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SYNOPSIS

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I argue that in presidential democracies, losing political parties are not rejecting the outcome of the election in order to publicize fraud—as might be case in authoritarian regimes—but rather as a strategy to strengthen their own capacity for negotiation with the winning party. Using an original dataset that codes the behavior of runner-up parties in 178 presidential elections (1974-2012)

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Disputed Elections in Presidential Democracies: Challenging Electoral Outcomes as a Negotiation Strategy

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Abstract: Elections are defining moments in which the stability of democracies is tested. If a losing candidate challenges the outcome of an election, this action opens the door to political instability. Post-election disputes have occurred in 21% of the democratic presidential elections worldwide since 1974. Why so? I argue that in presidential democracies, losing political parties are not rejecting the outcome of the election in order to publicize fraud—as might be case in authoritarian regimes—but rather as a strategy to strengthen their own capacity for negotiation with the wining party. Using an original dataset that codes the behavior of runner-up parties in 178 presidential elections (1974-2012) I find evidence that losing parties with an unfavorable negotiating position in congress are more prone to dispute election outcomes. The presidential elections in Venezuela (1978) and Indonesia (1979) illustrate how the distribution of seats in congress is connected to election disputes.

Elections are defining moments in which the stability of democracies is tested. The behavior of losing candidates is key at this stage of the democratic process. If a losing candidate challenges the outcome of an election, this action opens the door to political instability. Even in an established democracy like the United States, Al Gore's contestation of the 2000 presidential election led to an unprecedented constitutional crisis for which American institutions were ill prepared (Posner, 2004), calling into question the institutional legitimacy of the U.S. Supreme Court (Gibson, Caldeira & Spence, 2003). In other democracies, contesting election outcomes could result in electoral apathy and lower turnout (Birch, 2010; Simpser, 2012). It might also represent a catalyst for post-electoral violence; consider that ethnic civil wars are most likely to start as post-electoral conflicts (Cederman, Gleditsch, & Hug, 2011). In Nigeria, there were around 1,000 deaths after the 2011 presidential election when the defeated candidate failed to contain his supporters. Given that challenging electoral results has the potential to break down constitutional order and democracy itself, it is essential to understand the conditions under which losing candidates contest elections.

In theory, parties participating in democratic elections know the rules of the game in advance and agree to compete under those rules and accept the results. However, democracy is a system that produces winners and losers (Przeworski, 1991); in democracies, the norm is for losing parties to simply accept defeat and wait for the next election. However, disputed election results are by no means an anomaly in presidential democracies. The runner-up party challenged the outcome in 21% of all the democratic presidential elections in the world since 1974 (178 cases). It is worth noting that there is a considerable amount of cross-country and regional variation in terms of the percentage of presidential elections whose results were rejected: from a low 9.67% in South America, passing through medium levels of 23.21% in Central America and

the Caribbean, to high levels of 31.25% in Asia and 46.42% in Africa (Map 1). Initial challenges tend to take the form of losing parties announcing their refusal to accept the results of the election, proclaiming themselves winners, or announcing their intentions to resort to legal measures or to stage protests in an effort to challenge election results. Such challenges occur even when elections are relatively free and fair and when there are large margins of victory.

Why does this happen? Conventional comparative scholarship on election disputes has offered two broad explanations for the puzzle of compliance. The first is centered on the autonomy of electoral institutions. When they are weak or dominated by the strongest party, there is room for manipulating the electoral processes producing biased outcomes, which in turn activate post-electoral contests or inconformity with election results (Eisenstadt, 2004; Hartlyn, McCoy & Mustillo, 2008; Lehoucq, 2002; Rosas, 2010). Recent experiences show, however, that autonomous election management bodies are not a panacea, and they do not deter challenges to election results but, rather, shape political strategies. The second explanation focuses on cases in which irregularities are widespread and systematic—typically under authoritarian regimes—and therefore losing parties decide to publicize fraud (Beaulieu, 2014; Linderberg, 2006; Schedler, 2013). In authoritarian regimes, losing forces might reasonably dispute the outcome of an election as the result of widespread, systematic, and massive irregularities that alter the outcome of election; this problem, however, is less acute in democracies where electoral outcomes are rarely determined by outright fraud. Both theories share the presumption that fraud is the main reason losing parties legitimately reject elections results. Although this may be true in part, it neglects not only that party elites have other goals, for example securing the financial needs of their parties, but also that they can therefore use any excuse to negotiate benefits with the winning party, even in the presence of free and fair elections.

In this article, I propose a blackmail theory of post-election disputes in presidential democracies that transcends the conventional approach of focusing on narrow margins of victory and the prevalence of election fraud. I trace the source of post-election disputes to the balance of power between leading political forces in congress. I argue that that in presidential democracies, losing parties are not challenging election results to protest fraud, as is the case in authoritarian regimes (Beaulieu, 2014; Schedler, 2013), but rather to strengthen their own capacity for negotiation with the newly elected government. It is losing political parties with an unfavorable negotiating position in congress that will be most likely to implement this strategy. Blackmailing the winner consists in exchanging post-electoral stability for immediate benefits for the runner-up party. Losing parties are particularly interested in negotiating power positions that can help them secure their financial needs. Cabinet positions or parliamentary leadership at the commission level generate financial resources from government-derived rent-seeking activities (Ambardi, 2008). In contrast, if the party that lost the presidential election has a share of seats in congress similar to the winner's, or even a larger share, then it will probably avoid the strategy of disputing election results, not only because it promises serious economic and reputational costs, but also because the losing party may already have a numerical advantage with which to pressure the winner in congress.

In this article, I first outline conventional comparative scholarship on compliance with election results. Then, I develop a theory of electoral blackmail to identify the political conditions under which losing parties have the greatest incentives to challenge election results. Next, I discuss the research design and situate my variables within the literature in order to frame the theory and test it using an original dataset of all the democratic presidential elections around the world (1974–2012). This dataset codes the behavior of runner-up candidates based on

newspaper reports and academic sources for 178 presidential elections. The dataset also analyzes 966 years of electoral legislation in 31 countries and codes the institutional structures the countries employ to address presidential election disputes. Then, I use the cases of the presidential elections in Indonesia in 2009 and Venezuela in 1978 to illustrate how the margin of seats in congress and the presence of election challenges are connected. Finally, I summarize and discuss my main findings.

Existing Explanations for Compliance with Election Results

Given that post-electoral challenges are almost never successful in changing election results and challenging parties have a lot to lose in terms of their reputations, it is surprising that they challenge results at all. The conventional answer to the compliance puzzle is that democratic institutions make losers believe that they have some probability of winning elections in the future; the losers therefore decide to accept election results and simply compete again in the next election. It is parties' focus on the potential long-term victory that motivates them to comply (Przeworski, 1991). However, this answer seems problematic for at least three reasons. First, it assumes that the party system is institutionalized. The long-term explanation will hardly work if there is high volatility in election outcomes and no regularity in patterns of party competition. Second, Przeworski's theory is difficult to test; in fact, it has yet to be tested. We need evidence that actors' beliefs about the long-term horizon indeed induce compliance. Third, this argument neglects to consider that candidates have short-term interests that are not necessarily electoral. The stakes in an election are often enormous, and parties have other goals besides winning elections (Strøm, 1990).

Some authors offer an institutional explanation for the acceptability of election results. These scholars support the elimination of any trace of partisan control in the conduction and validation of elections, which could bias the electoral playing field in favor of the incumbent (Birch, 2011). Instead, once parties delegate the electoral function to autonomous electoral bodies, election conflicts generally stop because the credibility in a fair electoral process increases (Eisenstadt, 2004; Lehoucq, 2002). There is evidence that greater autonomy for electoral institutions improves elites' trust in elections (Rosas, 2010) and the quality of electoral processes (Hartlyn et. al., 2008). However, recent experiences show that autonomous, non-partisan election-management bodies are not a panacea for electoral problems, as they do not deter challenges to election results. Consider, for instance, the notion that "Nigeria [2011] is not alone with the conundrum of an improved electoral management body and increased violence." (Bekoe, 2011) Mexico, "the country, admired and applauded world-wide for the integrity and professionalism of its electoral apparatus," (Schedler, 2007, p. 89) has had similar experiences with a presidential election in 2006 that produced massive street protests and post-electoral conflict. Despite having sound institutional structures through which to handle elections, politicians may still find excuses for complaining about electoral processes in order to advance their own agendas.

Several scholars have also examined the behavior of opposition and losing parties under authoritarian regimes. They argue that these parties play a dual game in which they compete in elections with the hope of winning someday while seeking to renegotiate the rules of the game in order to improve its fairness (Eisenstadt, 2004; Mainwaring, 2003; Schedler, 2002, 2013). The reason losing parties reject election results is to publicize fraud. Beaulieu (2014) argues that electoral protests occur because incumbents and their opposition fail to agree on the rules of the

game and the “appropriate” magnitude of electoral manipulation. There is also evidence that post-election protest occurs when uncertainty is brought on by changes in election-related institutions prior to the election (Chernykh, 2014). These explanations focus on how opposition parties under authoritarian regimes rely on protests to level the playing field. They do not, however, account for what motivates electoral protests in democratic regimes.

The comparative literature on election protest has found that one of the most prevalent reasons for challenging election results is to complain about consistent patterns of irregularities that impact on these results. These studies have good reason to make this claim based on their cases. The focus of this literature has been on the developing world (Beaulieu, 2014; Lindberg, 2006), authoritarian regimes (Eisenstadt, 2004; Schedler, 2013), non-consolidated democracies (Beaulieu & Hyde, 2009), and, at its best, new democracies in Eastern Europe and the former Soviet Union (Chernykh, 2014). However, this might not necessarily be the case in democratic elections. This literature recognizes the “possible misrepresentations of reality that opposition parties offer” (Schedler, 2013), implying that it is possible that protests against fraud are fraudulent themselves; however, this argument remains to be further explored. If we consider that post-election protest is present in one fifth of the democratic presidential elections of the world—where elections may have some degree of irregularities, but are generally freely and fairly conducted—it might be possible that post-election disputes are not necessarily motivated by electoral unfairness. In fact, for elections with data about the quality of the election,¹ losers rejected the results not only in 12 elections with medium and high levels of irregularities and flaws, but also in 19 elections with a null or minimal degree of flaws in accordance with

¹ Data available for 168 elections. There are 133 cases with a minimum degree of irregularities and 35 with medium/high levels. The data come from the Kelley’s Quality of Elections Dataset (QED) and Hyde’s National Elections Across Democracy and Autocracy (NELDA).

international missions of electoral monitoring. In democratic presidential elections, results are protested most when elections are free and fair.

The Electoral Blackmail in Democracies

In this article, I focus on democratic elections, which by definition are free and fair, generally speaking, although there do exist cases with some degree of irregularities. I am excluding non-democracies because the logic of loser's non-compliance in other regimes is different. In authoritarian regimes—particularly in competitive authoritarian regimes—the main reason for participating in elections is to contribute to the liberalization of the regime (Gandhi & Lust-Okar, 2009; Magaloni, 2006) or, broadly speaking, to challenge the regime (Levitsky & Way, 2002). More specific actions, such as challenging the results of an election and engaging in post-election protests claiming electoral fraud, are mainly used to signal to the world the lack of democracy in a given country and hopefully liberalize the regime (Beaulieu & Hyde, 2008; Bunce & Wolchik, 2006; Eisenstadt, 2004; Howard & Roessler, 2006; Kelley, 2011; Tucker, 2007). In contrast, according to my argument, challenges to election results in democracies occur as a tactic for negotiation with aims that go beyond the electoral arena. Losers in democracies challenge results to share institutional spaces with the insiders; those in autocratic settings want to dislodge the insiders altogether.

I focus only on presidential elections because the stakes in presidential elections are higher than in parliamentary regimes, since the executive is popularly elected instead of being appointed in a parliamentary negotiation. Presidential elections are also the only way to office and impact on policymaking. This narrow focus on presidential elections dominates politics and leads to the “presidentialization of elections” (Samuels & Shugart, 2010). This means that any

possible dispute over the election of an executive focuses on the popular election itself rather than on a parliamentary negotiation. Moreover, I am assuming that the losing party and the losing candidate act as a unitary actor.

It has been argued that in presidential systems, parties cannot assume the alignment of their executive and legislative branches. Samuels & Shugart (2010, p. 3) point out that “after a presidential election, intraparty accountability virtually ceases, because once in office parties cannot ‘fire’ their leaders as presidents.” However, the losing candidate of a presidential election is not in the same position of independence as the candidate who won the presidential election and therefore might have a greater incentive for aligning with the party. Party leaders can impose discipline over a losing candidate since the party controls valuable resources which the losing candidate might want to maintain access to, for example a subsequent nomination or the distribution of resources for future campaigns (Aldrich, 1995).

Once a party loses an election for the executive, it faces the dilemma of accepting the outcome or challenging it. I argue that despite losing the executive election, losers can still obtain short-term benefits if they negotiate with the new government, especially since parties have other goals beyond winning elections such as coordinating decisions in congress (Aldrich, 1995; Cox & McCubbins, 1994; Shepsle & Weingast, 1994), getting cabinet appointments (Katz & Mair, 1995; Strøm, 1990) or parliamentary leadership positions (Ambardi, 2008), and passing key legislation (Strøm, 1990). Before deciding to challenge election results, losers will consider the costs and benefits.

There are several costs associated with challenging election results. First, parties need to develop and train legal teams with the expertise to present a case before the appropriate authorities (Vickery, 2011). This is not a trivial matter. Wrongly filing a case could result in a

highly visible, additional failure for the losing party. For example, Justice Nabarese of Ghana showed that 70% of electoral disputes were wrongly filed and, consequently, dismissed (Ghana News Agency, 2012). Second, most of the systems designed to solve post-election disputes place the burden of proof on the losers. They need to provide complete and irrefutable legal evidence that certain irregularities occurred (Bickerstaff, 2009). Third, challenging election results takes a toll on the reputation of the challenging party, which may be perceived as being a sore loser or as jeopardizing democratic stability, especially if the dispute lacks credibility or is unreasonable. And finally, in the event that parties opt for protesting, there are economic costs to solving collective action problems and mobilizing constituents into the streets (McCarthy & Zald, 1977).

Regarding the benefits and motives for challenging election results, losing parties could be interested in addressing actual grievances regarding their particular elections (Beaulieu, 2014; Schedler, 2013). But democracies have elections that, however imperfect, are fair in the sense that they reflect the “actual vote of an individual” (Simpser, 2012). Also, losing forces might want to challenge the outcome of the election in order to declare null and void an allegedly fraudulent election and call for a new one, but this generally does not happen in democracies.² Instead, my theory of electoral blackmail contends that losing political forces, in exchange for conceding defeat, are interested in: reforming the electoral process; legislating key issues to further their parties’ agendas; getting pork barrel; filling committee chairs in congress in order to gain influence over the legislative process; obtaining cabinet positions; appointing members of their party as judges and so on. These benefits help increase the losing parties’ chances of success in future elections and also increases their share of power immediately after losing an election.

² Among the subset of democratic presidential elections, only one has been declared null by the electoral justice authorities: the presidential election of 1989 in Panama.

Under what conditions is this electoral blackmail feasible? My argument maintains that, in presidential democracies, losing political parties with an unfavorable negotiating position in congress will opt for disputing election outcomes in order to strengthen their own capacity for negotiation with the new government. If these negotiations occur, congress might naturally become involved, because in most presidential systems congress has the power to approve and allocate the budget and authorize the appointment of high-level officials, judges, and diplomats. But not all political parties are likely to benefit from this sort of blackmail strategy, conceding defeat only in exchange for certain benefits. Big political parties in congress, because of the size of its legislative caucus, will not incur the economic and reputational costs of challenging electoral results because they already have a good position from which to engage in negotiations with the winner. From the institutional point of view, a party with a large share of seats in congress is more likely to get what it wants in legislative negotiations than a party with a smaller share of seats. With smaller parties, the opposite occurs. Given their lack of numerical strength, smaller parties need other sources of power to obtain leverage in congressional negotiations; electoral blackmail is one of them. Only when a losing party is in an unfavorable position from which to negotiate in congress—as the distance in the number of seats in congress increases in favor of the president’s party—will the loser be willing to bear the costs of strategically challenging the results of an election with the aim of winning leverage in negotiations with the winner.

Thus, the decision of when to challenge an election outcome will depend on each party’s assessment of how that strategy could improve its capacity to negotiate with the new government. We can synthesize the previous argument in the following hypothesis:

HYPOTHESIS 1: As the margin of seats in congress increases to the detriment of the party that lost the presidential election, it is more likely that the runner-up party will challenge the outcome of the presidential election.

Once a party has decided to challenge election results, the next decision it faces is choosing the ideal avenue for doing so: litigation, protest, or simply restricting the vocalization of challenges to public statements. The institutional mechanisms for rejecting election outcomes have a feature that is central to politicians: autonomy. If an agency adjudicating an election dispute is suspected of favoring a political ally, its final ruling will lack legitimacy (Jenkins, 2004, 2005). The process for solving a post-electoral dispute should be as fair and impartial as possible in order to ensure that the justly-elected officials voted into office can govern their constituencies. In theory, fairness and impartiality could be improved by affording greater autonomy to election- management and adjudicating bodies (Eisenstadt, 2004; Lehoucq, 2002).

The strategies followed by political parties to challenge election results can also shed light on their particular motivations for doing so. Independent authorities that adjudicate election results will probably rule in favor of the plaintiff, at least partially, if widespread irregularities occurred during the election. However, in the context of elections with minor irregularities, we should expect the opposite. If it is true that in democracies losing parties reject election results as a negotiation strategy—meaning that losing parties are pursuing political ends rather than rejecting election results as a consequence of fraud—then we should see that the presence of more autonomous institutions decreases the level of post-election litigation. If there is a purely political case with no solid evidence of irregularities in the election and the dispute reaches an autonomous and professional adjudicating body, then the case will likely be dismissed due to a lack of merit. A political party using the rejection of election results as a political strategy will

not want evidence that its case lacks merit; they would, therefore, avoid having an autonomous and professional adjudicating institution review the case. It would probably opt for simply making political statements to the press or using other non-institutional means to reject election outcomes. This rationale leads to the following hypothesis:

HYPOTHESIS 2: In democracies, once the losers decide to reject election outcomes, the level of litigation will decrease as the level of autonomy increases in institutions adjudicating election results.

Another alternative—or complementary—strategy is using protest and mobilization. Among the repertoire of actions included in the category of non-institutional means are street protests, occupying public buildings, blocking main avenues, and calling for strikes and massive demonstrations. In democracies, protest can be used to complement legal measures; however, it is also less likely to happen in the presence of more autonomous electoral adjudicating institutions (Eisenstadt, 2004) or when elections become increasingly free and fair (Trejo, 2014).

When losing political forces decide to escalate their challenges to election results and take them to the streets, they must consider if there is a social structure that facilitates mobilizing their supporters. Political leaders need social networks that help them overcome collective-action problems in order to mobilize their supporters. Political parties have a technological advantage in terms of mobilization since parties are themselves social networks that have been previously mobilized for campaigns and canvassing (Trejo, 2014). Previous history of protest might be an indicator of how easy it will be to mobilize party supporters in the context of a post-election dispute, although it has been argued that electoral protests look rather disconnected from preceding levels of mass contention (Schedler, 2013). Considering that protest is less likely to

occur in democracies or in the context of free and fair elections, the previous history of protest should have no systematic effect on electoral protest.

Statistical Analysis

In order to test the hypotheses outlined above, I conduct a cross-country comparison of all democratic presidential elections since the third wave of democracy began in 1974 (Huntington, 1991). This includes presidential elections in 19 countries in the Americas, eight countries in Africa, and four countries in Asia. My unit of analysis is country-year elections.

My cases are consistent with Cheibub, Gandhi, & Vreeland (2010) who define presidential democracies as countries where 1) the executive and the legislature are popularly elected, 2) there is more than one party competing, and there is alternation in government, and 3) the survival of the executive does not depend on the assembly. I include presidential elections spanning from 1974 to 2012. I exclude from the list of presidential elections between 1974 and 2012³ those that, according to Cheibub et al. (2010), are not presidential democracies, as well as countries with less than 3.14 million inhabitants.⁴

Measurement

I code my dependent variable in four ways. First, I identify whether the losing candidate or a party official publicly announced his or her refusal to accept the results of the election within the first three days following the election. This is a dummy variable called *Intention to challenge*, and it takes the value of 1 if the loser announced his refusal to accept the results of the election by making public his intention to take a legal route, mobilizing his supporters to dispute the results, or proclaiming himself the winner. The variable takes the value of 0 if the candidate or a

³ List from IFES Election Guide.

⁴ This is an arbitrary threshold taking the irrational number π as reference to exclude small states.

party representative conceded defeat. Second, I identify whether legal petitions were filed before the respective adjudicating electoral authorities (a dummy variable called *Legal challenge*). Third, I identify whether there was any act of protest (street protest, civil disobedience, takeover of public buildings, use of violence, coups, etc.) aimed at challenging election results. Since I am interested in the strategic choices that party leaders make—following Beaulieu’s (2014) coding of opposition protest—I only include cases in which party leaders were instrumental in initiating and leading mass demonstrations, either by explicitly calling their supporters into the streets or by taking part in demonstrations. This is a dummy variable called *Protest*. And fourth, I identify whether there was a combination of these two strategies, a legal and non-institutional challenge (the variable *Both*).⁵

To test the hypothesis that an increase in the margin of seats in congress between the presidential winning party and the runner-up party will generate more challenges to presidential election results, I measure the percentage of seat difference in the congress of the leading parties in the executive elections.⁶ I simply take the percentage of seats that the presidential elections’ winning parties obtained at the most recent congressional elections, and subtract the percentage of seats that the runner-up parties obtained. In general, the presidential and congressional elections were concurrent, but for those cases in which they were not, I took the percentage of seats from the most recent previous congressional elections or the values of the congressional elections that came after the presidential elections if they occurred within one month of them.⁷

⁵ Information from the newspapers *El País*, *ABC*, *New York Times*, and *The Guardian*. Alternatively, I consulted academic articles, history books, and books on politics from the respective countries. The coding rules and the excerpts of information with its respective sources are stored in a 525-page appendix.

⁶ For most of the elections (124 cases), the congressional delegation of the runner-up party is smaller than the elected president’s party; for three elections, they are exactly the same size, and for 39 elections the losing delegation is larger than that of the president.

⁷ Data from Nohlen’s *Data Handbooks of Elections in the Americas, Asia and the Pacific, and Africa*, and from Georgetown’s *Political Database of the Americas*.

To test the hypothesis regarding more autonomous electoral adjudicating institutions decreasing the levels of litigation in democratic regimes, I built an original dataset of autonomy of institutions adjudicating election disputes. The first component is a categorical variable, which identifies the authority in charge of adjudicating post-election disputes, differentiating between specialized electoral courts, regular courts, and the legislature. The second component of the dataset is an index of *de jure* autonomy of those institutions. This index focuses on the rules designed to insulate authorities from political pressures, rules such as fixed-term tenure, multilateral appointment procedures, required minimum qualifications, budgetary autonomy, procedures for removal, and multiple-member governing bodies.⁸ This is an additive index that goes from zero to nine. The sources of information for this dataset are national constitutions, constitutional amendments, secondary legislation, such as electoral statutes or laws regulating the functioning of the judicial branch, and their respective amendments, year by year, in order to capture changes over time.⁹ I also included a dummy to specify if the constitution mentions an explicit procedure for solving presidential-election disputes, to see if this legal provision incentivizes legal challenges.

Finally, to test if the presence of a structure of social mobilization facilitates protest, I will use the number of anti-government demonstrations the year before the presidential elections took place.¹⁰

⁸ I am aware that the *de jure* measures do not necessarily converge with the *de facto* measures of judicial independence, as shown by Ríos-Figueroa and Staton (2012). However, from a theoretical point of view, it makes sense to focus on the enumerated items of institutional insulation to test their effect on the behavior of candidates. Additionally, Rosas (2010) showed that the nominally autonomous EMBs increase the elite's confidence in the electoral process. Given my focus on the strategic decisions of party leaders, it is reasonable to focus on institutional indicators of autonomy.

⁹ This represents the codification of 966 years of the evolution of electoral legislation in the 31 presidential democracies. The coding rules, the justification for how each country-year was coded, and the excerpts of information with their respective sources are stored in a 350-page appendix.

¹⁰ "Anti-Government Demonstrations" variable in the Databanks International data set.

Regarding the controls, the first and most obvious is the margin of victory in the presidential election itself. Certainly, one of the objectives of challenging the outcome of an election can be changing its result. But this will not occur unless the margin of victory is so small that a partial recount might correct possible errors. Therefore, narrower margins of victory might provide an incentive for challenging the result of an election (Smith & Shortell, 2007). I built this variable by subtracting the percentage of votes for the runner-up candidate from the percentage of votes for the winner.¹¹

It is reasonable to expect that learning the rules of the democratic game requires time, so a democracy's age matters. Political parties must learn that submitting themselves to democratic procedures and complying with election results is to their advantage (Przeworski, 1991). We should therefore expect challenges to election results to be less frequent in older democracies than in younger ones. To test this hypothesis, I used the number of years that each country has been a democracy since 1945,¹² based on Cheibub et al. (2010).

Although democratic elections are expected to be free and fair, this does not necessarily mean that they will be exempt from irregularities and flaws. These factors can provide legitimate reasons for challenging the outcomes of elections, particularly in the presence of close results. In order to control for the quality of elections (Election Quality), I used a dichotomous measure, distinguishing between elections with null or minor irregularities (assigned the value 0) and elections with medium and big levels of irregularities (assigned the value 1), based on the

¹¹ Nohlen's handbooks and the Political Database of the Americas.

¹² I started my count in 1945 because many comparative studies on democratization take this year as a starting point.

Quality of Elections Dataset (Kelly & Kiril, 2010)¹³ and the National Elections Across Democracy and Autocracy (NELDA) data set (Hyde & Marinov, 2011).¹⁴

In terms of institutional variables, I consider the method for electing the president (MEP). Some have argued that among the disadvantages of the plurality method for electing presidents is the fact that it does not guarantee a winner preferred by the majority if there are three or more alternatives. It can even lead to the election of the least preferred candidate—the Condorcet loser—as was the case of the election of Allende in Chile in 1970, which led to a polarized social environment that ended in a coup (Colomer, 2001). Therefore, the argued disadvantages of the plurality method can affect the acceptability of election results. I built a categorical variable that ranges from 1 to 4. The methods for electing the president are: 1 = plurality of popular vote, 2 = second round, 3 = second round in which the congress selects from among the candidates who received the most votes, and 4 = election by an electoral college.

Additionally, it is possible that the behavior of runner-up candidates in past elections has an influence on the current behavior of losing candidates by setting a precedent for what happens once the results of elections are announced (Schedler, 2013). If in a given country losing candidates frequently challenge the results of the election (e.g. Philippines, Mexico, or Nigeria), this behavior might be perceived as normal, which in turn might lower the reputational costs of non-compliance with election results. Therefore, I also include as a control a dummy variable that captures whether the results were rejected in either of the two previous presidential elections.

¹³ I used the *as2* variable: an overall measure of the quality of the election, which includes pre-election political conditions, explicit cheating on election-day, and overall pre-election and post-election administrative capacity.

¹⁴ From this data set, I mainly used two variables: if after the election there were allegations made by Western monitors of significant vote-fraud, or, in absentia, if there were significant concerns before an election that the proceedings would not be free and fair.

Data Analysis and Model Results

Out of 178 presidential elections in democratic regimes, in 38 cases (21.11%) the losing party issued an initial public statement rejecting the results of the election. Given that my dependent variable is dichotomous (intention to challenge), I used pooled logistic regressions with clustered standard errors by country (Model 1.1), random intercept logistic regressions (Models 1.2 and 1.4), and conditional logistic regressions (1.3) to check the robustness of the findings. Finally, I used one of the random intercept logistic regressions (Model 1.2) to make estimations of the impact of my key independent variable on the probability of a losing candidate rejecting the results.

In Model 1.1 (Table 1), I ran a pooled logistic regression with clustered standard errors by country. These initial results support the idea that as the percentage seat difference in congress between first and second place parties increases, the probability that the runner-up candidate initially rejects the outcome of the election also increases. However, by just fitting an ordinary logistic regression model with standard errors for the clustered data, Model 1.1 treats the dependence among challenges to election results for the same country as a nuisance (Rabe-Hesketh & Skrondal, 2012). Treating the 31 countries measured across time as if they were 178 independent observations would be a mistake. We cannot take the challenges to presidential election results in a given country, or an absence thereof, as independent events. Different observations over time in the same country must be somehow correlated, and it is necessary to control for that.

[Table 1 goes here]

To relax the assumption of conditional independence among observations for the same country, I include a random specific intercept for each country (Model 1.2: Random Effect

Logistic Regression model). This model fits subject-specific probabilities for individual countries. It gives a subject-specific random intercept for each unit, while the covariates remain fixed (Rabe-Hesketh & Skrondal, 2012). Model 1.2 also supports the hypothesis that as the gap of power in congress between the winning and the losing candidate increases, the probability that a losing candidate will reject the result of an election also increases. Now that the assumption of conditional independence among observations has been relaxed by including the country-specific random intercept, the statistical significance of the variable capturing previous election challenges becomes void.

In Model 1.3, I use a conditional logistic regression, which instead of using random intercepts for clusters uses fixed intercepts by including a dummy variable for each country. In this model, countries serve as their own controls. The inconvenience of this model is precisely that the fixed-effects transformation is estimated through time-demeaned data, in which the mean of different units for each variable (dependent and independent) is subtracted from the observed values of each variable unit; therefore, the time invariant variables are eliminated (Wooldridge 2009). This is an inconvenience because those countries in which the dependent variable does not change over time get dropped from the analysis when the demeaning variables procedure is applied. Countries in which the losing candidates always accept the results of elections (like Costa Rica, Brazil, or Chile) or countries in which the losers always reject election outcomes (Nigeria and Liberia) are dropped from the analysis.

Model 1.3 shows the results of the conditional logistic regression for the purpose of checking the robustness of the variables. Only two variables remained statistically significant: 1) the percentage seat difference in congress between the two leading parties, which is my main independent variable, and 2) the margin of victory in the presidential election. However, this

analysis only included 15 of the 31 countries in the dataset and used only 90 observations, as opposed to the 153 observations used in previous models.¹⁵ Therefore, in order to estimate the effect of my independent variables and controls on the probability that results will be challenged, I use the random effect logistic regression model with 153 observations (Model 1.2).

Model 1.4 includes one additional control: the mechanism for electing the president. It uses plurality election as the reference group and makes comparisons against a run-off election, a second round in which the congress chooses the president, and an election through an electoral college. In this model, the effect of the percent margin of seats in congress among the leading parties and the initial challenge to election results remains positive and attains conventional levels of statistical significance.

The four models show that if the party that finished second in the presidential election is in a similar position of power in congress to that of the winner, there are fewer incentives for challenging the outcome of the election as a negotiation strategy.¹⁶ Given that the runner-up party is already in a similar power position relative to the winner, the losing party can negotiate benefits with the winning party directly in congress, and it can use other threats, such as becoming a veto player in congress. Given the costs of rejecting the results of an election, this might be a good strategy. But when the party that lost the presidential election has fewer seats in congress than the winner, the blackmailing strategy of extracting some benefits from the winner becomes more appealing in this post-electoral scenario.

¹⁵ There are 178 elections in the dataset, but because of missing values, the N goes to 153.

¹⁶ The correlation between the percentage seat difference in congress and the margin of victory in the presidential election is 0.40. I performed a VIF test, in which the mean was 1.37, indicating that there are no multicollinearity problems. The low correlation between these two variables is not surprising since in presidential regimes “a politician can ascend to and remain in the top executive post even if his or her party performs poorly in legislative elections” (Samuels & Shugart, 2010, p. 18).

Graph 1 uses the estimates from Model 1.2 to show how the probability that a runner-up will reject the results of an election increases as the percentage seat difference in congress between the leading parties increases. Given that the quality of the election also affects the likelihood of election results being rejected, I compare how the probability of challenging election results changes as the percentage seat difference changes in both scenarios: an election with medium and high levels of irregularities and an election with minor or no irregularities. In order to estimate these effects, all the variables were set at their means. When the losing party of the presidential election has 10% more seats in congress than the party that won the election, the probability of challenging election results is 7.19% in a clean election and 18.9% in an election with irregularities. But when the runner-up party in a presidential election has 10% fewer seats in congress than the winner, the probability that the results of the election will be rejected increases: 12% in a clean election and 29% in a flawed election. When the margin in congress is 20% in favor of the winner, the losing party will dispute the election results 16.7% of the times in a clean election and 35.8% in a flawed one.

[Graph 1 goes here]

The other variable that affects the initial decision of whether to reject the outcome of an election is the margin of victory in the presidential election itself. Graph 2 shows that narrow margins of victory are associated with a higher probability that electoral results are rejected. In elections in which the margin of victory is close to zero percent, the estimated probability of rejecting the outcome of the election is 29.4% when the election is free and fair and 51.9% when there are irregularities and flaws. This probability goes down to 16.5% for clean elections and 35.4% for flawed elections when the margin of victory is 10%. When the margin of victory is

20%, the probability of rejecting the outcome of a clean election is 8.7% and 21.6% if the election had irregularities.

[Graph 2 goes here]

The rest of the variables in the model are not significantly associated with the probability of challenging the results of the election, except for the number of years that a given country has been democratic. The more years a country has been democratic, the less likely it is that the loser will reject the outcome of the election.¹⁷

Regarding the method for electing the president, it seems that this variable does not affect the probability of challenging the result of the election. The literature in the social-choice tradition has analyzed the effects of various voting methods. It has been argued that one of the advantages of the majority run-off over the plurality rule is that the former prevents the winner from being narrowly endorsed (Shugart & Taagapera, 1994). The results show that a system with a second round does not have an advantage over plurality rule in terms of the acceptability of election results.

What strategy to follow?

Thus far, I have only discussed the conditions that might lead a runner-up candidate to reject the outcome of an election. The next step is to explain what strategy the runner-up will implement. His or her alternatives at this point are either to present a legal complaint before the authority in charge of adjudicating election results, engage in non-institutional protests, or pursue both avenues.

¹⁷ For this model, I also tried the logarithm of the number of years the country has been democratic. The logarithmic version of this variable was not significant and the goodness of fit of the whole model decreased.

Out of the 38 elections in which the runner-up party announced its decision to reject the outcome of the election, in 30 cases, it engaged in some legal action to revert the outcome of the election; in 20 cases, it initiated some sort of protest or popular mobilization against the results of the election; lastly, in only 17 cases, it engaged in both tactics. In order to study the determinants that lead to each course of action, I ran separate logistic regressions for each dependent variable, with and without clustered standard errors (Table 2).¹⁸ These analyses only include the cases in which the runner-up party announced his intention to reject the outcome of the election, so the sample size is significantly reduced in comparison to the previous models.

[Table 2 goes here]

Models 2.1 and 2.2 test the relationship between autonomous adjudicating institutions and the likelihood of presenting a legal case in order to challenge election results. One of the findings in these regressions is that once the losing candidate decides to reject the election result, the presence of institutions with greater autonomy in a given country decreases the likelihood of presenting a legal complaint before the electoral authority in charge of adjudicating election disputes. This might happen if democratic elections are generally free and fair and if the institutions adjudicating election disputes are unbiased. If this is the case, when a losing party is just following a political strategy rather than publicizing a case of actual electoral fraud, it is likely that upon reviewing the complaint the adjudicating institution will find insufficient evidence to revert the outcome of the election and thus maintain the status quo. Facing this possible outcome, runner-up candidates might choose to only make public statements complaining about the quality of the election rather than taking legal action at the risk of ultimately being discredited themselves.

¹⁸ The N in the regression equals 34 because of missing data.

Models 2.1 and 2.2¹⁹ also show that if the constitution for a given country-year establishes an explicit rule as to how to proceed in the event that there is an election dispute, then it is more likely that a losing candidate will take the legal route to complain about the result of an election. Only 67.72% of the constitutions, by country-year, establish a rule as to how to proceed in the event that an election is contested. Having clearer rules for procedures taken to dispute an election might incentivize taking the legal route.

Models 2.1 and 2.2 present a seemingly counterintuitive finding: having a flawed election decreases the probability of presenting a legal complaint. The level of significance even increases with robust standard errors clustered by countries. This finding might suggest that, once a party has decided to publicly reject an election result, if there is no solid evidence to support the challenge, the party will restrict its rejection to the level of public statements and avoid the use of adjudicating institutions that could expose the lack of merits of the party's protest. This might also indirectly support the hypothesis that losing candidates and parties mainly challenge election results to pressure the winner into entering negotiations over concessions or benefits, rather than to raise challenges founded in legitimate grievances over the quality of the elections. Another alternative explanation for this finding is that flawed elections take place precisely in countries where actors do not trust the legal system, and therefore runner-up parties prefer not to use the institutional route for challenging election results. It is known that having more autonomous Electoral Management Bodies (EMBs) increases the trust in elections among political elites (Rosas, 2011) and among non-partisan actors (Hartlyn et al., 2008). However, the negative relationship between the presence of flaws and the level of litigation holds even after controlling for the level of *de jure* autonomy of the institutions adjudicating election disputes.

¹⁹ The second model for each strategy adds robust standard errors clustered by country.

Regarding the other variables, the number of anti-government demonstrations the year before the election is positively related with filing a legal suit challenging the outcome of the election and attains conventional levels of statistical significance. The other control variables—age of democracy and the type of institution that adjudicates election disputes—do not seem to have an effect on legal challenges.

With regards to the reasons leading to post-electoral protest, Models 2.3 and 2.4 indicate that none of the variables seems to trigger this course of action. The main independent variable here is the number of anti-government protests that were held the year *before* the election. This variable has a positive relationship with post-election protest, but it is not statistically significant. The variable attempts to measure the previous existence of networks for social mobilization that could facilitate non-institutional types of protest. Out of 178 presidential elections in democratic regimes, only in 20 cases (just 11.2% of the total) was there some type of non-institutional protest. Similarly, Schedler (2013), in his study of authoritarian regimes, finds that post-election protest looks rather disconnected from preceding levels of mass contention.

Finally, Models 2.5 and 2.6 have as a dependent variable a joint course of action, those cases in which, after announcing a rejection of election results, the candidate pursued a combined strategy in which he both filed a legal suit and incited post-election protests. The ordinary logistic regression shows that when a government has more autonomous election-adjudicating institutions, the probability that a losing candidate will follow a joint course of action decreases. Having an explicit legal mechanism in the constitution and previous antigovernment protests also seems to trigger this joint outcome. And the seemingly counterintuitive result that elections with flaws decrease the likelihood that the losing candidate will take some type of action partially holds as well.

Comparative Case Study Evidence

Up until this point, I have provided evidence of a robust relationship between the margin of seats in the legislature and challenges made in presidential elections. I now turn to comparative case studies to show the causal mechanism linking those variables. When selecting cases for intensive study, Gerring (2007) advises choosing those that add leverage to the research question, but that at the same time are representative of a larger class of cases. I decided to implement a combination of the pathway and crucial case approaches. Pathway cases are useful in situations where a causal hypothesis is clear and has already been confirmed by cross-case analysis. This method focuses on the effect of a single causal factor (in this case the margin in the legislature) on the dependent variable for rejection of presidential election results, while isolating it from potentially confounding factors. The other alternative is to use the least-likely case—where all dimensions except the variable of interest predict that a certain outcome will not be achieved and yet it is—representing a strong test of a theory.²⁰

The presidential elections in Indonesia in 2009 and Venezuela in 1978 are useful in this regard because these cases allow controlling for key variables that might affect the probability that results will be rejected—the margin of victory and the presence of irregularities and flaws—while the margin in the legislature leads to an otherwise unexpected outcome. The runner-up candidate in the presidential election of Indonesia in 2009 lost with a margin of 34%, and the

²⁰ Another common alternative for selecting cases for a qualitative study is to rely on the results of a large-N analysis. In order to make structured comparisons for small-N analysis it is advised to include a mix of “in-the-line” and/or “off-the-line” cases (Lieberman, 2005). Therefore I proceeded to estimate the standardized residuals for model 1.1. The cases with the largest residuals are the elections of Indonesia in 2009, Ecuador in 2006, and the United States in 2000. The case of the presidential election of Venezuela in 1978 has a residual of -0.76, and therefore belongs to the group of typical cases closer to the regression line. Therefore, a quantitative selection of the cases for a structured comparison—mixing “in-the-line” and “off-the-line” cases—confirms the previous selection cases qualitative selection of cases.

international missions of electoral observation agreed that the election was overall free and fair. With these unfavorable conditions for rejecting election results, compliance would be the most natural outcome. However, the runner-up party had an unfavorable negotiating position in Congress, with 9.8% fewer seats than the winner of the presidential election, and decided to protest the election results to negotiate benefits with the winning party in exchange for acquiescence. After protesting the election outcomes in the courts and on the streets, the losing *Demokrat* party was offered cabinet positions, and the husband of the losing candidate was appointed President of the Congress, thereby strengthening the power of the opposition. On the other hand, the presidential election in Venezuela in 1978 was lost by a narrow margin of 3.3%, and irregularities in the election were documented, but the losing Acción Democrática (AD) had a slight advantage in a bipartisan congress of 2% over the party that won the presidential election, COPEI. In this context, although rejection of election results was likely, AD conceded defeat due to its privileged position of power in Congress.

Indonesia 2009

Presidential elections were held on July 8, 2009. Indonesian opposition leader Megawati Sukarnoputri, of the PDIP, lost the presidential election with a 34.01% margin of difference. Independent polling institutes conducted and published their own quick counts, and their figures turned out to be very close to the results announced by the Electoral Commission (Schmidt, 2010). Overall, the election “fulfilled most of the criteria for a free and fair election and was widely regarded as a genuine reflection of the political preferences of the people” (Tomsa, 2010). Despite the wide margin of victory and the quality of the election, Megawati rejected President Susilo Bambang Yudhoyono's re- election win. Megawati's party challenged the results of the

July 8th poll by way of the Constitutional Court, alleging widespread irregularities including the exclusion of millions of people from the voter rolls. Both Megawati and Kalla, the third place candidate, focused their allegations of fraud on the defective list of voters (Sukma, 2010).

After the results of the election were challenged, negotiations took place between the runner-up parties. Yudhoyono's Demokrat party emerged as the largest in Congress with 26.42% of the seats, but still failed to have a plurality. Megawati's PDIP obtained 16.78% of the seats. Given this distribution of power in Congress, intense negotiations for positions of parliamentary leadership started. Cabinet positions and parliamentary leadership at the commission level were vitally important for the parties because they are considered strategic positions through which political parties can advance their political interests: "Participating in the cabinet and parliamentary leadership is not primarily for advancing party ideological and programmatic interests, but for recurring the resources for rents" (Ambardi, 2008). Despite his landslide reelection, President Yudhoyono invited the opposition to join his government (Slater & Simmons, 2013). Offering positions to the opposition generated uneasiness among the president's party. It was costly for the president to share cabinet positions with the opposition because it generated open conflict within his party (Honna, 2012).

In the aftermath of the election, Prabowo, the third-place candidate of the presidential election, arranged a one-on-one meeting with Yudhoyono where the two discussed Prabowo's appointment as Minister of Agriculture. The subject of this meeting soon leaked to the press. "It was after these meetings that Prabowo finally held a press conference to congratulate Yudhoyono on his re-election, after holding out from doing this while claiming the election was undemocratic." (Lane, 2009) The PDIP was also offered Cabinet positions, which it declined in order to maintain the party's reputation of opposition to Yudhoyono (Mietzner, 2013). Instead,

the PDIP sought to obtain the support of Yudhoyono's Demokrat Party for the election of Taufiq Kiemas, Megawati's husband, to the position of speaker of the Peoples' Consultative Assembly (Lane, 2009). These successful post-electoral negotiations strengthened PDIP, which otherwise would not have received the Congress presidency. Parliamentary leadership positions are often distributed proportionally according to a party's strength (Ambardi 2008, Mietzner 2013), but in this case the PDIP benefited from the post-electoral negotiations.

After Prabowo was appointed Minister of Agriculture, his party finally conceded defeat. On August 12th, the Indonesian Constitutional Court dismissed an application for a presidential election re-vote filed by the two losing candidates, Megawati Sukarnoputri and Jusuf Kalla. The court declared that the plaintiffs had failed to substantiate allegations of vote-rigging and voter-list inaccuracies. After the Constitutional Court gave its final ruling, Megawati met with protesters at Central Jakarta, urging them not to "riot" following the verdict (Braddock, 2009) because by this time the appointment of her husband as Congress President had already been promised.

Venezuela 1978

The presidential election in Venezuela took place on December 3rd, 1978. Given the narrow margin of victory in the presidential election—just 3.3% between the two leading parties—the losing party's rejection of the election results would not have been surprising. There was also evidence of irregularities committed by both sides. However, the runner-up candidate Piñerúa and his party, Acción Democrática (AD), conceded defeat right after the results of the election were announced. The international press celebrated the peaceful transition of power to the opposition through the ballot box. The elected president also celebrated the exemplary civic

behavior of Venezuelan citizens. The victory of the Social Christians (COPEI), however, was unanticipated, since the incumbent president of AD, Carlos Andrés Pérez, enjoyed high levels of popularity before the election. This popularity can be explained by the high levels of public spending that his government undertook, financed by an increase of 400% in oil prices at the beginning of his administration (Carrascal, 1978).

Despite these unexpected circumstances, immediately after the results of the presidential and congressional elections were announced, Gonzalo Barrios and Alejandro Izaguirre, president and secretary general of AD respectively, accepted their defeat and declared the opposition role of their party, specifying the conditions of their support for the new government. This was not a negotiation, but rather an ultimatum; since AD had a majority in Congress—AD held 44% of the seats in Congress versus 42% of the COPEI—they knew they had the power to obstruct the new president. Conceding defeat becomes easier when one knows one has the power to impose certain conditions on the new president. These conditions involved the parliamentary appointment of members of the Supreme Court of Justice, the General Attorney, and the General Auditing Office as well as agreements to pass legislation in key areas of government (Silva & Sonntag, 1979). Given its majority position in Congress, it was not necessary for AD to challenge the presidential election results to improve the party's capacity for negotiation. "Prior to the inauguration, a great deal of speculation had circulated that, because the Social Christians (COPEI) were a minority in Congress, the new president would seek some kind of arrangement with Acción Democrática." (Penniman, 1980, p. 223) The logic was that the minority president would want to negotiate, not the party that lost the presidential election and had a plurality of seats in Congress: "If AD controlled a majority by itself, [...] it could at least threaten to stalemate the president or legislate without him; as it has actually done in the past." (Coppedge,

1994, p. 68) During 1979, Acción Democrática indeed took advantage of its majority position in Congress, and boycotted for three weeks, delaying the passing of practically all legislation until the end of the year (Coppedge, 1994).

Conclusions

Even in democratic presidential elections, there are cases in which the losing party decides to challenge the outcome of the election. This has happened in 21.11% of the whole set of democratic presidential elections in the world since 1974. But the decision to challenge the outcome of an election in a democracy is not necessarily motivated by the presence of fraud or widespread irregularities; rather, political motivations may explain this as an attempt to reap potential benefits from the winner. Most of these challenges occurred in cases in which the election had a null or small degree of irregularities.

According to the regression analysis, the two main determinants of the intention to challenge the outcome of elections in presidential democracies are 1) the margin of victory in the presidential election and 2) the relative power that the losing party has in congress. The presence of irregularities also facilitates the rejection of election results, affecting the estimated impact of the two previous variables. The autonomy of the institutions adjudicating election disputes and the rules under which the president is elected do not seem to have an impact on the initial decision to challenge election results.

Once a political party has lost the presidential election, the post-electoral setting represents a golden opportunity to blackmail the winner in order to obtain some benefits with the threat of rejecting electoral outcomes. However, only when a losing party sees an opportunity to improve its capacity for negotiation over the winner will they employ this blackmail strategy. This course of action is dependent on the losing party's relative position of power in congress. I

have shown that as the percentage seat difference in congress between the leading parties widens in detriment of the loser, the probability that the runner-up will reject the result of an election increases. The case of Venezuela in 1978 illustrates how it is easier for the runner-up party to concede defeat when it has a plurality in congress. In contrast, a party with fewer seats in congress than the winner of the presidential election might be tempted to use post-election disputes as a mean of putting pressure on the winner and extracting short-term benefits. The blackmail consists in exchanging post-election stability for benefits such as leadership positions in congress, other high-level appointments for their co-partisans, and passing of legislation.

Once the decision to challenge the results of the election is taken, the runner-up candidate will determine what strategy to follow. If a candidate challenges the outcome of the election as a political maneuver to put pressure on the newly elected government, then the candidate will simply make public statements complaining about the election but will avoid using the institutions designed to reject election outcomes. Evidence shows that for those elections in which the loser has already rejected the outcome, having autonomous and independent electoral adjudicating institutions decreases the likelihood that the runner-up candidate will present a legal complaint.

Additionally, evidence shows that in this second stage, having elections with some degree of irregularities and flaws decreases the likelihood of presenting a legal challenge. This indirectly supports the idea that challenges to presidential election results in democratic regimes form part of a negotiation strategy and do not necessarily represent honest complaints about the quality of an election.

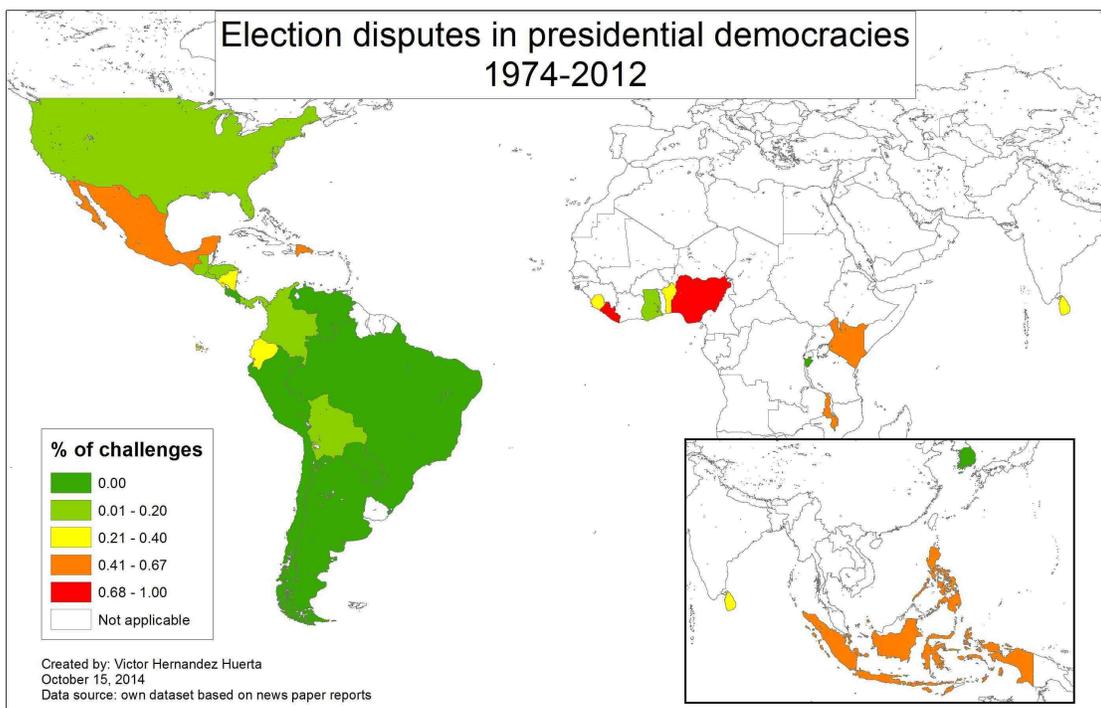
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Map 1. Initial challenges to election results in presidential democracies.

Table 1. Regressions for intention to challenge election results

Independent Variables	(1.1) Pooled logit with clustered SE by country	(1.2) Random intercept logistic regression	(1.3) Conditional logistic regression	(1.4) Random intercept logistic regression
Percent Seat Difference	0.0333* (0.0177)	0.0354** (0.0167)	0.0414* (0.0234)	0.0334** (0.0169)
Previous Challenge	1.016** (0.487)	0.831 (0.604)	-0.215 (0.741)	0.785 (0.615)
Index Elect Justice	0.0531 (0.0839)	0.0548 (0.102)	0.268 (0.335)	0.0802 (0.116)
Margin	-0.0808** (0.0337)	-0.0875*** (0.0299)	-0.113*** (0.0379)	-0.0823*** (0.0310)
Age of Democracy	-0.0351** (0.0168)	-0.0382** (0.0188)	-0.0236 (0.0415)	-0.0356* (0.0205)
Election Quality	1.266** (0.614)	1.244** (0.565)	0.451 (0.682)	1.215** (0.585)
Protest	0.0607 (0.160)	0.0447 (0.153)	0.0258 (0.206)	0.0734 (0.168)
MEP (Plurality)				
Second Round				-0.469 (0.669)
2nd Round Congress				-0.0305 (0.856)
Electoral College				-0.144 (1.663)
Constant	-1.001 (0.738)	-0.928 (0.768)		-0.960 (0.852)
Random intercept		0.7376 (0.5724)		0.7119 (0.591)
N	153	153	90	153
Prob > chi2	0.02	0.02	0.02	0.09
Pseudo R-sq	0.17			

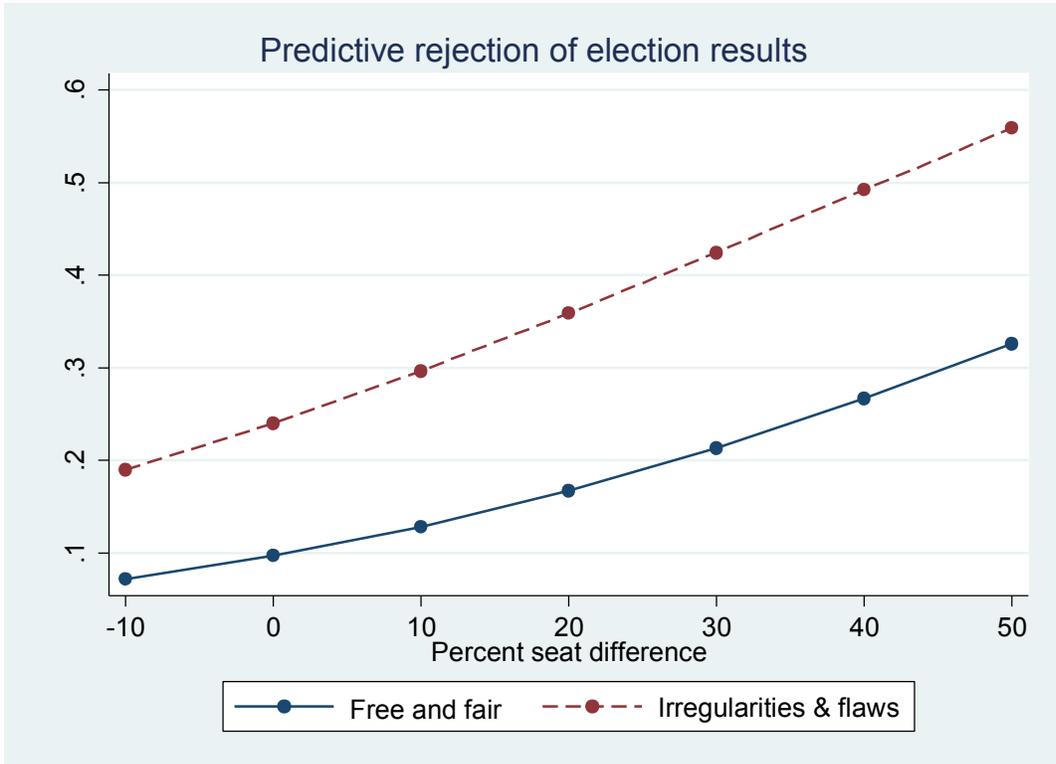
Standard errors in parentheses
 *** p<0.01, ** p<0.05, * p<0.1

Table 2. Second stage decision

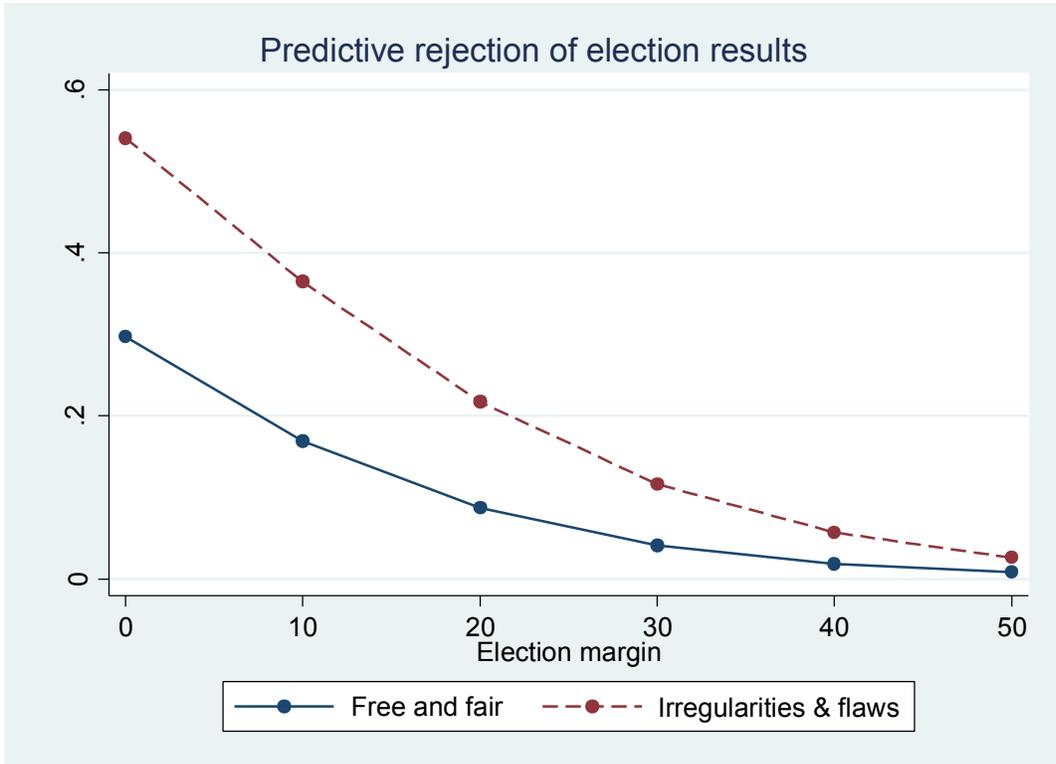
VARIABLES	Legal challenge		Protest		Both	
	2.1	2.2 †	2.3	2.4 †	2.5	2.6 †
Index Electoral Justice	-0.66** (0.32)	-0.66 (0.46)	-0.32 (0.22)	-0.32 (0.26)	-0.78** (0.35)	-0.78 (0.56)
Legal Mechanism	6.14*** (2.28)	6.14** (2.46)	1.77 (1.29)	1.77 (1.45)	7.16** (3.15)	7.16 (4.81)
Election Quality	-3.16* (1.74)	-3.16*** (1.07)	0.67 (0.86)	0.67 (0.67)	-2.94* (1.50)	-2.94 (2.29)
Protest	1.99** (0.85)	1.99** (0.83)	0.23 (0.39)	0.23 (0.42)	1.16* (0.65)	1.16 (0.99)
Age of Democracy	-0.01 (0.04)	-0.01 (0.04)	-0.02 (0.03)	-0.02 (0.03)	0.04 (0.04)	0.04 (0.03)
MEDR (Court)	-0.33 (2.46)	-0.33 (1.91)	0.25 (1.99)	0.25 (1.30)	-3.96 (2.90)	-3.96 (2.98)
MEDR (Electoral Court)	-3.10 (2.56)	-3.10** (1.44)	1.24 (1.95)	1.24 (1.35)	-4.72 (3.12)	-4.72 (3.21)
Constant	2.49 (2.79)	2.49 (1.57)	-0.21 (1.84)	-0.21 (1.03)	1.25 (2.02)	1.25 (1.60)
N	34	34	34	34	34	34
Prob > Chi2	0.0102		0.2278		0.0101	
Pseudo R-squared	0.469	0.469	0.201	0.201	0.400	0.400

Standard errors in parentheses († Robust standard errors clustered by country)

*** p<0.01, ** p<0.05, * p<0.1



Graph 1. Effect of the percentage seat difference in congress on the probability of rejecting election results, by the quality of the election.



Graph 2. Effect of the margin of difference in the presidential election on the probability of rejecting election results, by the quality of the election.