of voters throughout the country. They helped register citizens to vote and got them to the polls. Parties struggled for the support of electors, who met biennially in provincial assemblies to select one-half of Congress and to select presidents quadrennially. Far from being an activity of concern to a limited group of people, electoral politics commanded the attention of society at large.

The Size and Nature of the Electorate

Census and electoral records reveal, as commentators at the time liked to emphasize, that suffrage rights were universal for all adult males. Even though the 1871 constitution had a property (as well as a gender) restriction, its vagueness meant that, by the early twentieth century, all men at least twenty years old were registered to vote. Indeed, the percentage of adult males registered to vote climbed from 50 percent in 1897 to 100 percent 1913. Table 1.3 reveals that demographic estimates, are in ten of fifteen elections, 5.4 percent above or below the numbers of registered voters.[11]

The first reason why the franchise was universal for males stems from the interest that parties had in holding public office. Since it was local political authorities, with the consent of the local citizenry, who produced the electoral registries, parties could sway undecided certifiers by appealing to their kinship ties or political sentiments. In the second place, most adult males probably met the constitutional requirement that citizens have an adequate standard of living, either because they held enough property or had employment that generated an income sufficient to satisfy constitutional requirements. Commonly cited figures indicate that most men did own property during the first decades of the twentieth century. For example, the number of wage laborers (*jornaleros*) only went from 29 to 44 percent of the economically active male population between 1864 and 1927.[12] Even by 1950, when 59 percent of the agricultural workforce

[11] See note 4, p. 5.

[12] Republic of Costa Rica, *Censo general de la República de Costa Rica (27 de noviembre de 1864)*, 2nd edition (San José: Dirección General de Estadística y Censos, 1964), pp. 86–99, and Republic of Costa Rica, *Censo de población de Costa Rica (11 de mayo de 1927)* (San José: Dirección General de Estadística y Censos, 1960), pp. 54–7. Also, see Mario Samper, "Los productores directos en el siglo de café," *Revista de Historia* (Heredia, Costa Rica), No. 7 (July–Nov. 1978), pp. 153–94.

Table 1.3. *Size of the Electorate: Official and Estimated, 1901–48*

Year	Official[a]	Estimates	Difference in %
1901	N/A	66,032	—
1905	N/A	70,548	—
1909	N/A	75,291	—
1913	81,971	80,158	2.3
1915	N/A	82,637	—
1917	91,079	85,139	7.0
1919	84,987	87,745	–3.2
1921	N/A	90,149	—
1923	98,640	92,664	6.4
1925	92,760	92,162	0.6
1928	116,993	100,195	16.8
1932	116,855	111,192	5.1
1934	115,180	117,003	–1.6
1936	129,700	123,035	5.4
1938	124,289	129,299	–4.0
1940	139,219	135,803	2.5
1942	142,047	142,561	–0.4
1944	163,100	149,583	9.0
1946	160,336	156,880	2.2
1948	176,979	164,465	7.6

Note:

[a] N/A = Not available. We include at least the estimated size of the electorate for every election year.

Source: Official figures are from *La Gaceta* (1913–48). Estimates are from Iván Molina, "Estadísticas electorales de Costa Rica (1897–1948): Una contribución documental," *Revista Parlamentoria* (San José, Costa Rica), Vol. 9, No. 2 (August 2001), pp. 354–67.

consisted of "employees," many workers still retained parcels of land upon which they grew coffee and subsistence crops.

According to Table 1.4, voters largely resided in rural areas during the first half of the twentieth century. Even by 1950, men twenty years or older still basically lived in the countryside; only 34 percent of them lived in cities and villages. And what was true for the electorate was true for the population as a whole: Its share of urban and semi-urban environments increased only slightly from 27 to 34 percent between 1892 and 1950.

Table 1.4. *Social and Spatial Characteristics of the Electorate, 1892 and 1950*

Region	Population in Cities and Villages[a]		Males in the Agricultural Sector		Salaried Males in the Agricultural Sector		Population 10+ That Knows How to Read and Write	
	1892	1950	1892	1950	1892	1950	1892	1950
Center[b]	27	38	76	58	52	62	45	83
Periphery[b]	27	22	72	73	58	55	38	73
TOTAL	27	34	75	63	53	59	44	80

Notes:
[a] Population data for cities and villages are slightly underestimated for 1950.
[b] Central provinces include Alajuela, Cartago, Heredia, and San José. Peripheral provinces include Guanacaste, Limón, and Puntarenas.

Source: Republic of Costa Rica, *Censo general de la República de Costa Rica. 18 de febrero de 1892* (San José: Tipografía Nacional, 1893), pp. xix–xlix, liv–lvi, lxxxvi–cix; ídem, *Censo de población de Costa Rica. 22 de mayo de 1950*, 2nd edition (San José: Dirección General de Estadística y Censos, 1975), pp. 108–15, 247–54 and 292–5.

Most men also held typically rural occupations; the percentage of men employed in the agricultural sector declined only from 75 percent in 1892 to 63 percent of the workforce by the mid-twentieth century.

Electors and Second-Stage Elections

Suffrage restrictions were much more explicit for electors than for voters. Instead of applying the vague language used for popular elections, constitutional framers made participation in Provincial Electoral Assemblies contingent upon citizens being at least twenty-year-old males, knowing how to read and write and owning property "not below 500 pesos or having an annual rent of 200 pesos."[13] Popular sovereignty was also limited in another way: While voters chose electors to select presidents and one-half of deputies at four-year intervals, these same electors chose the other half of Congress during midterm elections. In addition to fraying the links between voters and representatives, this rule created the possibility that electors could become independent of the party leadership, especially since electors did cast their ballots in secret.

[13] Article 59, p. 469.

Table 1.5. *Second-Stage Electors: Participation and Occupation, 1898–1910*

Number of Times Elected	Number of Persons	Percentage	Occupation	Number of Persons	Percentage
1	2,335	76.1	Farmer with 3 or more laborers	383	12.5
2	604	19.7	Shopkeeper	179	5.8
3	112	3.6	Writer or journalist	56	1.8
4	19	0.6	Teacher or professor	44	1.4
			Physician	31	1.0
			Lawyer	29	0.9
			Billiard hall owner	27	0.9
			Priest	26	0.9
			Liquor salesman	24	0.8
			Store owner	24	0.8
			Coffee processor	22	0.7
			Merchant	13	0.4
			Artisan	10	0.3
			Cattle rancher	8	0.3
			Others	26	0.9
			Unknown	2,168	70.6
TOTAL	3,070	100.0	TOTAL	3,070	100.0

Source: Iván Molina y Fabrice Lehoucq, *Urnas de lo inesperado. Fraude electoral y lucha política en Costa Rica* (San José: EUCR, 1999), p. 35.

Like voters, approximately 80 percent of electors represented rural districts because population determined their number and distribution. Furthermore, the largest number of electors for which census data exists consisted of rural property owners employing three or more laborers. Other rural occupations represented among electors include coffee processors and cattlemen. As Table 1.5 reveals, Electoral Assemblies also represented significant numbers of lawyers, physicians, and other professionals. And, while many of the priests, billiard hall owners, and merchants who also figured prominently among the occupations in Table 1.5 lived in urban areas, many were from rural areas or in close contact with rural interests. So, while some electors were members of urban political networks, most belonged to local families and machines with interests in agricultural production and in politics, either as district administrators (*jefes políticos*), municipal councilmen, or, of course, electors. From this posi-

tion of strength, electors were a crucial link in a party system that tied voters to deputies and to presidents, and one that reminded national-level party leaders of the need to build schools, roads, and other infrastructural policies of interest to a largely rural electorate.

Fraud during Indirect Elections

That citizens voted for electors only every four years intensified political competition for state offices indispensable for political survival and financial success. Political uncertainty drove incumbents to manipulate popular and second-stage elections even as opposition parties did not remain above violating the law for partisan advantage.

The Nature and Spatial Basis of Electoral Fraud

Between 1901 and 1912, parties filed twenty-two petitions, complaints (*reclamos*), reports (*memorias*), or protests containing 110 accusations of electoral fraud. Parties generated another seventy-five accusations of fraud when Provincial Electoral Councils met to tally the popular vote. On average, parties cast sixty-two complaints for each of the general elections held between 1901 and 1912.

Perhaps the most striking fact about the denunciations of electoral fraud is that a disproportionate share took place in the peripheral provinces of the republic. Though the provinces of Guanacaste, Limón, and Puntarenas contained a fifth of the electorate, parties made 48 percent (88 of 185) of their charges against electoral activity in the periphery.

Then, as now, the periphery was sparsely settled. With the exception of the ports of Limón and Puntarenas, outlying provinces did not contain any urban centers of national importance (see Figure 1.1). An impoverished peasantry lived in the province of Guanacaste; large-scale cattle ranchers and foreign mineral corporations dominated its economy and society.[14] In the Caribbean coast province of Limón, the United Fruit

[14] Marc Edelman, *The Logic of the Latifundio: The Large Estates of Northwestern Costa Rica since the Late Nineteenth Century* (Stanford, CA: Stanford University Press, 1992). This and the following paragraphs draw from Iván Molina, "Un país, dos electorados. El caso de Costa Rica (1890–1950)," *Desacatos. Revista de antropología social* (Oaxaca, México), No. 6 (Spring–Summer, 2001), pp. 165–174, and from Iván Molina and Fabrice Lehoucq, "Political Competition and Electoral Fraud: A Latin American Case Study," *Journal of Interdisciplinary History*, Vol. 30, No. 2 (Autumn 1999), pp. 199–234.

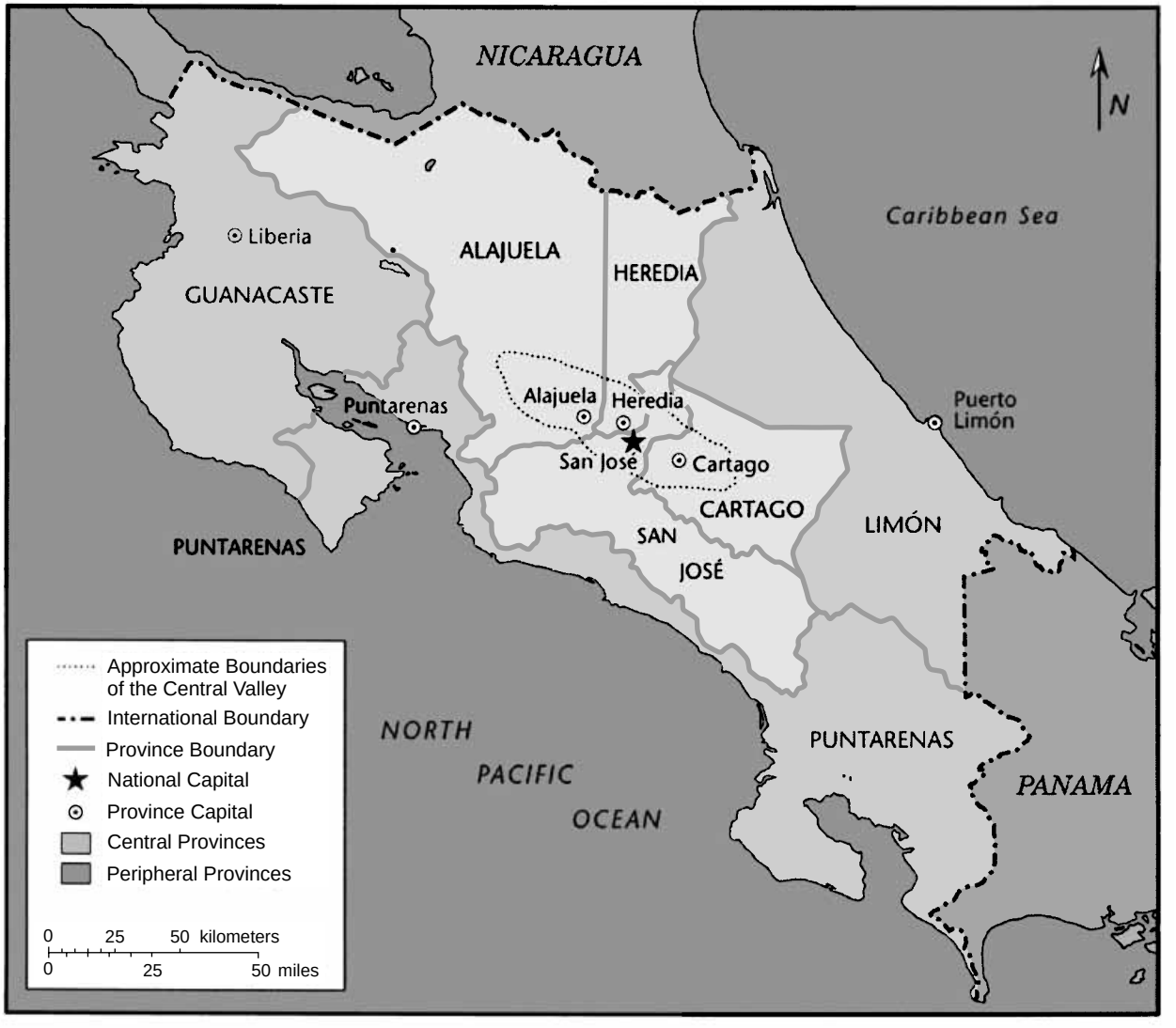

Figure 1.1. Map of Costa Rica.

Company employed the largest number of agricultural workers. While Guanacaste consisted of mulatto and indigenous populations, Limón held large numbers of English-speaking immigrants from the West Indies and a not insignificant number of Nicaraguans. Finally, after United Fruit left Limón in the 1930s, it settled in the Pacific Coast Province of Puntarenas. A mestizo population of poor peasants and agricultural workers lived in this province.[15]

In outlying provinces, education and public health services were also less abundant. In Guanacaste and Puntarenas, the 1927 population census indicates that literacy rates among individuals ten years or older were 57 and 50 percent, respectively. In Limón, the literacy rate reached a high of 77 percent, largely because many West Indians could read and write in English. Between 1892 and 1950, the population ten years or older that was literate increased from 45 to 83 percent in the center and from 38 to 73 percent in the periphery, respectively. Only 20 percent of the electorate resided in the periphery in 1901; by 1946, only 26 percent of the eligible voters lived in the outlying parts of the republic.

In contrast, the four central provinces contain a region known as the Central Valley. It is approximately 3,200 square kilometers and possesses 16 percent of the land in these four provinces and 6 percent of the national territory. The Central Valley remains the epicenter of the production of coffee, which has an important sector of small and medium-sized coffee producers.[16] The Central Valley houses a largely mestizo population that considers itself to be white and racially superior to its darker compatriots in the periphery. It had been the principal beneficiary of liberal public health and educational reforms launched in the late nineteenth century. By 1927, 68 percent of the population nine years old or above was

[15] For more on Limón, see Philippe Bourgois, *Ethnicity at Work: Divided Work on a Central American Banana Plantation* (Baltimore, MD: Johns Hopkins University Press, 1989); Aviva Chomsky, *A Perfect Slavery: West Indian Workers and the United Fruit Company in Costa Rica, 1870–1950* (Baton Rouge, LA: Louisiana State University Press, 1996); and, Ronny Viales, *Después del enclave: un estudio de la región Atlántica costarricense* (San José: EUCR, 1998).

[16] See, in particular, Carolyn Hall, *El café y el desarrollo histórico-geográfico de Costa Rica* (San José: ECR, 1976); Lowell Gudmundson, "Peasant, Farmer, Proletarian: Class Formation in a Smallholder Economy, 1850–1950," *Hispanic American Historical Review*, Vol. 69, No. 2 (May 1989), pp. 221–57. Iván Molina, *Costa Rica (1800–1850): el legado colonial y la génesis del capitalismo* (San José: EUCR, 1991); and Mario Samper, *Generations of Settlers: Rural Households and Markets on the Costa Rican Frontier, 1850–1935* (Boulder, CO: Westview Press, 1990).

literate. And, in 1901, these provinces housed 80 percent of the electorate; by 1946, they contained 74 percent of eligible voters.[17]

That the periphery was responsible for basically half of all accusations of fraud suggests that its citizens were less able to defend themselves against violations of electoral law. Parties committed more acts of fraud where the electorate was more illiterate, dispersed over a larger territory, and where large-scale banana plantations and cattle ranches predominated. Unlike the periphery, the more densely settled and well-connected villages of the Central Valley were also able to detect infractions of electoral law more easily. An electorate that was more literate was also more able to communicate transgressions of electoral law to the newspapers located in the principal cities of the republic. As a result, parties and civil society as a whole deterred rivals from stuffing the ballot box.

Institutional differences, however, also encouraged parties to commit – and to denounce – acts of fraud in greater numbers in outlying provinces than in central provinces. Between 1901 and 1912, it was much easier for parties to elect their candidates to Congress in the periphery because they only had to win more votes than each of their rivals. In contrast, parties could compete for seats in the center only if they attracted the support of at least one electoral quotient – a sum obtained by dividing the total number of votes by contested seats – because core provinces typically sent three or more members to Congress per election. Levels of fraud were three times higher in the periphery than in the center between 1901 and 1912. On average, there were 591 eligible voters per accusation of fraud in the periphery to 1,946 eligible voters per accusation lodged in the center.

Only differences in electoral laws, however, can explain why there were, proportionally, three times as many accusations in the periphery than in the center. Once we control for the size of the electorate, there were 5,320 eligible voters per party in outlying provinces and 21,164 eligible voters per party in the center. And in the periphery it was much easier for parties to win legislative seats because they only had to attract move votes than any of their rivals. Precisely where voters were most vulnerable, politicians and parties had more incentives to commit and to denounce acts of fraud.

According to Tables 1.6 and 1.7, parties filed 85 percent of their accusations against popular elections between 1901 and 1912. More than a

[17] Molina, "Un país, dos electorados."

Table 1.6. *Accusations of Electoral Fraud, 1901–12*

Province	Number of Accusations	Category of Fraud	Accusation	Number
Center			*Popular election*	
San José	8		Officials did not take an electoral census	1
Alajuela	14	2	Against polling stations[a]	80
Cartago	42	4	Officials show favoritism	64
Heredia	33	4	Coercion against polling stations	6
			Coercion against voters	3
			Not specified[a]	3
Periphery				
Guanacaste	38		*Second stage*	
Puntarenas	29	1	Elector not qualified to vote by technical defects	10
Limón	21	1	Technical or legal defects	8
		2	Elections held off schedule	1
		3	Elector excluded	4
		3	Alternate elector illegally voted	1
		4	Coercion against electors	1
			Person elected not qualified for post[b]	3
TOTAL	185		TOTAL	185

Notes:
[a] See Table 1.7.
[b] Theses cases did not apply in our classification.
Source: *La Gaceta* (1901–12).

third of them (65 of 157) contain charges against polling station and other public officials. Parties, for example, accused local government authorities of not having produced a comprehensive electoral registry. They also charged that public officials displayed favoritism toward the progovernment party. Petitioners also leveled charges of a procedural sort against polling station officials. Forty-five percent of the charges (36 of 80) against polling stations officials complained that they had not, for example, affixed

Table 1.7. *Accusations against Polling Stations, 1901–12*

Category of Fraud	Accusations against Polling Stations	Number
1	Technical or legal defects	36
2	Elections held off schedule	2
2	Voting booth in inappropriate place	2
3	Voters did not meet requirements	26
3	Voters excluded inappropriately	8
3	Party representative expelled or threatened	2
3	Voters cast multiple ballots	4
TOTAL		80

Source: *La Gaceta* (1901–12).

the required signatures on tally sheets or had not sworn in their members correctly.

The most serious sorts of violations were significantly less commonplace. Twenty-five percent (40 of 157) of the accusations lodged against popular elections denounced efforts to inflate or deflate the vote totals of rivals. Such charges included expelling party observers from polling stations and preventing citizens from voting. Parties also accused polling station officials of allowing some citizens to vote more than once and of permitting individuals not meeting suffrage requirements to vote. Only 5 percent (9 of 157) of the accusations involved the use of coercion by authorities against voters or polling stations.

Of the 15 percent of the charges against second-stage elections, almost a third (8 of 28) were procedural in nature. The most commonplace charges were that electors had not received the majorities the law required, that the president of the Electoral Assembly had not been legally selected and that the Assembly did not have a legal quorum when it made its decisions. These findings suggest that the denunciation of electoral fraud did not involve the blatant fabrication of large numbers of votes, but procedural infractions and changes in the status of electors.

Most denunciations of second-stage elections concentrated on the alleged shortcomings of electors themselves. Thirty-nine percent (11 of 28) of these charges argued that electors did not satisfy the income or wealth requirements. Other charges were procedural in nature – that electors no longer lived in the district they represented, that they were under legal prosecution or that they held a job, such as police officer, that was incompatible with being an elector. These accusations suggest that parties

went to great lengths to monitor electors from rival parties to determine if their economic and residential status changed over the course of their four-year terms.

Rarely did petitions seek to impugn the qualifications of elected officials. Radical PR Deputy Victor Fernández, for example, failed to disqualify the election of Ascención Esquivel to the presidency in 1902. Neither did working-class leader Gerardo Matamoros succeed in overturning the election of Deputy Gregorio Martin in May 1904 by arguing that he was a foreigner and therefore constitutionally barred from holding public office.[18] Only a group of electors from the city of Puntarenas achieved such an objective and its target was the PR deputy, Pablo M. Rodríguez. The group prevented him from taking a seat in Congress by arguing that being a deputy was constitutionally incompatible with being a judge on a civil court. Furthermore, his detractors claimed that he did not obtain the support of the absolute majority the law required – he received the support of only 49 percent (18 of 37) of electors in their provincial Electoral Assembly.[19]

Between 1901 and 1912, only one charge concerned the use of force against electors. PR Deputy Martin criticized the government for taking advantage of a state of siege in 1906 to jail or otherwise prevent 371 opposition electors from voting against their presidential candidate. This petition also denounced the widely reported claim that seventy-six opposition electors were compelled to vote for the progovernment candidate. During this period, the denunciations refer to a total of only four occasions when electors were arbitrarily excluded from Electoral Assemblies; three of these took place in the periphery and one in the center.

Only one of the twenty-two petitions was directed against a president. Radical liberal Deputy Fernández presented the sole petition to overturn the election Esquivel's 1902 compromise candidacy. Curiously enough, the radical liberal congressman did not refer to violations of electoral law committed during the election, but to the charge that Esquivel was not a Costa Rican citizen because he had been born in Nicaragua of "Nicaraguan parents."[20] Sure enough, article 96 did require presidents to

[18] O.s. no. 103, *La Gaceta*, No. (6 May 1904), p. 419.

[19] "Dictamen de la Comisión de Credenciales (7 May 1904)," *La Gaceta*, No. 106 (10 May 1904), p. 432, and "Memorial (14 March 1904)," *La Gaceta*, No. 101 (4 May 1904), pp. 408–9.

[20] "Dictamen de la Comisión de Credenciales (n.d.)," *La Gaceta*, No. 101 (5 May 1902), p. 410.

have acquired their citizenship by being born on national territory. But, what the new president's critics did not mention was that article 5 (paragraph four) also naturalized residents of Guanacaste in 1858. Though Esquivel was born in Rivas, Nicaragua, in 1844, his parents moved to Guanacaste before 1858, thus making them and their children citizens of Costa Rica. Over the protests of his detractors, Congress nevertheless voted to declare Esquivel president.[21]

The Intensity and Magnitude of Electoral Fraud

We classify accusations into one of four categories to discern the impact of fraud on political competition. One dimension upon which we categorize acts of fraud is by whether the act is manifestly fraudulent. The other dimension taps the intensity of abuse exercised against voters. Sixty-nine percent of the accusations between 1901 and 1912 fell into the initial two categories. This was a pattern that was true of the center as well as of the periphery: 35 percent of accusations made in the core provinces are fraud types three and four. Twenty-six percent of them in the outlying provinces belong in these categories. Most of the charges, in other words, were procedural in nature.

This finding raises the vexing issue of whether the petitions record all instances of ballot-rigging. While there is no definite way of knowing whether parties neglected to report blatant acts of fraud to the authorities, we doubt that parties refrained from denouncing the worst sorts of fraud because, simply put, they did. The very same reasons that encouraged parties to distort election results – their interest in holding state power – also drove them to monitor and to denounce the behavior of their rivals. Furthermore, the public ballot allowed parties to keep tabs on voters. If citizens, their families, friends, and the party leadership and rank and file were literally watching, their rivals were deterred from committing the worst acts of fraud.

The overall magnitude of fraud remained quite small in most elections. Parties disqualified votes only in a total of 2 percent (9 of 531) of all polling stations in 1901. They impugned votes in 13 percent (75 of 568) and

[21] Ibid. On Esquivel's citizenship, see Clotilde Obregón, *El río San Juan en la lucha de las potencias, 1821–60* (San José: EUNED, 1993), p. 244. We thank Daniel Masís for bringing these facts to our attention.

3 percent (21 of 607) of polling stations in 1905 and 1909, respectively. And, because successful presidential candidates in 1901 and 1909 won by margins of 54 and 44 percent, respectively, it is clear that, even if all accusations were true, they would not have changed electoral results.[22] This conclusion also appears to hold for the 1905 elections. Only by assuming that every vote cast at each of these polling stations was fraudulent can we conclude that the National Union Party (PUN) stole this election.[23] Despite the suspension of the constitutional order and official pressure, the PUN candidate obtained the support of only 41 percent of the electorate. What made the 1905–6 election season so scandalous was the way the government treated opposition electors. Indeed, the PUN government repressed electors precisely because it was unable to fabricate a large enough majority to ensure the triumph of its candidate in popular elections.

Official parties were unable to fabricate enough votes during popular elections to impose official candidates on the presidency. This is why presidents who were determined to stay in office or impose their successors resorted to jailing, harassing, or otherwise manipulating the much smaller number of electors. Between 1897 and 1909, there was an average of 798 electors; in contrast, the electorate consisted of an average of 68,397 citizens, 56 percent of which turned out to vote. And, of course, executives had only to cajole or to repress an even smaller group – that is, those electors who identified themselves with the opposition.

Congress, Reform, and Dispute Resolution

The fundamental objective of parties fielding observers, scribes, and legal specialists was to convince Congress to invalidate fraudulent elections. How did they do this? Did they meet with any success?

[22] This is a retrospective estimate based on the number and distribution of polling stations in 1913. During the elections of this year, there was an average of 123 and 130 estimated voters per station in the center and the periphery, respectively. Since we could not find the number of polling stations in use in the 1901, 1905, and 1909 elections, we divided the number of estimated voters in the center and periphery for these elections by the number of polling stations in existence in 1913. This figure probably is an underestimate. Figures in the last sentence of the text are based upon percentage of electors in 1901 and the popular vote in 1909.

[23] Salazar Mora, *El apogeo de la república liberal en Costa Rica, 1870–1914*, p. 213.